

**SOUTH COUNTY ADVISORY COUNCIL  
MINUTES FOR THE JANUARY 25, 2010 MEETING**

The meeting was called to order at 6:30 p.m. by Chairman Dan Gaddis who led the Pledge of Allegiance.

Roll was called by Secretary Elaine Thomas.

The following members were present:

Patricia Duron	Rick Dean
Stephanie Franks	Dan Gaddis
El-Jay Hansson	Istar Holliday
Vince McCarthy	Mike Murphy
Elaine Thomas	Harry Walls
Mike Winn (non-voting)	Dan Woodson
Richard Wright	

A quorum was declared.

**Addition or Deletions to the Agenda:**

Rick Dean moved, seconded by El-Jay Hansson that New Business and Old Business be discussed after Public Comments so that discussion on the proposed Medical Marijuana Dispensary, which had attracted a crowd of more than 140 residents, could be expedited. Motion passed.

An update was given by Dan Gaddis on the status of the SCAC Ad Hoc 2010 Election Committee. Mike Murphy is the Committee Chairman.

Area Position seats open for 2010 Election:

One in Area 1,	2 year term
One in Area 2,	2 year term
One in Area 3,	2 year term
One in Area 4,	2 year term
Two in Area 5,	2 year term & 1 year term
One in Area 6,	2 year term
One in Area 7,	2 year term
Public Safety Rep,	2 year term

Accepting Nomination Applications:	February. 8 to March 8, 2010 at 6:30 p.m.
Town Hall meeting/introduce candidates:	March 8, 2010 6:30 p.m.
SCAC Advisory Council Election Day:	March 15, 2010 5:00 p.m. to 8:00 p.m.
Seat Elected SCAC Members:	March 22, 2010 6:30 p.m.

**Approval of Minutes for the November 23, 2009 Meeting:** El-Jay Hansson moved, seconded by Stephanie Franks that the minutes be approved. Motion carried.

**Treasurer's Report:** Stephanie Franks presented the following report:

Board Meetings	(345.17)	Dump Fees	1,885.76
Library	2,182.01	Total	3,722.60

Istar Holliday moved, seconded by El-Jay Hansson that Treasurer's Report be accepted.  
Motion carried.

**Community Presentations:**

**Cal-Fire:** Battalion Chief Bill Fisher offered the following report:

Nipomo Station #20 – 103 total calls	YTD: 1410
Mesa Station 22 – 65 total calls	YTD: 546

Training: Nipomo Paid Call Firefighters trained on Pumping, Driving and Saw Usage.

Prevention: Please be fire safe as the weather cools down. We had two significant Structure Fires in the Nipomo Area: the 500 block of Stanton and the 691 block of Pomeroy

Suey Creek and Upper Los Berros pre fire attack plan project. We will be brushing both sides of the roads on Suey Creek and Upper Los Berros Roads.

The Nipomo Chipping Program will continue in the Nipomo Area beginning this spring.

**SLO County Sheriff's Department:** Commander Brian Hascall offered the following report:

December 22, 2009: A golf cart stolen from Nipomo High School was spotted on Pomeroy Rd. Further investigation revealed numerous stolen items at a residence. The golf cart was returned to the High School. An arrest was made.

January 19, 2010: An arrest was made of a man and his girl friend in possession of heroine. Children also in their car were turned over to Protective Services.

January 19, 2010: An arrest was made of a man on with a sawed-off shot gun and a number of other weapons. He was on parole for other crimes.

The Sheriff's Department has received a request that the Rosana Place-stub street, located off of Jessica Place and behind the La Placita Market, be closed off. There have been a number of crimes in that area including drug sales, burglary and rape. The Sheriff's Department and a majority of nearby residents would also like to see it closed.

**California Highway Patrol:** Not present

**SLO Planning Staff:** Brian Pedrotti announced an update on the General Plan is in the works. This plan will be regional and more efficient in reference to water supply, density, and infrastructure in the unincorporated areas. There are presently 15 rural areas in our County which will be reduced and hopefully make the General Plan more user friendly.

**Parks Commissioner:** Paul Teixeira announced a Parks Committee meeting Thursday, January 28, 2010 at 6:00 p.m.

**Nipomo Community Services District:** Mike Winn indicated he would give his report later in the meeting.

**Informational Presentation by Dana Adobe Amigos:** Report was given by Marian Washburn who announced that community meetings will be scheduled to discuss the desirability of building a community park north of the Dana Adobe on South Oakglen.

**New Business:**

**Proposed Project: DRC2009-00044 GROSS-Minor Use Permit (MUP) for a 4,000 sq. ft. Medical Marijuana Dispensary in Nipomo.**

Present representing the Medical Marijuana Dispensary were Robert D. Brody; Co-Applicant from Los Angeles, and Tom Meredith; Co-Applicant from Long Beach. Bill Robeson; Planning & Building Department Inland Team Planner working with the applicants, had been expected to attend the meeting but was not present. Robert Brody spoke on behalf of himself and Tom Meredith who are requesting opening a Medical Marijuana Dispensary in a warehouse building at 425 B North Frontage Rd. (corner N. Frontage Road & Linden Lane) in Nipomo. The dispensary would consist of 4,000 sq. ft. of which only 1,000 sq. ft. would be utilized and the rest reportedly would be left vacant... In the 1,000 sq. ft. space would be a waiting room, a show room that a person would be buzzed into and which would contain medical marijuana and edible marijuana products where sales would take place, and an office. Mr. Brody said the dispensary would help patients with health problems that might benefit from marijuana use.

The burglar alarm company, Selective Alarm Systems, was represented by Mr. Randy Hansen, who said if there was an alarm, it would sound from the Nipomo dispensary to the Alarm Watch Central Alarm Company located in Atwater, CA near Merced, CA.. That office would then contact the San Luis Obispo County Sheriff's Department who would dispatch a patrol car to the site.

Rick Dean asked if there would be local guards around the outside of the facility: Mr. Brody indicated there would not be.

Mr. Brody said his business background did not include running a Medical Marijuana Dispensary, but he said he has been active in business in a retail store, a furniture store, and a business consultant in home delivery service.

He indicated that the "show room" would display the various types of marijuana products for customers to choose from and then purchase.

Stephanie Franks had compiled a research on the history of the Medical Marijuana facilities in California and quoted the following information from the California Police Department of Justice: The facilities are advertised on rock radio stations (two in our area) and referrals are given for which doctors will issue a so called "prescription"

medical marijuana card. These “prescriptions” are easy to obtain by paying a willing doctor a fee. 80% of the patients are males between the ages of 18 and 30; lack of security in and around the facilities is an on-going problem, as are loitering, robbery, re-sale of marijuana, and other crimes in the surrounding neighborhoods where the dispensaries are located.

Vince McCarthy stated that there is no quality control in a business such as this.

Richard Wright took issue with the fact that the owners do not live in the area.

Dan Gaddis noted that these dispensaries have been banned in the communities of San Luis Obispo, Pismo Beach, Grover Beach, Santa Maria, Guadalupe, Lompoc, Buellton, Solvang, Goleta, Carpinteria, Ventura, Oxnard, and Camarillo. He also observed that clients will come from great distances to obtain the marijuana and this could lead to an influx of people into our community who may be undesirable.

Istar Holliday stated that security would be a major problem at this facility:

Nipomo has no police department, and our Sheriff’s Department is understaffed with only two patrol vehicles for the entire South County and often only one patrol car is available.

Brian Pedrotti, Planner & Liaison to the SCAC discussed some Land Use Standards which apply to medical marijuana dispensaries including: it must be in zoned General Retail, must be at least 1,000 feet from schools, recreation, or youth area, staff must be 21 yrs or older, lighting and video surveillance cameras must be present, video of the premises must be stored for at least 30 days, and use of the marijuana is prohibited on the premises. Brian Pedrotti also displayed aerial maps showing the estimated distance between the proposed dispensary building and the Nipomo High School property line. SCAC members remarked that a Youth Recreation Facility/Gymnastics School is located directly across the street from the dispensary entrance, less than 400 feet away. Several Council members and individuals in the audience questioned the measurement indicated on the aerial map and suggested that the Dispensary may be less than the 1,000 feet required from Nipomo High School. It was agreed that this needs to be verified.

Dan Gaddis quoted from an article recently published which reported that the California Supreme Court has ruled there is now no limit to the amount of marijuana that a medical marijuana patient can legally possess. In the past the maximum amount was 8 ounces. Mr. Brody indicated that his dispensary will limit the amount sold at any one time. He said most of his sales will be for 1/8 of an ounce. Istar Holliday, Richard Wright, Rick Dean, Stephanie Frank, and Dan Gaddis all stated that they are concerned about the 3,000 square feet of vacant/unused space in the warehouse and felt that it would allow tremendous (and unwanted) expansion of the proposed marijuana dispensary.

Rick Dean asked Mr. Brody for his best estimate of how many customers he expects will patronize the business, where will they come from, and how much traffic will be generated? Mr. Brody said he did not know, that he and his partner had not developed a Business Plan. Mr. Brody did say, however, that he expects to serve potential customers from a population base of at least 500,000 people from throughout San Luis Obispo County and Northern Santa Barbara County...

Patricia Duran expressed worry that this proposed dispensary will be detrimental to our community.

Public Comments:

The discussion was then opened to the public for comments. This controversial issue had drawn a “standing room only” crowd. Residents were crowded in doorways with many standing outside on the sidewalks. Jim Harrison reported counting 142 people. During public comment 32 members spoke on the issue. Of these, 27 (84%) were opposed to the Medical Marijuana Dispensary and 5 spoke in favor. A majority of the Nipomo residents were against allowing this dispensary in our community but felt that legitimate medicinal use should be available perhaps through a pharmacy as is the case with other controlled substances.

The reasons given by members of the Public who favored the dispensary were:

Marijuana should be available for medical purposes

In the interest of free enterprise, government should not regulate what businesses do.

Government should stay out of this issue and allow whoever wishes to buy to do so.

The reasons given by members of the Public who spoke against this dispensary included:

The ease in obtaining a medical marijuana card by merely paying a nominal fee to a willing doctor.

There is no such thing as a prescription for marijuana since marijuana is an illegal narcotic under federal law.

No logs are kept of who buys and how much

Unpopular and unwanted projects of this type have been historically dumped in Nipomo by County Planning.

The Board of Supervisors cannot legally issue a Business License to an enterprise that intends to engage in an illegal business

Security issues involving theft, illicit sale of marijuana to persons who are not licensed patients, the likelihood of loitering, robbery, and other crimes impacting the surrounding businesses and residential neighborhoods, gang-related crime, and lack of police presence.

A local optometrist testified that contrary to popular belief, marijuana is not really useful for treating glaucoma. This is a myth that was debunked twenty years ago. This has been replaced by more effective eye drops.

Mr. Brody’s proposed business is really for profit, and is simply masquerading as a non-profit.

Safety of employees, patrons, and pedestrians passing by the facility.

Mixture of drugs and money inevitably produces problems.

The ready availability of marijuana will have a detrimental effect on young people who will be tempted to experiment with this (and other) illicit drugs.

Nipomo’s law enforcement resources are already inadequate and over-extended.

Ambiguous law concerning this type of dispensary by the State, clear law against it by the Federal government.

SCAC Recommendations to the Board of Supervisors/Planning Commission/Planning Department:

Stephanie Franks moved, Rick Dean seconded, and with further input from other Council members, the motion maker and second amended their motion and moved that:

The SCAC recommends against approval of a minor use permit for a Medical Marijuana Dispensary for the following reasons:

Law enforcement issues, security and safety of the community, crime, and public nuisance issues surrounding the facility. With no on-site security, there are concerns of drug dealing, vandalism, and robberies in the parking lot and surrounding areas. The Sheriff's Department is already under-resourced with only two patrol vehicles, and sometimes only one available, for response to the entire South County.

Potential for traffic increase. The applicant hopes to serve clientele from a population base of 500,000 people from San Luis Obispo County and Santa Barbara County. If they are even marginally successful at achieving this goal, the resulting traffic could worsen gridlock on local roads.

Violation of Federal Law. The sale and distribution of marijuana is a federal offense. California Attorney General 2008 ruling, in "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use" (August, 2008), states that nonprofit collectives and cooperatives are permitted under Proposition 215 but retail dispensaries such as Mr. Brody is proposing are illegal/not recognized under the law.

Potential violation of distance between building housing the dispensary site to the Nipomo High School property line which must be at least 1,000 feet. Both the high school property lines and the distance between the two points need to be verified.

Violation of proximity to a recreation/youth facility. A Gymnastics center serving Nipomo youth is located within 400 feet or less, and directly across the street (Lindon Lane) from the entrance to the proposed Dispensary.

Motion passed unanimously.

Rick Dean moved, and Stephanie Franks seconded the following:

The SCAC recommends that the Planning Commission and the Board of Supervisors revise the County's Medical Marijuana Ordinance No. 3114 to bring it in line with the California Attorney Generals August 2008 Guidelines,(which state that nonprofit collectives and cooperatives may cultivate/sell medical marijuana to their own members, who must have lawful prescriptions and be licensed to possess medial marijuana, but retail dispensaries are illegal/not recognized under the law), before processing any further medical marijuana dispensaries for consideration..

Motion passed unanimously.

**Old Business:** Willow Rd Extension Phase I Project status. Dan Woodson reported on behalf of Dale Ramey who could not be present.

The final parcel is in the process of being acquired.

Opening bids will be advertised on January 26, 2010 and bid opening will be Feb. 25, 2010.

Notice to proceed should be in the last week in April

Engineer's estimate is \$5.7 million

Construction will take place over approximately 12 months

It has not yet been determined who the County Inspector will be

**Public Comment:**

John Snyder, a Nipomo resident, commented on the Santa Maria water litigation.

Jose Mendosa, a Nipomo resident, encouraged the closure of Rosana Place, a stub-street off of Jessica Place behind La Placita Market. He reported there have been incidents of drug deals, breaks-in, tagging, burglary and rape in this stub-street. Dan Woodson will address under Traffic and Circulation Committee comments.

Nell Langford spoke in reference to the particulate matter generated by traffic on the Oceano State Park Dunes. She indicated the broken surface crust caused by vehicles is the primary cause of the air pollution in Nipomo and on the Mesa.

Ann Steele also spoke about the particulate matter generated on the Dunes. The official Air Control District research report will be issued soon.

Kevin Rice stated that the allegations of particulate matter generated on the dunes by vehicle traffic are not accurate. He urged the Council to see the study as soon as it is published.

**Nipomo Community Services District:** Mike Winn reported the following:

Officers recently seated were the same as last year's.

There is a rebate in place, up to \$500, for replacement of lawns with water efficient plants using less water.

It should be determined why the proposal for Miller Park failed.

Mike Winn noted that the Santa Maria water lawsuits have cost the tax payers millions of dollars. The judge's decision is still on appeal by those who lost the case.

Santa Maria water is still needed despite the recent rains. He noted again that the Santa Maria water will not be available for new development. It will only meet the present shortfall needs. More water is presently being pumped out than is being replaced.

There is a SLO Planning Commission meeting on Thursday, Jan. 28, 2010 to discuss the scoping for the E.I.R. for the Land Use and Circulation Elements update.

The County Water Resources Advisory Committee (WRAC) will meet Feb. 3, 2010 at the SLO County Library to discuss the potential invasion of mussels in county lakes and how they can multiply and clog water lines.

Candidates for the 4<sup>th</sup> District Board of Supervisors position will debate in a public forum at Trilogy/the Woodlands on February 6, 2010, between 9:00 a.m. and 11:00 a.m.

The Planning Committee will meet on February 11, 2010 to discuss Agriculture Clusters Subdivision Ordinance change.

**Land Use Committee:** Istar Holliday indicated that we had already received the minutes of their meeting and there is no further report.

**Traffic and Circulation Committee:** Dan Woodson, said due to requests from area citizens and concurrence from the Sheriff's Department, it is requested the closure of the Rosanna Place stub-street off of Jessica Place be done due to crimes happening in that area.

Dan moved that this stub-street be closed; it was seconded by Rick Dean.

Motion carried.

Dan reported there is a recommendation from Cal Trans to install median dividers on Highway 101 from Los Berros Road to the Traffic Way exit in Arroyo Grande.

Dan Woodson made a motion to support the effort to install a median barrier closing off left turns from El Campo onto Highway 101 and for him to carry that message to the Cal-Trans meeting in February.

Motion passed.

Meeting adjourned at 10:50 p.m.

Next meeting February 22, 2010