



MINUTES

**Planning Commission Regular Meeting
Council Chambers, 380 Civic Drive, Galt, California
Thursday, December 11, 2014, 6:30 p.m.**

The meeting was called to order at 6:30 p.m. by Chairperson Sandhu. Commissioners present: Daley, McFaddin, Morris and Chair Sandhu.

Staff members present: City Attorney Rudolph, Community Development Director Stewart, Senior Planner Chris Erias, Senior Civil Engineer Bill Forrest and PC Secretary Barclay.

PUBLIC COMMENTS – None

INFORMATION/CONSENT CALENDAR

4A **SUBJECT:** Minutes of the November 13, 2014.

ACTION: Commissioner Morris moved to approve the minute of November 13, 2014. Second by Commissioner McFaddin. Vote: Ayes: Daley, McFaddin, Morris, Sandhu.

PUBLIC MEETING

None

PUBLIC HEARING

6A **SUBJECT:** The River Oaks 3 Subdivision Revised Architectural Plan

City Attorney Rudolph informed the Commission that the applicant wanted to withdraw at this time and continue at another meeting. This project would have to be re-posted and re-noticed.

ACTION: Motion by McFaddin to continue The River Oaks 3 Subdivision Revised Architectural Plan to a later meeting. Second by Morris. Ayes: Daley, McFaddin, Morris, Sandhu.

6B **SUBJECT:** Prohibition of Medical Marijuana Cultivation

City Attorney Rudolph gave the staff report. City Council has received complaints about outdoor grow; odor and potential criminal activity. City Council asked staff to survey other cities and see what they had enacted. Staff found most banned outdoor grow, but would allow inside grow which would be subject to permit issuance and conditions. Cities can ban all type of growing completely. Staff is recommending that City Council introduce Ordinance 2014-__ adding Chapter 18.58 of the Galt Municipal Code regarding marijuana cultivation.

Public Comment:

Evelyn Satterfield and Shirley Carmona spoke against both outdoor and indoor grow of marijuana. They cited the following issues:

- Smell is bad and affects neighbors' health
- \$100 fine is a joke – needs to be more

- Have outside people in the neighborhood – criminal activity seems likely
- Lots of extra cars driving around neighborhood – increased traffic
- Bringing neighborhood down
- Claim to be running a co-op – should not be permitted in residential area
- Medical marijuana cards can be obtained fraudulently
- Drug houses in neighborhood

Mary (Last name withheld by request) and Rory Chapman spoke in favor of marijuana cultivation.

- Mr. Chapman explained that a co-op is where one person grows for everybody. Can only have six plants. Everybody shares product, not making money.
- Mary spoke of “Molly Wissle” which is supported by the public nuisance code. It is a way to get rid of drug houses. Spoke also that indoor grow should be regulated but a co-op should not be in a residential area. With regulated indoor grow you are allowing people who need medical marijuana a way to have it. There is a respectful way to grow.

Planning Commissioners asked City Attorney Rudolph about requirements to be allowed to grow medical marijuana and what other cities were doing. City Attorney Rudolph stated that in order to grow medical marijuana one must have a medicinal marijuana card. Other cities that were allowing indoor grow were doing so with restrictions such as: space; limits to amount of electricity used; no odor detected outside of structure; residential property must be lived in; no outdoor access only structures.

Commissioner McFaddin stated that as a realtor she has seen two houses that have been used for indoor grow and that both those houses had the interior destroyed because of it. Commissioner Daley asked about existing state statutes that cover illegal grow as well as where does the money for the infractions go? City Attorney explained that there are already state limitations. If there is an administrative fine, that money all goes directly to the city. If the grower is prosecuted through an infraction and misdemeanor, then a portion of the money will go to the city and a portion to the state.

Commissioners agreed that outdoor cultivation should be banned. Commissioner Daley felt it was a large jump to prohibit growing of any kind since the state allows it. She also felt that the Ordinance needed to give clear prohibition and should be clear cut for our law enforcement.

ACTION: Commissioner Daley moved to recommend to the City Council to approve an outdoor grow ban but explore ban on indoor cultivation within ninety days. Second by Commissioner Morris. Ayes: Daley, McFaddin, Morris, Sandhu.

Let the record show that Commissioner McFaddin left the meeting at 7:18 pm due to a conflict of interest with Item 6C and did not return.

6C **SUBJECT:** Emerald Park Unit 22 Tentative Subdivision Map

Staff Erias gave staff report. He showed a Power Point which highlighted the entryway to the subdivision and trail along the gulch. The homes would back load to the gulch. The General Plan policy is to provide for front loaded design but back loading is more economically feasible. The project doesn't meet this particular General Plan policy but does meet many other policies which

makes it in harmony or agreement with the General Plan overall. Staff Condition *B-25 requires pedestrian-oriented lighting and security camera for views to west and south along the gulch.

Staff Forrest stated that the area to the north side of the gulch is front loaded. He has concerns about residents who back up to the trail tend to throw debris and clippings over the fence and onto the trail. He also feels trees on the lots damaging trails. He noted that Condition *B-24 calls for non-combustible fencing due to fire hazard. The prior map had greater density; 39 lots and this map is 25 lots. Public Works is in favor of single-loaded street.

Applicant Mike Guttridge spoke about the project and how it was originally going to be a senior project. Having 25 lots facing north/south now is a plus for the City and residents. He will install a bridge over the gulch so that residents can go across and use the park. He feels that people throw trash down country roads, everywhere, and that this is a code enforcement issue. The applicant disagrees with having to have a block wall. All the way around the property is a wood fence. It is twenty five feet from the property line to the ditch.

Commissioner Daley stated that she felt it was a better design and agreed with applicant about the fence, wood is more neighborly than a block wall. Staff Forrest reiterated concern about City having to maintain vegetation around combustible fencing.

ACTION: Commissioner Daley moved to approve the project as presented with the deletion of Condition *B-24 (noncombustible fence). Second by Morris. Ayes: Daley, Morris, Sandhu

7. COMMENTS BY STAFF

A. SUBJECT: Status of Zoning Ordinance Update.

Community Development Director Stewart gave a report about the Zoning Ordinance Update meetings.

8. COMMENTS BY PLANNING COMMISSION MEMBER/FUTURE AGENDA ITEMS

Community Development Director Stewart told the Commissioners that the Annual Planning Commission Retreat/Training would be March 4th – 6th, 2015 in Newport Beach.

9. ADJOURN

Meeting adjourned at 7:53 p.m.

Respectfully submitted by
Tina Barclay, Planning Commission Secretary