

Date: January 17, 2018

Time: 6:00 p.m.

Place: City Council Chambers
350 North Valencia Blvd.
Woodlake, CA 93286

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The full agenda including staff reports and supporting materials are available at City Hall.

I. CALL TO ORDER & WELCOME

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENTS

This portion of the meeting is reserved for persons wishing to address the Planning Commission on items within its jurisdiction but not on this agenda. NOTE: Prior to action by the Planning Commission on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes. The City conducts business in the English language only. If you need interpretative services, you will need to provide your own.

All items on the Consent Agenda are considered to be routine and non-controversial by Planning Commission staff and will be approved by one motion if no member of the Planning Commission or public wishes to comment or ask questions. Items pulled from the Calendar will be considered separately.

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Consent Calendar Action Items (IV.A)

- A. Action: Approval of Minutes of the regular meeting held on December 13, 2017 (Pages 1-4)

V. ACTION/DISCUSSION ITEMS

- A. Action: Adoption of Resolution: Approve Conditional Use Permit 17-012
Platinum Gardens and Recommend Approval to City Council – Public Hearing
(Pages 5-8)

VI. OTHER BUSINESS

- A. Information: Items from Staff
- B. Information: Items from Planning Commissioners
- C. Request from Planning Commissioners for Future Agenda Items

VII. ADJOURN

The next scheduled Planning Commission meeting will be held on Wednesday, January 31, 2018 (if needed) at 6:00 p.m. at City Council Chambers located at 350 North Valencia Boulevard, Woodlake, CA 93286.

Planning Commissioners:

Guillermo Valero – Chair

Johnny Varela – Vice Chair

Chuck Mann

Xavier Bocanegra

PRESENT: Commissioners Varela, Bocanegra, & Valero

OTHERS: City Employee Zacarias, Waters and Lara

ABSENT: Perez & Mann

MEETING CALLED TO ORDER AT 6:00 PM

PUBLIC COMMENTS – None

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Consent Calendar Action Items (IV.A)

A. Action: Approval of Minutes from November 29, 2017.

ON A MOTION BY VARELA, SECOND BY BOCANEGRA IT WAS VOTED TO APPROVE THE MINUTES. APPROVED UNANIMOUSLY.

V. ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolution: Approve Conditional Use Permit 17-011 Green Bean Pharm and Recommend Approval to City Council - **Public Hearing**

City Employee Waters reported the following: the applicant is proposing to operate cannabis businesses within the City of Woodlake. All cannabis businesses require a conditional use permit from the City. The Conditional Use Permit authorizes the cannabis business to operate on a specific property. The applicant is proposing to operate cannabis business on 515 W. Naranjo Blvd. The subject property consists of a single parcel totaling 2.3 acres. The current property contains an existing lumber mill, but additional improvements will be built prior to the business beginning operations.

The applicant is requesting a conditional use permit for the following cannabis business:

1. Cannabis Retailer

Cannabis businesses within the City of Woodlake require a Conditional Use Permit, Certificate of Occupancy, Business License, and a Regulatory Permit before beginning operations.

As part of the Conditional Use Permit, the City is requesting that the business comply with the following conditions:

1. Meet all City development and State Building Code requirements prior to beginning operations.
2. Meet all State requirements, laws, and regulations for cannabis businesses in the State of California.
3. Meet all City requirements, laws, and regulations found in the City's Municipal Code, including Section 5.48, which regulates cannabis businesses.
4. Pay all fees and taxes imposed by the City of Woodlake.
5. Failure to comply with any City or State regulations will be considered a violation of the Conditional Use Permit and Regulatory Permit and may result in the revocation of the Conditional Use Permit and/or Regulatory Permit.

Planning Commissioner Valero asked if the City was requesting more than what the state required. City Employee Waters stated yes. City regulations regarding design standards and security are two areas where the city went above and beyond what is required.

PUBLIC HEARING OPENED 6:16 PM

Dr. Robert Fishback, 1206 N. Sol, Visalia – Dr. Fishback stated he owns the business at 168 N. Valencia in Woodlake and wants to know why the city chooses to move forward with this matter when it is against Federal law. State law may allow it and City law may ¹

allow it but this is still against the Federal law and they could stop this whole process at any time. City Administrator Lara stated they have not touched the issue.

Roy Kendall, 1213 S. Fairway, Visalia – Mr. Kendall he is from Visalia but does business in Woodlake. He stated his sister Annette was killed by a drunk driver, Herb Wilson. He stated the AAA has campaigned against recreational marijuana because it will increase the number of deaths by driving under the influence of marijuana. He stated these are the 4 big problems with marijuana; causes low IQ, causes intermittent paranoid schizophrenia, causes a person to be motivational and causes DNA (down stream affect). Alcohol and marijuana also causes birth defects. These substances are regressive taxes, it will tax the poor people. Visalia and Tulare both did not approve this tax only Woodlake and Farmersville, because it is a regressive tax and will affect the poor people. This will impact the poor communities worse than the wealthier ones. A pregnant woman who is around someone who smokes marijuana will pass second hand smoke to her child and it will affect their IQ and that is just what the world needs, more dumb people. Mr. Kendall asked the Planning Commissioners to please do their research before they approve any license. City Employee Waters clarified that this action item was not to legalize marijuana. Marijuana is already legal. This action item is to approve a CUP (conditional use permit). The tax measure was not to legalize marijuana but to hopefully generate tax money to do something good for the community. City Administrator Lara stated San Diego, Santa Barbara and Monterey have all approved the cannabis industry and these are not poor communities.

Michael Dunnaway, 808 S. Church, Visalia – Mr. Dunnaway is the founder of Green Bean Pharm. He stated the architect for this project is Larry Lewis who designed Pita-Kabob in downtown Visalia. Their building will be very boutique like and will accommodate all their members/clientele. City Administrator Lara asked what the average expense is at his current store. Mr. Dunnaway stated \$54.00 and the average age of their customers is between 35-45. There are also older members/clientele for recreational use and they basically use to ease their pain or for trouble sleeping. City Administrator Lara asked where do they deliver to. Mr. Dunnaway stated they deliver to everyone in Tulare County. City Administrator Lara asked how many members/clienteles do they currently have and how many live in Woodlake. Mr. Dunnaway stated about 1300 and about 20-30 are from Woodlake. Mr. Dunnaway stated he has autism and cannabis allows him to function and he discovered he did not have access to cannabis in a safe environment so that is how his company was primarily formed, to allow access to cannabis in a safe environment. City Employee Waters asked if consumption of cannabis would be allowed on site. Mr. Dunnaway stated no. City Employee Waters asked what is the protocol if someone tried to consume on site. Mr. Dunnaway stated they would immediately notify Woodlake PD. City Administrator Lara stated there are about 30 mobile dispensaries in Visalia who will deliver cannabis to you. The advantage of having storefront dispensary would be all transactions and product are monitored closely and creating a safer environment.

A letter was submitted by Woodlake Iglesia Del Nazareno, see attached.

PUBLIC HEARING CLOSED 6:31 PM

ON A MOTION BY VARELA, SECOND BY BOCANEGRA IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE CONDITIONAL USE PERMIT 17-01 GREEN BEAN PHARM AND RECOMMEND APPROVAL TO CITY COUNCIL APPROVED UNANIMOUSLY.

- B. Action: Adoption of Resolution: Approve Conditional Use Permit 17-010 Valley Pure (previously CCW LLC) and Recommend Approval to City Council – **Public Hearing** City Employee Waters reported the following: Item V-B is like Item A with same conditions. This property is located at 132 N. Valencia Blvd. There are two buildings. One will be a dispensary and the other will be a coffee shop. City Administrator Lara

stated property owner has also acquired the property to the north to allow for a bigger parking lot in the back.

PUBLIC HEARING OPENED 6:40 PM

Michael Dunnaway, 808 S. Church, Visalia – Mr. Dunnaway asked if there was a rear entrance to the dispensary. City Employee Waters stated yes and it will be fully enclosed. Also, the glass windows in front will be smoke colored so that no one can see in to the dispensary. The hours of operation for the dispensaries is no later than 10 pm.

Dr. Robert Fishback, 1206 N. Sol, Visalia – Dr. Fishback complimented the designer of the new businesses and City Staff for all their hard work putting this project together. He appreciated how nice the City is looking, although he is still concerned to have this business in Woodlake. He asked what can the police do if they do not follow the rules. City Administrator Lara stated their CUP may be pulled at any time if violations occur. Dr. Fishback asked if “No Parking” signage would be posted in the alley. City Administrator Lara stated yes, signs have been ordered.

Roy Kendall, 1213 S. Fairway, Visalia – Mr. Kendall asked if the City is doing this for the money. He stated there is evidence that there is no net profit for recreational cannabis dispensaries. He asked whose family member will be killed by someone driving under the influence of marijuana. Author Timothy Leary stated, “to insure good quality LSD and proper use of the drug, Leary proposed seminars for high school and college students”. Mr. Kendall asked the Planning Commissioners to study and know all the unintended consequences before making any decisions. Also, remember it is still illegal on a federal level.

PUBLIC HEARING CLOSED 6:50 PM

ON A MOTION BY VARELA, SECOND BY VALERO IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE CONDITIONAL USE PERMIT 17-010 VALLEY PURE (PREVIOUSLY CCW LLC) AND RECOMMEND APPROVAL TO CITY COUNCIL. APPROVED UNANIMOUSLY.

- C. Action: Adoption of Resolution: Approve Conditional Use Permit 17-08 and 17-09 Top Crop and Recommend Approval to City Council
City Employee Waters reported the following: The applicant is proposing to operate cannabis businesses within the City of Woodlake. All cannabis businesses require a conditional use permit from the City. The Conditional Use Permit authorizes the cannabis business to operate on a specific property. The applicant is proposing to operate cannabis business. The subject property is located at 457 S Acacia in a light manufacturing zone designation with 1.24 Acres.

The applicant is requesting conditional use permits for the following cannabis businesses:

1. Cannabis Manufacturing
2. Cannabis Cultivation

Cannabis businesses within the City of Woodlake require a Conditional Use Permit, Certificate of Occupancy, Business License, and a Regulatory Permit before beginning operations.

As part of the Conditional Use Permit, the City is requesting that the business comply with the following conditions:

1. Meet all City development and State Building Code requirements prior to beginning operations.

2. Meet all State requirements, laws, and regulations for cannabis businesses in the State of California.
3. Meet all City requirements, laws, and regulations found in the City's Municipal Code, including Section 5.48, which regulates cannabis businesses.
4. Pay all fees and taxes imposed by the City of Woodlake.
Failure to comply with any City or State regulations will be considered a violation of the Conditional Use Permit and Regulatory Permit and result in the revocation of the Regulatory Permit

That the Woodlake Planning Commission approve Conditional Use Permit 17-08 and 17-09 Top Crop and Recommend Approval to City Council, subject to the following conditions:

1. Meet all City development and State Building Code requirements prior to beginning operations.
2. Meet all State requirements, laws, and regulations for cannabis businesses in the State of California.
3. Meet all City requirements, laws, and regulations found in the City's Municipal Code, including Section 5.48, which regulates cannabis businesses.
4. Pay all fees and taxes imposed by the City of Woodlake.
5. Failure to comply with any City or State regulations will be considered a violation of the Conditional Use Permit and Regulatory Permit and result in the revocation of the Regulatory Permit.

PUBLIC HEARING OPENED: 6:57 PM

PUBLIC HEARING CLOSED 6:57 PM

ON A MOTION BY VARELA, SECOND BY VALERO IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE CONDITIONAL USE PRMIT 17-08 AND 17-09 TOP CROP AND RECOMMEND APPROVAL TO CITY COUNCIL. APPROVED UNANIMOUSLY.

VI. OTHER BUSINESS

A. Information Items from Staff

City Administrator Lara – reported the Community Center is on schedule. The ground breaking for the Valencia Heights homes went well.

Meeting adjourned: 7:01 pm

Respectfully submitted,

Irene Zacarias
Planning Commissioner Secretary

City of Woodlake

AGENDA ITEM V-A

January 17, 2018

Prepared by Jason Waters, City Staff

SUBJECT:

Action: Adoption of Resolution: Approve Conditional Use Permit 17-012 Platinum Gardens and Recommend Approval to City Council

BACKGROUND

The applicant is proposing to operate cannabis businesses within the City of Woodlake. All cannabis businesses require a conditional use permit from the City. The Conditional Use Permit authorizes the cannabis business to operate on a specific property.

DISCUSSION:

The applicant is proposing to operate cannabis business. The subject property is located at 405 S Acacia in a light manufacturing zone designation.

The applicant is requesting conditional use permits for the following cannabis businesses:

1. Cannabis Cultivation

Cannabis businesses within the City of Woodlake require a Conditional Use Permit, Certificate of Occupancy, Business License, and a Regulatory Permit before beginning operations.

As part of the Conditional Use Permit, the City is requesting that the business comply with the following conditions:

1. Meet all City development and State Building Code requirements prior to beginning operations.
2. Meet all State requirements, laws, and regulations for cannabis businesses in the State of California.
3. Meet all City requirements, laws, and regulations found in the City's Municipal Code, including Section 5.48, which regulates cannabis businesses.
4. Pay all fees and taxes imposed by the City of Woodlake.
5. Failure to comply with any City or State regulations will be considered a violation of the Conditional Use Permit and Regulatory Permit and result in the revocation of the Regulatory Permit.

ENVIRONMENTAL DOCUMENT:

A Categorical Exemption will be prepared for the project.

RECOMMENDATIONS:

That the Woodlake Planning Commission approve Conditional Use Permit 17-012 Platinum Gardens and Recommend Approval to City Council, subject to the following conditions:

1. Meet all City development and State Building Code requirements prior to beginning operations.
2. Meet all State requirements, laws, and regulations for cannabis businesses in the State of California.
3. Meet all City requirements, laws, and regulations found in the City’s Municipal Code, including Section 5.48, which regulates cannabis businesses.
4. Pay all fees and taxes imposed by the City of Woodlake.
5. Failure to comply with any City or State regulations will be considered a violation of the Conditional Use Permit and Regulatory Permit and result in the revocation of the Regulatory Permit.

FISCAL IMPACT:

There is no fiscal impact.

ATTACHMENTS:

1. Resolution: Approve Conditional Use Permit 17-012 Platinum Gardens and Recommend Approval to City Council

BEFORE THE PLANNING COMMISSION
OF THE CITY OF WOODLAKE
COUNTY OF TULARE
STATE OF CALIFORNIA

In the matter of:

APPROVING CONDITIONAL USE PERMIT)
17-012 PLATINUM GARDENS)
AND RECOMMEND APPROVAL TO CITY)
COUNCIL)

Resolution No. 18-

Commissioner, offered the following resolution and moved its adoption. Approve Conditional Use Permit 17-012 Platinum Gardens and Recommend Approval to City Council

WHEREAS, the applicant is proposing to operate a cannabis business in the City of Woodlake, and

WHEREAS, the subject property is located at 405 S. Acacia in a light manufacturing zone designation, and

WHEREAS, a Conditional Use Permit, Certificate of Occupancy, Business License, and Regulatory Permit is required for cannabis businesses, and

WHEREAS, the City Council must also approve the Conditional Use Permit, and

WHEREAS, the applicant is requesting Conditional Use Permits for the following businesses:

1. Cannabis Cultivation

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves Conditional Use Permit 17-012, Platinum Gardens, for one year, and recommends approval to the City council, subject to the following conditions.

As part of the Conditional Use Permit, the City is requesting that the business comply with the following conditions:

1. Meet all City development and State Building Code requirements prior to beginning operations.
2. Meet all State requirements, laws, and regulations for cannabis businesses in the State of California.
3. Meet all City requirements, laws, and regulations found in the City’s Municipal Code, including Section 5.48, which regulates cannabis businesses.
4. Pay all fees and taxes imposed by the City of Woodlake.
5. Failure to comply with any City or State regulations will be considered a violation of the Conditional Use Permit and Regulatory Permit and result in the revocation of the Regulatory Permit.

The foregoing resolution was adopted upon a motion of Commissioner, second by Commissioner, at a regular meeting of the Woodlake Planning Commission on the 17th day of January 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

William Valero, Chair

ATTEST:

Irene Zacarias, Planning Secretary