

**PRESENT:** Councilmembers Mendoza, Lopez, Martinez, Ortiz & Gonzalez

**OTHERS:** Lara, Waters, Marquez, Zamora, Zacarias. Griswold & Student Representative Chavez

**ABSENT:**

**FLAG SALUTE**

**PUBLIC COMMENT** - None

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

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

A. Action: Approval of Minutes of the regular meeting held on November 26, 2018

B. Action: Approval of Warrants

**ON A MOTION BY ORTIZ, SECOND BY MARTINEZ IT WAS VOTED TO APPROVE THE CONSENT CALENDAR. APPROVED UNANIMOUSLY.**

V. ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolution: Approve Regulatory and Conditional Use Permits 18-001, 18-002 and 18-003, Uncle Green – PUBLIC HEARING  
Community Services Director Waters reported the following: The applicant is proposing to operate a cannabis business 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 use an existing industrial site for a cannabis cultivation, distribution and manufacturing business. The site is located at 34368 Rd 196, Woodlake, CA.

The Woodlake Planning Commission recommended approval of the project. The applicant is requesting a conditional use permit and regulatory permit for the following cannabis businesses:

1. Cannabis Cultivation
2. Cannabis Distribution
3. Cannabis Manufacturing

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.

**PUBLIC COMMENT OPENED 6:34 PM (See attached letter)**

**PUBLIC COMMENT CLOSED 6:35 PM**

**ON A MOTION BY MARTINEZ, SECOND BY LOPEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE REGULATORY AND CONDITIONAL USE PERMITS 18-001, 18-002 AND 18-003, UNCLE GREEN. APPROVED UNANIMOUSLY.**

- B. Action: Adoption of Resolution: Approval of the Formation and Assessment of the Valencia Heights Subdivision Landscape and Lighting Assessment District 18-01 – PUBLIC HEARING

City Administrator Lara reported the following: An application was submitted for the formation of the Valencia Heights Subdivision Landscape and Lighting Assessment District 18-01 by the Developer Self Help Enterprises. The subdivision will consist of seventy residential units and four lots that have been dedicated to the City. The four lots consist of a park, a storm water basin and two landscaping strips that will be maintained by the City.

At the November 13, 2018, City Council meeting, the City Council approved the City Engineer's report of costs needed to maintain the assessment district and initiated the District. As part of the Landscape and Lighting Act of 1972, over 50% of the property owners have voted in favor of the Valencia Heights Subdivision Landscape and Lighting Assessment District 18-01. Council set November 26, 2018 as the public hearing date for those wishing to comment on the assessment district. All assessment district property owners were notified of the public hearing date and location. All properties comprising the Valencia Heights Subdivision Landscape and Lighting Assessment District 18-01 have been entered into the District by the Developer of the Tract as per the 'Conditions of Approval' for recordation of those Tracts, and per the Landscape and Lighting Act of 1972. The seventy properties comprising the Subdivision have all been found to benefit from landscaping, street lighting, park space and therefore are to be assessed for their proportionate share of the costs incurred by those benefits. The annual cost for each individual property owner will be \$102.86 as determined by the Engineer Report.

**PUBLIC COMMENT OPENED: 6:37 PM**

**PUBLIC COMMENT CLOSED: 6:38 PM**

**ON A MOTION BY ORTIZ, SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION APPROVE THE FORMATION AND ASSESSMENT OF THE VALENCIA HEIGHTS SUBDIVISION LANDSCAPE AD LIGHTING ASSESSMENT DISTRICT 18-01. APPROVED UNANIMOUSLY.**

- C. Information: Ordinance Related to Attendance and Attendance Reporting  
Community Services Director Waters reported the following: Many cities in the Central Valley and the State have ordinances related to attendance requirements for Councilmembers. City staff was asked to review potential ordinances that could be enacting for the City of Woodlake. California Government Code 36513 states the following regarding meeting attendance:

*(a) If a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.*

Many cities have also adopted ordinances that clarify attendance requirements. In most cases, City Staff found that cities typically specify the number of meetings that may be missed due to unexcused absences instead of the number of days. Using meetings instead of days simplifies attendance rules and avoids problems regarding the interpretation of “60 days” (skipped meetings, when does the 60-day countdown begin, etc.). Of the available ordinances online, the most common number of allowed unexcused absences before a seat was resigned was 3 meetings. Many cities also implemented rules regarding the total number of meetings an individual could miss due to unexcused absences during an entire year. Typically, they allow for councilmembers to miss less than 20% of the meetings with unexcused absences. Since there were 21 meetings in 2018, a councilmember would have needed 5 unexcused absences to vacate their seat. Most cities also provide a list of what would require a councilmember to be removed from their seat, what qualifies as an excused absence and how the reappointment process would take place. Mayor Mendoza recommended when an absence is going to occur, the councilmember shall call email the mayor and city clerk of their absence and city clerk will then forward message to Councilmembers and staff. Councilmembers will then have a chance to review if the absence is excused or unexcused. The notification must be sent at least 24 hrs. in advanced unless it is an emergency. City Administrator Lara will amend ordinance with recommendations. Mayor Mendoza has also asked staff to update contact information for councilmembers and administrative staff.

## VI. OTHER BUSINESS

### A. Information: Items from Staff

City Clerk Zacarias – Reminded everyone about the Christmas Tree Lighting on November 30<sup>th</sup> at 6:30 pm at the Woodlake Fire Department. Santa’s Workshop is Saturday, December 8<sup>th</sup> at the Woodlake Plaza from 4 pm to 6:30 pm, the Christmas Parade will follow at 7 pm.

Chief Marquez – Reported there was an incident at Valley Pure Dispensary last week. Suspect fled the business and a chase occurred into Visalia. Suspect was arrested and is still in custody.

City Administrator Lara – Reported AutoZone is moving along. South Valencia project and Magnolia project are also moving along well. Work has started at the Baseball/Softball field today. Councilmembers are grateful for projects reports from City Administrator Lara.

Community Services Director Waters – Reported the housing developments are moving quickly. Alsumiri Park should be completed by the end of the year and staff will have a ribbon cutting, date to be determined.

Student Representative Rogelio Chavez – Reported the HS band is marching in the Candy Cane Lane parade tonight. Fall sports are in full swing. The junior class is currently testing. Some members of the sophomore class will be selected to participate in the HOBY academy. Beginning with the class of 2019, portfolios will be done electronically.

### B. Information: Items from Council

Councilmember Martinez – Thanked everyone who helped make the annual Thanksgiving lunch a success. There were 253 people served a hot Thanksgiving meal. Many also received a jacket and blanket.

Councilmember Gonzalez – Reported he is very thankful for such a giving community.

## VII. CLOSED SESSION

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR(S)** (Government Code § 54956.8). It is the intent of this governing body to meet in closed-session to confer with its real property negotiator concerning the purchase, sale, exchange, or lease of real property by or for this local agency as follows:

Property Description (Specify street address, or if no street address, the parcel number or other unique reference): APN# 060-170-071

Our Negotiator: City Administrator, Ramon Lara

Parties with whom negotiating: \_\_\_\_\_

Instructions to negotiator concerning:  Price  Terms of payment.

**City Administrator Lara reported there would be no closed session to report.**

## NOTICE TO THE PUBLIC

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Governing Board may meet in closed session with members of its staff and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Council will meet on in closed session are identified below or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1

“Documents: If distributed to the Council less than 72 hours before a regular meeting, any public records which are subject to public inspection and pertain to an open-session item on the regular meeting agenda shall be available at the following address at the time they are distributed to a majority of the Council: 350 North Valencia Boulevard, Woodlake, California 93286. Public records distributed to the Council at a public meeting will be available to the public at such meeting if they were prepared by the City. Exemptions and details in Government Code § 54957.5 (a) shall apply.”

## VIII. ADJOURN

The next scheduled City Council meeting will be held on Monday, December 10, 2018 at 6:30 p.m. at City Council Chambers located at 145 N. Magnolia, Woodlake, CA 93286.

City Council:

Rudy Mendoza - Mayor

Frances Ortiz - Vice Mayor

Louie Lopez - Councilmember

Greg Gonzalez Jr. - Councilmember

Jose L. Martinez - Councilmember

Meeting adjourned at 7:19 PM

Submitted by,

Irene Zacarias  
City Clerk



**Better**  
NEIGHBORHOODS

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November 26, 2018

Jason Waters  
Community Services Director  
City of Woodlake  
350 N. Valencia Ave  
Woodlake, CA 93286  
Via email: [jwaters@ci.woodlake.ca.us](mailto:jwaters@ci.woodlake.ca.us)

Re: Uncle Green Cannabis Project (the “Project”)

Dear Mr. Waters,

We have reviewed your November 19, 2018 letter responding to our comments with regard to the above-reference Project, and wish to respond to your points and provide additional information. Unfortunately, no one from our staff can attend tonight’s City Council meeting on this busy travel day following the Thanksgiving holiday. Please provide a copy of this letter to each member of the City Council in advance of tonight’s meeting as part of the public record.

### **Land Use and Planning**

As a preliminary matter, we note that the City’s website has broken links to each segment of its General Plan. Because the City has made it difficult to obtain these necessary documents, we have not had the opportunity to identify the specific goals, policies and objectives of the General Plan with which this Project is inconsistent. We therefore request a postponement of tonight’s City Council meeting so that we review the General Plan and provide a more detailed and adequate response to your comments.

Further, it is inadequate for the City in its findings to identify only those few General Plan provisions with which the Project is *consistent*, as the City does in its response letter, citing only the fact that the Project is located within the City’s industrial plan designation. It is also incumbent on the City to identify all elements of the General Plan with which the Project is *inconsistent*, and to

explain why the City is willing to approve the Project with those inconsistencies. As stated in our prior comment letter, we believe that the Project is inconsistent with provisions in the General Plan related to water resources, wastewater, and energy conservation.

## **Electricity and GHG**

Even if there currently exists adequate electricity capacity, this Project will still require a massive use electricity, and the City is planning several more such projects. The cumulative impacts and required mitigation from all of these projects should be studied before the Project is approved, as should the use of alternate forms of power such as wind or solar, or the utilization of other growing alternatives such as outdoor farming or indoor greenhouse.

These alternatives should be studied because the science on the environmental impacts from indoor grow facilities such as the Project is alarming. For example, a Brief to the Standing Committee on Health regarding Canada's cannabis regulations (See: <https://www.ourcommons.ca/Content/Committee/421/HESA/Brief/BR9074854/br-external/MarcusDavid-e.pdf>), recently outlined the significant environmental impacts and damage caused by indoor grow facilities (as opposed to outdoor facilities). Among the findings:

- “Indoor Cultivation. The hard truth . . . is that the indoor grow operations . . . consume an enormous amount of energy to grow a plant, that outdoors would flourish. In addition to the economic cost that this energy use entails, the energy required for indoor growing almost always leads to greenhouse gas (GHG) pollution that increases carbon emissions and by extension, global warming.”
- “Indoor cultivation utilizes highly energy intensive processes to control environmental conditions during cultivation. Energy is used for lighting, venting, dehumidifying, heating and cooling. Lighting, in particular, directly or indirectly, is estimated to account for 80% of the electricity use of indoor growing operations.”
- “The statistics are staggering. According to a report by the Northwest Power and Conservation Council in Oregon (where recreational marijuana has been legal since 2014) an indoor grow system for only four plants consumes as much energy as 29 refrigerators. According to another report, a ninety thousand square foot warehouse that is used for growing cannabis paid for a two-million-dollar rooftop solar array, LED lights, and the most efficient HVAC and insulation products. Despite these investments in ‘green growing’ the electric bill for this facility is over \$1,000,000 USD per month.”
- “In 2014, two years after Colorado legalized marijuana, Denver’s 362 marijuana grow facilities consumed more than 2% of the City’s electricity usage and state-wide marijuana facilities were determined to be behind roughly half of Colorado’s new power demands. In California,

marijuana production is estimated to be responsible for about 3% of all electricity use or 9% of household use.”

- “The carbon emissions of this energy use are likewise staggering. It has been estimated that one average kilogram of final product is associated with 4600kg of CO2 emissions. Looked at another way, embedded in an average indoor-grown plant is the energy equivalent of 265 litres of oil. From the perspective of individual consumers, a single marijuana joint represents about 4.6 kg of CO2 emissions, or an amount of electricity equal to running a 100-watt light bulb for 75 hours. In addition to the environmental and economic cost of the energy intensive nature of indoor cultivation, the legalization of marijuana has also placed strains on some individual utilities and local grids in US states where marijuana has been legalized.”

### **Pollutants/Toxics**

The City’s response is inadequate. CEQA requires that potentially significant environmental impacts be analyzed and mitigated. For example, we know that high-intensity discharge (HID) bulbs common in this industry are not recyclable and each bulb contains approximately 30 mg of mercury and other toxins, that Mercury is a neurotoxin, and that it is widely recognized as extremely toxic, particularly in gaseous form. What if some of the HID bulbs are damaged in an accident or earthquake? What’s the plan for that?

### **Wastewater Discharge**

The City’s assertion that the existing on-site septic system will be adequate to handle the massive amounts of polluted wastewater coming from the Project is inadequate and unsupported by any facts or evidence. Also, the City’s response that the Applicant must “certify” that the septic tanks are in “operable” condition before occupancy is an improper deferral of CEQA analysis, if any.

Instead, wastewater discharge is a potentially significant environmental impact that needs to be studied now, together with any necessary mitigation measures, before the Project is approved.

The Applicant must provide a study and plan to show that there is adequate filtering before any toxic materials in the wastewater go into the leach field, and that the leach field itself is adequate to handle the huge amount of wastewater. The study should include the volume of the wastewater from the Project, what’s in the wastewater, and evidence as to how the entire septic system won’t create massive pollution moving into the soil and potentially also the groundwater, potentially polluting the onsite wells and water quality.

## **Water Supply**

Maybe this Project on its own will not have a significant impact on the City's water supply, as the City asserts, but more evidence in the MND is needed as to why that is so. For example, who are the City's current water suppliers, what are the current and projected needs, and what are the terms of the existing supplier contracts? The City should also do a cumulative impact analysis of this Project with all future known indoor cannabis projects and other large water-use projects in the works.

## **Crime and Impact on Public Services**

While we understand that the impacts from crime and to public services are not themselves CEQA impacts, there is a large amount of evidence showing that facilities such as the Project (especially when multiple such facilities are coming) can overload existing police and fire capabilities.

For example, see this report prepared by the Police Foundation and the Colorado Association of Chiefs of Police, *Legalized Marijuana Practical Guide for Law Enforcement* [https://www.nccpsafety.org/assets/files/library/Legalized Marijuana Practical Guide for Law Enforcement.pdf](https://www.nccpsafety.org/assets/files/library/Legalized_Marijuana_Practical_Guide_for_Law_Enforcement.pdf), which finds, among other things, the following:

- Legalization of marijuana is a complex issue with many unanticipated consequences that have challenged law enforcement.
- Law enforcement leaders are just beginning to understand the related crime and disorder issues associated with legalized marijuana, and how to reduce them through ordinances, codes, policies, and partnerships.
- Police believe government officials have not allocated adequate resources to meet the new challenges brought by the law.

See also "Lessons Learned from Marijuana Legalization in Four U.S. States and D.C.", <https://learnaboutsam.org/wp-content/uploads/2018/03/SAM-Digital-C-4.pdf>, *Smart Approaches to Marijuana*, March 2018, which documents the following impacts:

- In Colorado, calls to poison control centers have risen 210% between the four-year averages before and after recreational legalization (Rocky Mountain Poison and Drug Center [RMPCD], 2017 and Wang et al., 2017).
- Washington has seen a 70% increase in calls between the three-year averages before and after legalization (Washington State Office of Financial Management [WSOFM], 2017).
- In Colorado, the annual rate of marijuana-related emergency room visits increased 35% between the years 2011 and 2015 (CDPHE, 2017).
- Central Oregon hospitals saw a nearly 2,000% increase in emergency room visits due to marijuana poisoning, with 434 marijuana-related emergency visits in January 2016 alone, compared to a maximum of 32 visits per month prior to legalization (Kent, 2016).

- One hospital in Bend, Oregon, also had an increase in marijuana-related emergency room visits from 229 in 2012 to 2,251 in 2015; the average number of marijuana-related emergency room visits per month in the same hospital in 2016 was 552 (Hawryluk, 2017).
- Washington state law enforcement has documented a total of 424 violations among licensed marijuana businesses. Of these, 288 violations pertained to selling marijuana to minors and 136 violations were for allowing minors access to a restricted area (Washington State Liquor and Cannabis Board [WSLCB], 2017).
- Narcotics officers in Colorado have been busy responding to the 50% increase in illegal grow operations across rural areas in the state (Stewart, 2017).
- In 2016 alone, Colorado law enforcement confiscated 7,116 pounds of marijuana, carried out 252 felony arrests, and made 346 highway interdictions of marijuana headed to 36 different U.S. states (RMHIDTA, 2017).
- The U.S. mail system has also been affected by the black market, seeing an 844% increase in marijuana seizures (RMHIDTA, 2017).
- A leaked police report in Oregon revealed that at least 70% of marijuana sales in 2016 were on the black market and around three to five times the amount of marijuana produced in Oregon leaves the state for illegal sales (Hughes, 2017; Associated Press, 2017, August 14; OSPDES, 2017).
- The U.S. Attorney in Oregon reported in 2018 that “Oregon has a massive marijuana overproduction problem,” with 2,644 pounds of marijuana in outbound postal parcels and over \$1.2 million in cash seized in 2017 alone (Williams, 2018).

A study funded by the National Institutes of Health showed that the density of marijuana dispensaries was linked to increased property crimes in nearby areas (Freisthler, Gaidus, Tam, Ponicki, & Gruenewald, 2017).

See also:

- The market for marijuana flower hybrids and concentrates continues to rise with the increase in demand for products with higher THC potency levels. In Seattle, Washington, the average THC potency level far exceeds the national average at 21.24% for marijuana flowers and 72.76% for marijuana concentrates (NHIDTA, 2016). And mislabeling is not uncommon.
- According to Soldotna, Alaska, Police Chief Peter Mlynarik, testing of marijuana products revealed discrepancies “... of up to 77% difference in THC potency in the samples provided” (P. Mlynarik, personal communication, January 19, 2018). All legal states have had numerous recalls due to poor labeling.
- The crime rate in Colorado has increased 11 times faster than the rest of the nation since legalization (Mitchell, 2017), with the Colorado Bureau of Investigation reporting an 8.3% increase in property crimes and an 18.6% increase in violent crimes (Colorado Bureau of Investigation [CBI], 2017).
- Grow facilities may attract foreign cartels.

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- See NBC News, May 2018 <https://www.nbcnews.com/news/us-news/foreign-cartels-embrace-home-grown-marijuana-pot-legal-states-n875666>.
- See, multiple news reports where Federal officials allege that legal recreational marijuana states like California, Colorado and Washington, have been providing cover for transnational criminal organizations willing to invest big money to buy or rent property to achieve even bigger returns. The suspects are targeting states that have already legalized marijuana "in an attempt to shroud their operations in our legal environment here and then take the marijuana outside of the state," said Mike Hartman, executive director of the Colorado Department of Revenue, which regulates and licenses the cannabis industry.

## Conclusion

For the above reasons, we believe there is a fair argument that the Project may have significant environmental impacts that need to be addressed and/or mitigated before the Project can be approved.

Sincerely,



J. Michael Goolsby  
President and CEO  
Better Neighborhoods, Inc.

CC: Via Email:  
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