

## Planning Commission Minutes

September 18, 2018

### 1. Call to Order

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Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:00 p.m.

### 2. Pledge of Allegiance

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Chair Nuck led the Commission and audience in the Pledge of Allegiance.

### 3. Roll Call

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Chairperson David Nuck X Oscar Avalos X  
Ralph Lee X David Mendez X Domingo Uribe A

Commissioner Mendez made a motion to excuse Commissioner Uribe. Seconded by Commissioner Avalos. Motion carried 4-0.

**Staff present:** Principal Planner, Scott Bruce; Admin. Asst./Deputy City Clerk, Erica Sonne.

### 4. Public Comments

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### 5. Presentations

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### 6. Consent Calendar

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All matters listed on the Consent Calendar are considered routine and may be approved by one action of the Planning Commission, unless any member of the Planning Commission wishes to remove an item for separate consideration.

#### A. Approval of Minutes: August 21, 2018

**Action:** Motion made by Commissioner Mendez to approve minutes of August 21, 2018. Seconded by Commissioner Avalos. Motion carried 4-0.

### 7. PUBLIC HEARINGS

- A. Project: Amendment of the City's Zoning Ordinance Pertaining to Commercial Cannabis Activities Including Odor Control Requirements and Limitations and Associated CEQA Determination.
- Applicant: City of King
- Location: The regulatory ordinance would apply to all M-1 and M-2 zone districts along with the East Ranch Business Park Specific Plan (ERBP-SP). As uses authorized in M-1 and M-2 zoned districts are also currently allowable in the M-3 zoned district, the ordinance would also have a similar effect for uses in the M-3 zoned district. The area affected (ERBP SP and M- Districts) are located in the northeast portion of the City, near the airport and bordered by Metz Road, Bitterwater Road, and the eastern boundary of the City.

Consideration: A Resolution Recommending to the City Council the Approval of an Ordinance Amending Chapter 17.03 of Title 17 of the King City Municipal Code Pertaining to Commercial Cannabis Activity Odor Control and Related CEQA Determination.

Recommendation: Planning Commission adopt a Resolution recommending to City Council approval of an Ordinance amending Chapter 17.03 of Title 17 of the King city Municipal Code pertaining to commercial cannabis activity odor control and the related CEQA determination.

Environmental Determination: Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, section 15061 (b)(3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the only effect of the ordinance will be to reduce detectable odors. Therefore, this project is not subject to CEQA.

Principal Planner Scott Bruce introduced this item with a PowerPoint. He went over a map of where greenhouses will be on San Antonio Dr., Airport Rd., and Industrial Way.

Principal Planner Bruce went over existing code.

#### Odor Control

Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from marijuana are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system *so that odor generated inside the medical marijuana facility that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business.*

As such, commercial cannabis businesses must install and maintain the following equipment or any other equipment which the City Manager determines has the same or better effectiveness:

- An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
- An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

Principal Planner Bruce went over Proposed changes to the code.

- SPECIFIC SYSTEM REMAINS AS NOT BEING CALLED OUT: "ODOR ABSORBING" INCLUDES FILTERS AND FOG
- TEST SMELL AT PROPERTY LINE. MUST BE LESS THAN 4.
- TEST SMELL AT BUILDING. MUST BE LESS THAN 4.
- ISSUE NOTICE TO ABATE
- REASONABLE TIME TO TIMELY ABATE
- OWNER ABATES
- RETEST: May require indoor air samples
- MAY IMPACT PERMIT RENEWAL
  
- SECTION 17.03.040 (G)
  - Renewal can be denied for violating 17.03.210(i)
- SECTION 17.03.210: Odor not detected:
  - Outside the facility
  - On adjacent property or public rights of way
  - On or about the exterior / interior common areas .....
  - Other areas available for use by common tenants or visiting public
  - Within any other unit within same building and Commercial Cannabis Business

- SECTION 17.03.210 (3) (4)
  - Owner and Lessee Responsible
  - SECTION 17.03.210 (n)
  - Greenhouses at least 750 feet from any residentially zoned area
- TRIGGERED AS ANY OTHER NUISANCE

Commissioner Lee is concerned with the wind. Principal Planner Bruce stated that if there is a complaint about odor with or without wind a reading will be taken twice 15 minutes apart to detect the location where the odor is coming from.

Commissioner Mendez stated that the cover up smell may get complaints as well. Principal Planner Bruce stated that the cover up smell can not be greater than 4 as well.

Chair Nuck opened the public hearing, seeing no one come forward,

Chair Nuck closed the public hearing.

Commissioner Avalos made a motion adopt the attached Resolution 2018-239 approving recommendation on odor ordinance to City Council seconded by Commissioner Mendez. Approved 4-0.

**8. NON- PUBLIC HEARINGS –**

None

**9. Regular Business- None**

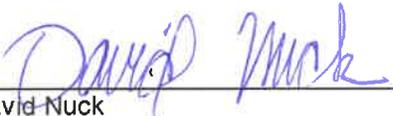
**10. Planning Commission Report – None**

**11. Director Reports-None**

**12. Written Correspondence– None**

**13. Adjournment**

There being no further business, the Planning Commission meeting was adjourned at 6:40 p.m.



David Nuck  
Planning Commission Chairperson  
City of King



Erica Sonne  
Planning Commission Secretary  
City of King