

**CITY OF WILDOMAR
PLANNING COMMISSION
REGULAR MEETING MINUTES
August 4, 2010**

1.0 CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Devine at 7:17 P.M. at Wildomar City Hall, Council Chambers.

1.1 ROLL CALL OF PLANNING COMMISSION

Present: Robert Devine, Chairman
 Harv Dykstra, Vice-Chairman
 Gary Andre, Commissioner
 Ben Benoit, Commissioner (Arrived at 8:02 PM)
 Michael Kazmier, Commissioner

Absent: -

Staff Present: David Hogan, Planning Director
 Erica Ball, City Attorney
 Alfredo Garcia, Planner

1.2 PLEDGE OF ALLEGIANCE:

Commissioner Andre led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

Gerald Hall, requested that people who speak today state their name and residency for the record.

3.0 CONSENT ITEMS:

None.

4.0 CONTINUED PUBLIC HEARING ITEMS:

4.1 ZONING CODE AMENDMENT 10-05 – MEDICAL MARIJUANA DISPENSARIES

RECOMMENDATION: Select one of the following actions:

- A. Adopt a resolution recommending that the City Council adopt an ordinance allowing the establishment and operation of medical marijuana dispensaries.
- B. Adopt a resolution recommending that the City Council not adopt an ordinance allowing the establishment and operation of medical marijuana dispensaries.

Director Hogan made the staff presentation

Chairman Devine stated he had listened to a CD copy of the previous Planning Commission meeting and is informed of the testimony and discussions that took place at the July 21, 2010 meeting.

Chairman Devine opened the continued public hearing.

Garin Heslop started a power point presentation representing a company by the name of MedCare which focused on the impacts and benefits of medical marijuana dispensaries.

Austen Diffenderfer spoke continuing the PowerPoint presentation

Chairman Devine asked the presenter if they already operated a collective in the State?

Austen answered they cover a large area of Temecula and Corona and currently have an office space in Temecula

Garin Heslop clarified they do not dispense any medical marijuana from their office locations.

Orrin Larsen spoke continuing the PowerPoint.

Chairman Devine asked what the source of information for reduced crime rates were taken from

Orrin Larsen responded the information would be in the report provided to the Planning Commission.

Sarah Lofthus, spoke continuing the PowerPoint.

Commissioner Andre asked presenter Sarah Lofthis, what type of medical provider is she.

Sarah Lofthis responded she is certified as a chiropractor, massage therapist and acupuncture.

David Dinius spoke continuing the PowerPoint.

Commissioner Andre asked where the presenter's office is located.

David Dinius responded that MedCare only has an office location and they do not dispense from it.

Commissioner Andre asked where does MedCare dispense.

David Dinius responded MedCare has a strict delivery service.

Chairman Devine asked where is the source of the product.

David Dinius responded the source is the MedCare members and that Garin Heslop would be a better source to answer the Commission's questions.

Garin Heslop clarified the answer from David Dinius by saying MedCare is a private cooperative, were all members cultivate the medicine and provide the medicine to one another.

Kelly Renee spoke continuing the PowerPoint presentation.

Ron Downey commented if the Planning Commission would like see a functional collective they could come visit his establishment located in Riverside, California. Also, added if the City does not have regulations on this item, it will be difficult to keep dispensaries out of the City if they are approved by the Government.

Wayne Williams referred to an article he provided staff regarding the negative relationship between marijuana and crime.

Carlos Stahl commented that he owns and operates a dispensary in the City of Lake Elsinore and currently has plans to operate a dispensary in Wildomar.

Commissioner Benoit arrived.

Gina Castanon commented on the cost that has been consumed by City Staff in drafting the ordinance and reminded the Commission of the 4 to 1 vote from the City Council to allow the Ordinance to be drafted. She feels the Commission is not addressing zoning issues and is concentrating on criticizing the ordinance instead.

Chairman Devine clarified the Commission gives recommendations to City Council and based on that the Council will ultimately make their decision.

Gina Castanon replied since the Chairman was absent, the Commission rescheduled the meeting to a later date for further discussion and that cost the City money.

Commissioner Andre commented each Planning Commissioner represents 6,500 residences in the community; therefore, a full Commission is needed to decide on issues.

Gina Castanon stated that she disagreed with that statement and further commented on the 15 minute delay to begin tonight's meeting.

Gina Castanon urged the Planning Commission to make a decision and not push the item off any further.

Kyle Castanon commented on how well that City staff had researched the issue and in drafting the ordinance and also urged the Planning Commission to take into consideration approving there ordinance and take the content of the ordinance into consideration.

Norman Smith commented to City staff to define the meaning of Dispensaries and Collectives. He also added his long history in law enforcement and believes the approval of Marijuana will impact the City negatively.

Gerald Hall commented retired veterans can receive medical marijuana at the U.S. Department of Veterans Affairs and doesn't understand why people are proposing dispensaries for veterans.

Burt Goulding summarized the medical marijuana dispensary history.

Robert Trivison commented the idea of medical marijuana dispensaries has been sugar coated by the speakers who are in favor of it and opposes the approval of the ordinance.

Curtis Drake commented medical marijuana will give the City a bad perception and devalue property.

Maria Walker commented she opposes the ordinance due to personal reasons of her brother falling victim to the drug.

Veronica Langworthy commented on the non medical value of marijuana and strongly urges the Planning Commission to not approve the ordinance.

Don Whildin agreed with the previous speaker's (Veronica Langworthy) comments.

Robin Myers commented drugs should be made available by pharmacy technicians and not by individual business owners.

Mike Hendricks commented on his opposition of allowing dispensaries in the City and added if people need medicine they should go to a pharmacy and not a dispensary.

Steve Price commented on his personal observation of the drugs negative effects on friends and coworkers.

Gina Meador commented on the negative effects marijuana has had on her son and opposes the ordinance.

Larry Walker commented on allowing the voters decide the outcome of the ordinance.

Ginger Carlson commented on the abuse of selling prescription medical marijuana to public.

Kristan Lloyd commented on the history of an illegal business that opened for business and was shut down by the City. Also, reminded the Commission that City Council voted 4 to 1 on drafting the ordinance and believes the Council would not want to waste City money on an ordinance they did not see any future in.

Ruben Hernandez commented on the commercial drugs being created and distributed in a control environment and as a family man believes the City should wait until November to let voters decide the outcome of the Marijuana issue.

Jeff Rosen represented Pastor Ron Armstrong of Cornerstone Community Church and read a letter addressed to the Planning Commission which reminded the Commission to carefully weight the issue and make sure people are actually trying to provide relief or trying to make money on those desperately needing medicine.

George W. Taylor questioned on why the speakers who are for the approval of the ordinance not able to open a dispensary in Cities which they reside in. Mr. Taylor commented that perhaps the City should wait for the decision other Cities will make on the subject.

Tim Walker commented the speakers today are in the business for the money and not to provide medical relief.

Tyler Adams commented the City to wait until November for the voters to make a decision and not discuss medical marijuana at this moment.

Robert Skiff commented he survived cancer without the need for medical marijuana and opposes dispensaries.

Martha L. Bridges commented on her opposition to medical marijuana dispensaries.

Chairman Devine closes the public hearing at 8:56 PM

Director Hogan asked the Planning Commission for a 5 minute recess to update Commissioner Benoit on the discussion he may have missed due to his late arrival.

Chairman Devine responded it would be a good idea to update Commissioner Benoit at this time before the Commission's discussion. The Commission took a short recess and then resumed the meeting.

Commissioner Andre commented it might be a good idea to wait until November to let the voters decide.

Commissioner Benoit agreed with Commissioner Andre in waiting.

Commissioner Kazmier agreed with waiting until the November vote.

Vice Chairman Dykstra questioned City Attorney Julie Hayward Biggs if representatives from her law firm drafted the Laguna Woods Ordinance.

City Attorney Biggs responded in the affirmative but added the ordinance had been created before she began working at the firm and is not fully aware of its contents.

Vice Chairman Dykstra asked City Attorney Biggs if she is aware of any crime that has risen due to the approval of the ordinance.

City Attorney Biggs responded the City of Laguna Woods is a small and quiet community.

Commissioner Benoit asked City Attorney Biggs if the Laguna Wood is gated.

City Attorney Biggs responded that only part of the city is gated.

Vice Chairman Dykstra asked Director Hogan and City Attorney Biggs if there is a tax implication as far as income and a cost in law enforcement should the ordinance be approved.

Director Hogan responded that finances are not generally a component of the Planning Commissions deliberate process. However, there is a deposit based fee that is implemented for staff's time that goes into processing a project. He mentioned staff needs more for the ordinance, but to answer Vice chairman Dykstra he answered in the affirmative.

City Attorney Biggs responded if the City of Wildomar wishes to tax on medical marijuana it would have to be approved by the voters at an election.

Vice Chairman asked City Attorney Biggs about the sales tax being implemented.

City Attorney Biggs responded she believes medical marijuana is subject to the State sales tax.

Vice Chairman Dykstra asked Director Hogan if there has been any projection of how much revenue sales tax a dispensary would generate.

Director Hogan responded there have been no projections, because staff isn't sure what assumptions to use to create these projections.

Vice Chairman Dystra asked City Attorney Biggs if there is any experience with the City of Laguna woods regarding sales tax.

City Attorney Biggs responded she did not know that information the moment.

Vice Chairman Dystra stated he would like to know that information.

Vice Chairman Dystra asked what cost of police and code enforcement will be.

Director Hogan responded that the proposed ordinance contains provisions for ongoing inspections by code enforcement and stated that he anticipated that a deposit will need to be established upon permit approval to cover City costs.

Vice Chairman Dystra asked if a deposit fee had been established in the ordinance.

Director Hogan responded that the ordinance does not establish a particular fee.

Vice Chairman Dystra asked if that is a subject matter City Council discusses or Planning Commission.

Director Hogan responded that finance issues are generally a City Council matter.

Vice Chairman Dystra commented he has mixed feelings on the subject matter and struggles with the idea of compassionate care and proper regulation. His thoughts are the zoning designations should be commercial and industrial and the establishments should have a 1,000 foot distance from any youth orientated location. Permits should have a notice of public hearing, days and hours of operation should be 9-5 Monday through Saturday, limit the number dispensaries to 2 and the duration security recording retention should be 14 days.

Chairman Devine commented he also has mixed feelings for the subject. He wants people to be able to seek relief but also has questions on City resources being used to secure these establishments and the crime element that may arise from them.

Chairman Device asked Director Hogan if the City can issue some type of Bond on the medical marijuana to cover the added staff time to process and monitor marijuana dispensaries.

Director Hogan responded in the affirmative.

Chairman Devine commented on his concerns about potential unethical practices being conducted by medical staff and business owners.

Chairman Devine understands this decision is for Council and does not want to continue the item and feels the ultimate decision will be taken in November.

Commissioner Andre motioned to not allow medical marijuana dispensaries in the City of Wildomar with a supplemental recommendation to the City Council to look at the item based upon the results of the November election. The motion died for the lack of a second.

Vice Chairman Dykstra motioned to recommend Option A (to recommend approval of the proposed ordinance) with the following changes: that the dispensaries be located in the commercial and instruction zones, the location be at least 1,000 feet from youth oriented establishments, the permits should be required a notice of public hearing before the City Council, the days and times of operation should be 9 to 5, Monday through Saturday, the ordinance should limit the number of permits to 2 within the City limits due to the small size of the City and the duration of the security recording retention will be 14 days per Police Department recommendation. The motion was seconded by Commissioner Kazmier.

Chairman Devine mentioned that the Planning Commission received many responses from residences opposing the ordinance and with that said he will vote NO on recommending approval of the ordinance.

AYES:	Dykstra, Kazmier
NOES:	Devine, Andre, Benoit
ABSENT:	-
ABSTAIN:	-

Motion failed.

Vice Chairman Dykstra commented he would like to see the City Council take the Planning Commissions conditions discussed at tonight's meeting.

Motion: Commissioner Benoit motioned for Option B (to not recommend approval of the proposed ordinance). Motion seconded by Commissioner Andre. Motion carried with the following vote:

AYES: Devine, Andre, Benoit
NOES: Dykstra, Kazmier
ABSENT: -
ABSTAIN: -

5.0 PUBLIC HEARING ITEMS:

None

6.0 GENERAL BUSINESS ITEMS:

None

7.0 PLANNING DIRECTOR'S REPORT:

None

8.0 PLANNING COMMISSION COMMENTS:

Commissioner Andre commented this was a difficult decision to make and it was all based on facts. Chairman Devine thanked everyone who spoke this evening. Commissioner Benoit apologized for his late arrival.

9.0 ADJOURNMENT.

The August 4, 2010 regular meeting of the Planning Commission was adjourned at 9:45 P.M.

Respectfully submitted:
David Hogan
Commission Secretary