

Excerpt

MINUTES

CALISTOGA PLANNING COMMISSION

September 12, 2018

A. ROLL CALL

Commissioners present: Chair Paul Coates, Vice Chair Tim Wilkes, Alissa McNair, Walter Abernathy, Scott Cooper. Absent: None. Staff present: Planning and Building Director Lynn Goldberg.

G. PUBLIC HEARINGS

- 1. Municipal Code Amendment ZOA 2018-2:** Consideration of a recommendation to the City Council regarding a proposed amendment to Calistoga Municipal Code 17.48.040(C)(3) to increase the number of marijuana plants that may be cultivated outdoors on certain residentially-zoned properties for personal use

Director Goldberg presented the staff report, noting that the Calistoga Police Department has not logged any complaints related to personal cannabis cultivation (either indoors or outdoors) since adoption of the regulations approximately one year ago. No information is available about the number of local residential properties with cultivation activities, because the City chose to forego any type of permitting requirement. The City of Napa allows the indoor or outdoor residential cultivation of up to six plants for personal use. None of the other Napa County jurisdictions currently allow personal outdoor cultivation.

In response to a question from **Commissioner McNair**, Ms. Goldberg explained that there are no regulatory differences between plants grown personally for medicinal or recreational purposes; they are all legal.

In response to a question from **Vice Chair Wilkes**, Ms. Goldberg was unable to provide the origin of the State's six-plant limitation.

Commissioner Abernathy wondered how many plants it takes to supply a household. It seems it would depend on the type of plant and how well it was cultivated. The limitation should be based on the cultivation yield and how much can be consumed on-site.

Commissioner Cooper related that an acquaintance was allegedly able to stock his entire dispensary with the yield from six outdoor plants, which produced 36 pounds of marijuana. The City could return to the two-plant limitation if increasing the number of plants proves to be a problem.

Ms. Goldberg observed that there was no "magic number" for how many outdoor plants should be allowed, since there can be a wide range of yield, and the potential negative impacts cannot be projected in detail.

In response to a question from **Chair Coates**, Ms. Goldberg responded that the City of Napa's regulation allowing six outdoor plants was only recently adopted

and she had no feedback to share on whether there had been associated problems with that number.

Chair Coates opened and closed the public hearing after there were no public comments.

Commissioner McNair reported that four persons have approached her seeking an increase in the number of outdoor plants allowed. Although they didn't request a certain number, four plants seem reasonable.

Vice Chair Wilkes shares **Commissioner Abernathy's** concern about how many plants it takes to supply a household. There doesn't seem to be a drumbeat in the community that two plants is not enough. He wonders why the City is considering increasing the number allowed.

Chair Coates believes that the number of plants allowed doesn't matter. People will grow what they want and whatever they can get away with. He hasn't heard a lot of community support for increasing the number of outdoor plants. However, no one in attendance at the meeting has expressed opposition to increasing the number, either.

Vice Chair Wilkes supports splitting the difference at four plants, although there doesn't appear to be a compelling community need to increase above two; no one in the audience is advocating for more.

Commissioner Cooper observed that more than two plants may be needed to supply a household if someone isn't a talented grower.

Vice Chair Wilkes noted that if allowing the maximum of six plants proves to be a nuisance, then the City will have to knock it back to a lower number.

A motion by **Commissioner Abernathy** and seconded by **Vice Chair Wilkes** to adopt a resolution recommending to the City Council approval of a Zoning Code amendment to increase the number of marijuana plants that may be cultivated outdoors for personal use to four plants was approved unanimously.