

To: Mayor Greg Ponciano and members of the Colusa City Council  
From: City of Colusa Planning Commission, John Martin, Chair  
Re: **Summary of outcomes related to cannabis public workshops**  
Date: November 1, 2023

Dear Mayor Ponciano and Council Members:

We are pleased to report back to you on actions of the Colusa Planning Commission and City Staff, following your direction January 3, 2023, that we take a “deep dive” into city ordinances and policies related to cannabis. In response, the Planning Commission held a series of public workshops and a public hearing to discuss recommendations and potential changes to the city’s ordinances and policies.

### **Overview**

The Planning Commission held four public workshops in January, March, and April, after which city staff and legal counsel drafted changes to the city’s Zoning Code Sections 21.5 and 33. A hearing on those proposed changes was publicly noticed in August and held September 13, then continued to October 11, when the Planning Commission adopting the proposed changes.

The value of the public workshops went well beyond the specific changes recommended for Zoning Code Sections 21.5 and 33. The workshops created an opportunity for staff to publicly present research and information about cannabis regulation, policies, and fees in other municipalities to form a basis a comparison for potential actions here. It also allowed staff to provide background and details on actions already taken to date to address or resolve identified matters of public concern. Overall, the public was able to see a more holistic picture of how the city has responded to the challenges and opportunities related to cannabis, and the City’s plans to further refine and implement policies going forward.

Many ideas aired during these public sessions have already been acted upon by the City. Others were captured in the Zone Code changes we adopted as recommendations to you on October 11. Additional ideas were discussed and considered, but ultimately not adopted, nevertheless ensuring that all voices had an opportunity to be heard.

We will rely on your staff to provide the full details, but we wanted to highlight our responses on several key issues that seemed of special interest to the public during and even prior to the workshops:

**Odors.** The Commission and public heard reports from City Staff regarding development of a Certificate of Occupancy for all existing and future cannabis businesses that will allow City Staff clear and direct enforcement authority ensuring that odor control equipment is installed and operating properly. City Staff also discussed how they record nuisance complaints related to odors. The Commission considered but ultimately did not recommend pursuing a threshold-based enforcement system, that is, a system based on using odor thresholds or number of public complaints recorded to trigger enforcement as these were deemed to be subjective and difficult to enforce.

### **Limits on facilities.**

Dispensaries. Revised Zoning Code 21.5.01 limits dispensaries to only areas zoned General Commercial or Light Industrial. Revised Zoning Code 21.5.03(a) includes language limiting the number of dispensaries allowable in the City to one (1). However, by the same section, after a period of 18 months

and after certain reports are delivered by the City Manager, the City Council may at its own discretion increase the number of dispensaries in the City up to two (2).

**Other facilities.** The Commission and public heard reports from City Staff regarding current cannabis business permitting policy. Staff reported that the City is not currently accepting permit applications and therefore effectively has a moratorium on new cannabis businesses. Staff indicated that after the city builds its code enforcement capacity to an adequate level, it may recommend re-starting the application process. We understand that this would begin with a presentation updating City Council on improved code enforcement capacity, allowing the Council to determine whether to begin accepting applications. The Commission received no information during the workshops that led us to conclude that it is time to lift the moratorium, nor adequate information that could serve as a basis for setting a future limit on the number of (non-dispensary) facilities. Therefore, the Commission offers no further recommendations at this time.

**Personal grow policy.** Given that personal cultivation of cannabis is allowed by state law but is not explicitly allowed nor regulated by city ordinance, it was recommended that the Commission modify the Zoning Code to clarify the rules for personal cultivation. These modified rules are contained in Zoning Code 21.5 (subsections 17-20) as approved by the Commission on October 11. The Commission attempted to strike a balance between the need to have clear, enforceable rules for residents who wish to cultivate cannabis for personal use and the need to minimize the enforcement and regulatory burden for City Staff and the public. As revised, the ordinance is aligned with state law in that it allows up to six plants to be cultivated on any parcel. It requires that the cultivator either be the property owner or obtain signed, written permission from the property owner. Cultivated plants must not be visible from a public right of way, and cultivation areas must be fenced and locked. The Commission considered but ultimately did not recommend adoption of requirements that the City administer a permit application system for residential cultivation, nor charge fees for such.

#### **Fees and fines.**

**Fees.** Based on comments from the public before and during the workshop process, the Planning Commission requested that City Staff research and present information on permitting and regulatory fees for cannabis businesses in other jurisdictions, particularly in cities of comparable size. City Staff presented this information during the public workshops. City Staff recommended and the Planning Commission concurred that there was justification to raise the annual regulatory fee for cannabis businesses from \$2,000 to \$3,000. The City Council considered and adopted this recommendation in June 2023. Notwithstanding the above action, after reviewing other information presented by City Staff, the Commission concluded that permitting fees charged by the City of Colusa for cannabis businesses fall within the range charged by other jurisdictions and that no compelling evidence was presented justifying either the raising or the lowering of the current fees.

**Fines.** The current maximum daily administrative fine under City ordinance for violations by cannabis businesses is \$1,000/day. The Commission, following discussion during the September 13/October 11 Public Hearing, recommended that this fine be increased to \$5,000/day, with the understanding that this remains a maximum and City Staff have discretion to utilize a lower fine in their own professional judgement. This change is captured in Zoning Code 21.5.15 as adopted by the Commission on October 11. For personal cultivation, Zoning Code 21.5.20 describes fines of \$150 for

first-time infractions, \$250 for repeated infractions and \$500 for violations determined to be a misdemeanor.

City of Colusa Planning Commission, John Martin, Chair

A handwritten signature in blue ink, appearing to read "John Martin". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.