Jackson Planning Commission
Minutes
Regular Meeting of November 16, 2015

COMMISSION MEMBERS PRESENT:
Walt Hoeser, Chairman
Paul Molinelli, Jr., Vice-Chairman
Bob Stimpson

CITY STAFF PRESENT:
Michael Daly, City Manager
Gisele Wurzburger, City Clerk

COMMISSION MEMBERS ABSENT:
Fred Hall
George White

Note: The Staff Report Packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Commissioners in their action motions on project decisions, which are contained in the Staff Reports, are part of these minutes. Any written materials, petitions, packets or comments received at the hearing also become part of these minutes. Actions minutes and audio recordings are retained for those desiring more detail on particular agenda item discussion. These audio recordings provide an accurate and comprehensive backup of Planning Commission deliberations and citizen discussion.

Chairman Hoeser called the meeting to order at 6:30 p.m.

City Manager flags

1. Public Matters Not on the Agenda.
None.

2. Approval of Minutes.
a. Minutes from the September 21, 2015 meeting.(mike not at that meeting)

Moved by Vice-Chairman Molinelli, seconded by Commissioner Stimpson and carried by a 3 to 0 vote (Commissioner Hall and White absent) to approve the Planning Commission Minutes from September 21, 2015 as amended. Motion passed with the following vote:

AYES: Hoeser, Molinelli, Stimpson
NOES: None
ABSENT: Hall, White
ABSTAIN: None

3. Ordinance of the City Of Jackson Amending Sections 5.04.040, 17.06.404, and 17.220.020 of the Municipal Code Regarding Marijuana Cultivation and Dispensaries.
City Manager Daly reported Ordinance No. 689 amending sections of the Municipal Code for compliance with the Medical Marijuana Regulation and Safety Act was provided for Planning Commission review and recommendation to the City Council. In 2010 the City Council adopted Ordinance No. 664 to amend the Development Code to prohibit the establishment and operation of medical marijuana dispensaries and other business and uses prohibited by state or federal law. Since that

amendment, the State has enacted the Medical Marijuana regulation and Safety Act which becomes effective January 1, 2016 and allows for local governments to regulate the licensing of marijuana cultivation uses and sites and the delivery of medical marijuana. The Act also gives the State authority to regulate marijuana cultivation and delivery in those jurisdictions that do not have land use regulations to regulate or prohibit the cultivation or delivery of marijuana.

Ordinance No. 664 does not address cultivation or delivery of marijuana. For this reason staff is recommending amendments to Section 5.04.040, 17.06.040, and 17.220.020 of the Municipal Code to expressly prohibit the cultivation and delivery of marijuana in the City of Jackson.

It is recommended that the Planning Commission hold a public hearing and make a recommendation to the City Council regarding Ordinance No. 689. The City Council is scheduled to review the Planning Commission's recommendation at their November 23, 2015 meeting.

Chairman Hoeser opened public hearing. Hearing no discussion from the public Chairman Hoeser closed the public hearing.

After considerable discussion among the Planning Commission and staff the following motion was made:

Moved by Commissioner Vice-Chairman Molinelli, seconded by Commissioner Stimpson and carried by a 3 to 0 vote (Commissioner Hall and White absent) to make a recommendation to the City Council regarding Ordinance No. 689... Motion passed with the following vote:

AYES: Hoeser, Molinelli, Stimpson
NOES: None
ABSENT: Hall, White
ABSTAIN: None

4. Annexation, Pre-Zone and General Plan Amendment City of Jackson Waste Treatment Plant (APN 044-180-007).

City Manager Daly reported the City of Jackson's Waste Water Treatment Plant located west of the Busi Parking Lot is currently not within the City's jurisdictional boundaries. This issue has been reviewed by the Executive Officer of the Amador County Local Agency Formation Commission (LAFCO) who is recommending that the City submit a formal application to LAFCO to rectify the maps. The project site is located within the City's Sphere of Influence but has no pre-zoning. The property has been developed with the City's Waste Water Treatment Plant since approximately 1936. Because of the municipal use of the property, Public/Institutional is an appropriate zone and General Plan designation. While annexation, pre-zone and General Plan amendments are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

Should the Planning Commission chose to recommend this annexation to the City Council, the following findings should be made:

1. The proposed amendment ensures and maintains internal consistency with all of the goals, policies, and actions of all elements of the General Plan and any applicable specific plan;

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. There is adequate capacity available in the community sewer and water systems to serve the potential development allowed by the amendment, and the site is physically suitable for the requested zoning designation(s) and anticipated land use development(s). Factors considered to evaluate suitability shall include access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints.

The following conditions shall be met prior to or upon recordation of the proposed annexation:

1. General Plan Amendment to Public/Institutional;
2. Pre-zone and Rezone to Public/Institutional; and
3. Application to Amador County Local Agency Formation Commission (LAFCO) by resolution of the City requesting annexation of the City of Jackson Wastewater Treatment Plant property (APN 044-180-007).

The recommendation is that the Planning Commission take public testimony regarding the proposed project and make a recommendation to the City Council.

Chairman Hoeser opened public discussion. Hearing no discussion from the public Chairman Hoeser closed the public discussion.

After considerable discussion among the Planning Commission and staff the following motion was made:

Moved Vice-Chairman Molinelli, seconded by Commissioner Stimpson and carried by a 3 to 0 vote (Commissioner Hall and White absent) to recommend this annexation to the City Council, the based on the findings of this report. Motion passed with the following vote:

AYES: Hoeser, Molinelli, Stimpson
NOES: None
ABSENT: Hall, White
ABSTAIN: None

5. Administrative Reports.
Nothing to report.

Adjourn 6:39 p.m.

Attest:

Gisele L. Wurzburger

Gisele L. Wurzburger, City Clerk

Date Approved: January 19, 2016