



## AGENDA

### REGULAR PLANNING COMMISSION MEETING COUNCIL CHAMBERS, 380 CIVIC DRIVE, GALT THURSDAY, JUNE 11, 2009, 6:30 P.M.

**NOTE:** Speaker Request Sheets are provided on the table inside the Council Chambers. If you wish to address the Commission during the meeting, please complete a Speaker Sheet and give to the Secretary of the Commission. A maximum of five minutes is allowed for each speaker.

**NOTE:** If you need disability-related modifications or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Community Development Dept., 209-366-7230, 495 Industrial Drive, at least two days prior to the meeting.

**NOTE:** If at any time during this meeting, a quorum of the Galt City Council is present, the meeting will continue as a joint meeting of the City Council and the Planning Commission until such time as a quorum of the Council is no longer present.

#### **CALL MEETING TO ORDER**

**ROLL CALL:** COMMISSIONERS: Daley, Pellandini, Powers, Yates, McFaddin, Davenport

**PUBLIC COMMENTS:** Under Government Code §54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item.

#### **INFORMATION/CONSENT CALENDAR**

(1) **SUBJECT:** Minutes of the April 9, 2009 meeting.

**RECOMMENDATION:** That the Planning Commission approve the minutes of the April 9, 2009 meeting.

#### **PUBLIC HEARING**

(4) 1. **SUBJECT:** Galt Zoning Ordinance amendments to prohibit the establishment and operation of medical marijuana dispensaries in all Galt zoning districts and Northeast Area Specific Plan amendments to delete zoning ordinance text that is duplicated in the Plan and replace it with text references to the same applicable zoning ordinance sections.

**LOCATION:** The proposed zoning ordinance amendments would affect all property within the city limits of Galt because it is a general prohibition applying to all city zoning districts. The Northeast Area Specific Plan (NEASP) amendments will theoretically affect all property within the boundaries of that specific plan, but the amendments have no substantive effect on property rights.

**RECOMMENDATION:** That the Planning Commission recommend that City Council:

1. Adopt Resolution 2009- \_\_\_\_ approving the CEQA Exemptions for the Project; and
2. Adopt Resolution 2009- \_\_\_\_, approving the NEASP amendments to remove redundant zoning code excerpts and replace them with references to the applicable zoning code sections; and
3. Introduce Ordinance No. 2009-\_\_ amending Galt Municipal Code Section 18.16.030, Table 18.16-1, and Sections 18.92.030 and 18.92.040 to prohibit the establishment and operation of Medical Marijuana Dispensaries (MMD) in all zoning districts and to list and define the term MMD.

#### **DEPARTMENT REPORTS –**

#### **ADJOURN**

**CATHY KULM, PLANNING COMMISSION SECRETARY:** Agenda Report. The agenda for this Galt Planning Commission Meeting was posted in the following listed sites before the close of business at 5:00 p.m. on the Monday preceding the meeting:

1. City Hall Lobby, 380 Civic Drive
2. U. S. Post Office, 600 N. Lincoln Way
3. Marian O. Lawrence Library, 1000 Caroline Avenue

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## MINUTES

**Planning Commission Regular Meeting  
Council Chambers, 380 Civic Drive, Galt, California  
Thursday, April 9, 2009, 6:30 p.m.**

The meeting was called to order at 6:30 p.m. by Chairperson Powers. Commissioners present: Powers, McFaddin, and Yates. Davenport arrived late. Pellandini and Daley were absent.

Staff members present: Community Development Director Campion, Principal Planner Kiriu, Associate Planner Erias, City Engineer Forrest, City Attorney Hollender and PC Secretary Kulm.

**PUBLIC COMMENTS** – **None.**

### **INFORMATION/CONSENT CALENDAR**

1. **SUBJECT:** Minutes of the March 12, 2009 meeting.  
**ACTION:** McFaddin moved to approve the consent calendar as presented; second by Yates. Motion was unanimously carried by those Commissioners present. (Powers, McFaddin, Yates)

### **PUBLIC HEARING**

1. **SUBJECT:** Conditional Use Permit for Consolidated Fabricators Metal Fabrication Facility  
**RECOMMENDATION:** That the Planning Commission adopt Resolution 2009-\_\_ (PC) approving the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving a Conditional Use Permit for Consolidated Fabricators Metal Fabrication Facility..

Kiriu gave staff report.

Chairperson Powers opened the public hearing.

Yates asked if any residents had contacted the city regarding this project. Kiriu explained that a letter was received from two residents (Beverly Bland & E. Laverne Moore) who live at 10375 Live Oak Avenue asking questions regarding hours of operation, potential impacts, etc. Staff mailed a staff report with Conditions of Approval to the residents and they called and said they no longer have any concerns. Powers asked if the other residents received notice of this proposed project. Kiriu said that a Notice of Public Hearing was mailed to all residents. McFaddin asked if the hours of operation would be left open allowing the applicant to work on Sundays. Kiriu explained that staff's recommendation is 6:00 a.m. to 8:00 p.m. daily.

The applicant and project manager, Jim Allman of Lord Construction, thanked staff for their work on the project. On behalf of the owner, Mr. Allman said they have read all the Conditions of Approval and accept the conditions as written.

**ACTION:** McFaddin made a motion to adopt Resolution 2009-\_\_ (PC) approving the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving a Conditional Use Permit for Consolidated Fabricators Metal Fabrication Facility; second by Davenport. The motion was unanimously carried by those Commissioners present. (Powers, McFaddin, Yates, Davenport)

2. **SUBJECT:** Four Seasons Estates Rezone and Tentative Subdivision Map Project

**RECOMMENDATION:** That the Planning Commission

1. Recommend that the City Council adopt Resolution 2009-\_\_\_ approving the Initial Study, Mitigated Negative Declaration and adopting the Mitigation, Monitoring, and Reporting Program for the Four Seasons Estates and Lonnie Estates Rezone and Tentative Subdivision Map Project; and

2. Recommend that City Council introduce Ordinance 2009-\_\_\_ approving the proposed Rezone for the Four Seasons Estates Rezone and Tentative Subdivision Map Project from Single-family Residential, Low Density (R1A-PD with 10,000 sq. ft. minimum lot size) to Maximum-Density Single Family Residential, (R1C-PD with 6,500 sq. ft. minimum lot size) including the proposed architectural drawings for the future homes for the project; and
3. Approve Resolution 2009-\_\_\_PC conditionally approving the Tentative Subdivision Map for Four Seasons Estates.

**3. SUBJECT: Lonnie Estates Rezone and Tentative Subdivision Map Project**

**LOCATION:** That 5± acre located east of Hwy. 99, bordered by Ayers Lane to the south and Lyonia Drive to the north in the City of Galt. The site is particularly identified as Assessor Parcel Number 150-0030-013.

**RECOMMENDATION:** That the Planning Commission:

1. Recommend that the City Council adopt Resolution 2009-\_\_\_ approving the Initial Study, Mitigated Negative Declaration and adopting the Mitigation, Monitoring, and Reporting Program for the Four Seasons Estates and Lonnie Estates Rezone and Tentative Subdivision Map Project; and
2. Recommend that City Council introduce Ordinance 2009-\_\_\_ approving the proposed Rezone for the Lonnie Estates Rezone and Tentative Subdivision Map Project from Single-family Residential, Low Density (R1A-PD with 10,000 sq. ft. minimum lot size) to Maximum-Density Single Family Residential, (R1C-PD with 6,500 sq. ft. minimum lot size) including the proposed architectural drawings for the future homes for the project; and
3. Approve Resolution 2009-\_\_\_PC conditionally approving the Tentative Subdivision Map for Lonnie Estates.

Erias gave these two staff reports simultaneously.

Commissioners expressed the following concerns:

- In regard to changing the lot sizes and square footage of the proposed homes.
- Increased traffic.
- Public roads connecting to other subdivisions (Will they be required to pay fair share?)
- Liability regarding railroad tracks.
- ARC recommended all tile roofs. Staff report indicated tile roofs will be presented as an option only. PC wants all tile roofs. Applicant agreed to this request.

Laura Brandon, applicant, indicated she is willing to work with the Commission and staff to address their concerns, including larger homes.

Kimberly O'Neil, resident of neighboring Mitchell Estates subdivision, expressed concerns about the potential increase in traffic, the size and quality of the homes, as well as the requested rezoning of the lot sizes.

Richard O'Neil, resident of neighboring Mitchell Estates subdivision, expressed concerns about the potential increase in traffic.

Commissioners discussed placing a limit on the number of homes (10) that could be between 1,295 sq. ft. and 1,400 sq. ft. within both subdivisions. Campion asked for a straw poll from the commissioners regarding placing a limit on the number of smaller homes. Straw poll results: Yates & Davenport – No, Powers & McFaddin – Yes.

**Action for: Four Seasons Estates Rezone and Tentative Subdivision Map Project**

**ACTION:** Davenport made a motion that that the Planning Commission:

- 1) Recommend that the City Council adopt Resolution 2009-\_\_\_ approving the Initial Study, Mitigated Negative Declaration and adopting the Mitigation, Monitoring, and Reporting Program for the Four Seasons Estates and Lonnie Estates Rezone and Tentative Subdivision Map Project; and
- 2) Recommend that City Council introduce Ordinance 2009-\_\_\_ approving the proposed Rezone for the Four Seasons Estates Rezone and Tentative Subdivision Map Project from Single-family Residential, Low Density (R1A-PD with 10,000 sq. ft. minimum lot size) to Maximum-Density Single Family Residential, (R1C-PD with 6,500 sq. ft. minimum lot size) including the proposed architectural drawings for the future homes for the project (*the PC approved this recommendation with the condition that the applicant resubmit a new ARC package with homes ranging in size from 1,400 square feet to ,600 square feet rather than the proposed 1,295 square feet to 1,400 square feet and that all roofing material be tile*); and
- 3) Approve Resolution 2009-\_\_\_PC conditionally approving the Tentative Subdivision Map for Four Seasons Estates.

Motion seconded by McFaddin. The motion was carried as amended by the following vote: Ayes - Powers, McFaddin, Davenport; Yates abstained.

**Action for: Lonnie Estates Rezone and Tentative Subdivision Map Project**

**ACTION:** Davenport made a motion that that the Planning Commission:

- 1) Recommend that the City Council adopt Resolution 2009-\_\_\_ approving the Initial Study, Mitigated Negative Declaration and adopting the Mitigation, Monitoring, and Reporting Program for the Four Seasons Estates and Lonnie Estates Rezone and Tentative Subdivision Map Project; and
- 2) Recommend that City Council introduce Ordinance 2009-\_\_\_ approving the proposed Rezone for the Four Seasons Estates Rezone and Tentative Subdivision Map Project from Single-family Residential, Low Density (R1A-PD with 10,000 sq. ft. minimum lot size) to Maximum-Density Single Family Residential, (R1C-PD with 6,500 sq. ft. minimum lot size) including the proposed architectural drawings for the future homes for the project (*the PC approved this recommendation with the condition that the applicant resubmit a new ARC package with homes ranging in size from 1,400 square feet to 1,600 square feet rather than the proposed 1,295 square feet to 1,400 square feet and that all roofing material be tile*); and
- 3) Approve Resolution 2009-\_\_\_PC conditionally approving the Tentative Subdivision Map for Four Seasons Estates.

Motion seconded by Powers. The motion was unanimously carried as amended by those Commissioners present. (Powers, McFaddin, Yates, Davenport).

**DEPARTMENT REPORT:** - Campion reported to the Commission results of a duly noticed public hearing and approval of a Minor Use Permit application from Sacramento County Office of Communications and Information Technology to construct an emergency responder radio tower at the Galt Wastewater Treatment Plant--10059 Twin Cities Road in Galt, California.

Meeting adjourned at 7:55 p.m.  
Respectfully submitted by

Cathy Kulm, Planning Commission Secretary

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Prepared by: Sandra Kiriu, Principal Planner

P.C. Hearing: June 11, 2009

## CITY OF GALT PLANNING COMMISSION STAFF REPORT

- Project Title:** Galt Zoning Ordinance amendments to prohibit the establishment and operation of medical marijuana dispensaries in all Galt zoning districts and Northeast Area Specific Plan amendments to delete zoning ordinance text that is duplicated in the Plan and replace it with text references to the same applicable zoning ordinance sections.
- Project Location:** The proposed zoning ordinance amendments would affect all property within the city limits of Galt because it is a general prohibition applying to all city zoning districts. The Northeast Area Specific Plan (NEASP) amendments will theoretically affect all property within the boundaries of that specific plan, but the amendments have no substantive effect on property rights.
- Project Sponsor:** City of Galt Planning Department  
495 Industrial Drive  
Galt, CA 95632  
Phone: (209) 366-7230
- General Plan Designation:** The proposed zoning text amendments and NEASP amendments do not include any General Plan Amendments or rezoning of properties.
- Zoning Designation:** The project will not rezone any properties.

### **Project Description**

Amendments are proposed to the Galt Zoning Ordinance –Galt Municipal Code Section 18.16.030, Table 18.16-1, and Sections 18.92.030 and 18.92.040. The first amendment would specifically clarify that the use type of “Medical Marijuana Dispensary” is Not Permitted (“N”) in any zoning district within the city limits. Table 18.16-1 would be revised to add the use type and then denote “N” in each zoning designation. The other two amendments will add “Medical Marijuana Dispensary” to the list of terms defined in the Code and then include a definition of said term consistent with the definition in California Health and Safety Code Sections 11362.5 et seq..

In addition, staff is recommending “clean up” amendments to the Northeast Area Specific Plan (NEASP) which involve removing pages of duplicative zoning ordinance excerpts in the Plan (primarily pages 30-42 of the NEASP) and replacing them with text references to the zoning ordinance which is the source document. This will eliminate redundant pages from the Specific Plan and will ensure intended consistency between the Specific Plan and the Zoning Ordinance as it relates to land uses and development standards. This is basically a formatting issue and no substantive changes are being made to

the text.

### **Environmental Determination**

These zoning ordinance and NEASP text amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (General Rule exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

There are currently no legal medical marijuana dispensaries located in the City of Galt, and this project would ensure that there would be no such facilities in the future. Therefore, there would be no change in existing conditions resulting from this proposal, and no impacts on the environment. The same exemptions apply to the amendments to the Northeast Area Specific Plan (NEASP) because those amendments are simply to remove pages of zoning ordinance text excerpts and replace them with references to those same excerpted sections. . This is basically a formatting issue with no potential to adversely affect the environment.

### **Recommendation**

That the Planning Commission recommend that City Council:

1. Adopt Resolution 2009- \_\_\_\_\_ approving the CEQA Exemptions for the Project; and
2. Adopt Resolution 2009-\_\_\_\_\_, approving the NEASP amendments to remove redundant zoning code excerpts and replace them with references to the applicable zoning code sections; and
3. Introduce Ordinance No. 2009-\_\_\_ amending Galt Municipal Code Section 18.16.030, Table 18.16-1, and Sections 18.92.030 and 18.92.040 to prohibit the establishment and operation of Medical Marijuana Dispensaries (MMD) in all zoning districts and to list and define the term MMD.

## **Legal Background**

### **Medicinal Marijuana Dispensaries under State and Federal Law**

The Compassionate Use Act (CUA) was enacted by voter initiative in 1996 (Proposition 215). It permits patients and their primary caregivers to possess and cultivate marijuana for medical purposes where medical use has been recommended by a physician. Although an initial goal of the CUA was to encourage cooperation between state and federal officials, the federal Drug Enforcement Agency (DEA) has enforced the Federal Controlled Substances Act against dispensary operators and others who help supply patients in California with medical marijuana. The Controlled Substances Act states that the manufacture (including cultivation), distribution and dispensing of marijuana are illegal for any purposes, including medical use. Moreover, the U.S. Supreme Court (Gonzales v Raich) and lower federal courts have upheld these enforcement actions, thus placing California state and local officials in the difficult position of implementing the CUA in direct opposition to federal law. However, in March 2009, the United States Attorney General signaled a change in the federal policy with regard to medical marijuana by stating that the federal government will only target distributors that violate both state and federal law.

From the time of its enactment, enforcement of the CUA has been a challenge for municipalities throughout California. As enacted, the CUA did not define how much marijuana a patient could legally

possess or cultivate and the definition of “primary caregiver” was vague, resulting in the creation of numerous marijuana dispensaries operating with no standards or local control. In response to these issues, the California legislature enacted SB 420, known as the Medical Marijuana Program (MMP), which did the following (among other things):

- Refined the definition of “primary caregiver”;
- Clarified the expenses for which a primary caregiver could be reimbursed;
- Set out a maximum amount of marijuana a patient or caregiver could possess and cultivate;
- Extended protection from criminal prosecution beyond possession and cultivation to related activities (e.g., transportation, delivery, storage for qualified patients and their primary caregivers);
- Permitted patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes.
- Prohibited the use of marijuana near schools or recreations centers, on school buses, while in an operating car, or while operating a boat; and
- Allowed cities to adopt and enforce laws consistent with the MMP.

The Medical Marijuana Program requires that the primary caregiver and the patient live in the same city or county if the primary caregiver has more than one patient. Conversely, if the primary caregiver and patient do not live in the same city or county, the primary caregiver may only have one qualified patient. Although qualified patients and their primary caregivers may collectively or cooperatively cultivate marijuana for medical purposes, the MMP is silent as to dispensaries, neither permitting nor forbidding them.

Law enforcement agencies in California have identified certain secondary impacts from Medical Marijuana Dispensaries, such as:

- People openly smoking marijuana in public;
- Marijuana DUI by persons who have obtained marijuana from a dispensary;
- Resale of marijuana obtained in the dispensary;
- Loitering in public parks and other locations;
- Vandalism;
- Inadequate property maintenance;
- Robbery (of persons obtaining marijuana, employees of the dispensary);
- Complaints from surrounding businesses regarding the operation; and
- Complaints from residential neighbors regarding the smell, late-night hours, and increased traffic.

### **Medicinal Marijuana Dispensaries under Local Law**

The City of Galt currently has no written regulations explicitly addressing the establishment or operation of medical marijuana dispensaries. However, Galt Municipal Code Section 18.16.010 states that the purpose of the Use Regulations in the zoning ordinance is to specify the allowable uses in the City. Since a medical marijuana dispensary is not explicitly listed in the land use matrix (Table 18.16-1), it is not currently allowable. There are two procedures set forth in the Galt Municipal Code to address use types that are not specifically listed in the zoning code. The first is a “Determination of Similar Use” whereby the Planning Director or the Galt Planning Commission can determine that a proposed use is similar in nature and anticipated impacts to another use that is already listed in the use table and makes specific findings to that effect. Staff does not think this use qualifies for a Determination of Similar Use process because we do not think the use is similar in nature and anticipated impacts to any other use specified in

the Zoning Code. The closest use types would probably be “Drug Treatment Clinic” or “Medical Clinic less than 10,000 s.f.”, but there are clear differences between those uses and a Medical Marijuana Dispensary use.

The other procedure to address a non-listed land use type is to amend the zoning code to show the specific use type as permitted, conditionally permitted, or not permitted. Any development restrictions or definitions applicable to that use would also be included in the amendment. This latter approach is staff’s recommendation.

Given the potential conflict between federal and state law, the new federal policy that targets only violators of both federal and state law, and concerns regarding the secondary impacts of dispensaries on communities, City Council has reviewed the information (discussed below under the heading “Urgency Interim Ordinance”) and has asked staff to prepare an ordinance to prohibit MMDs in the City limits. The proposed ordinance is in keeping with the intent of the CUA, as it would not restrict a qualified patient’s right to use medical marijuana for the purposes stated in the CUA. The City is only proposing to regulate dispensaries.

### **Definition of Medical Marijuana Dispensary**

For purposes of the proposed ordinance, “medical marijuana dispensary” means (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver in strict accordance with California Health and Safety Code Section 11362.5 *et seq.*, or (2) any facility, building, structure or location where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to cultivate or distribute marijuana for medical purposes. The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in California Health and Safety Code Section 11362.5 *et seq.*

For purposes of this ordinance, a “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses are otherwise regulated by applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code Section 11362.5 *et seq.*

### **Galt Police Chief Recommendation**

Police Chief Cattolico prepared a memorandum regarding the issue of medical marijuana dispensaries and his opposition to them. It is included as Attachment 4 to this staff report for your review. In the memo, he discusses some of the legal issues and also summarizes what experiences other Police Chiefs in California have had with this issue. Chief Cattolico is in support of this proposed ordinance which would prohibit MMDs in Galt.

## **Project Background**

In April, 2009, Planning staff received a public inquiry about the City’s requirements for operating a

medical marijuana dispensary. Although the zoning ordinance sets forth procedures for addressing land uses that are not specifically listed in the Ordinance, the City Attorney felt the best course of action would be for the City to establish a formal moratorium, pursuant to Government Code Section 65858, prohibiting the use until such time as the City can study it and adopt specific regulations.

On April 27, 2009, the Galt City Council held a special meeting and adopted Urgency Interim Zoning Ordinance 2009-06. That Ordinance established a twenty-four (24) day moratorium on the establishment and operation of medical marijuana dispensaries just to stop any potential applications and allow time for public notice in the Galt Herald so that the community could provide input. That public notice (published May 6<sup>th</sup>) advertised that the City Council would consider a time extension for the urgency interim ordinance on May 19, 2009. In that staff report, the following options were presented to City Council. Staff requested direction about which option should be pursued.

### **Options Presented to City Council on May 19, 2009:**

1. Total prohibition on Medical Marijuana Dispensaries in all zoning districts in the city. A definition of the use would be added to the zoning code, the use would be listed in the land use matrix, and it would be designated as "Not Permitted" in all zoning districts. No CEQA analysis would be required except for filing of a Notice of Exemption (\$25 filing fee); or
2. Total prohibition until such time as the City undertakes the comprehensive update of the Zoning Ordinance to make it consistent with the 2030 Galt General Plan recently adopted. At that time, the issue could be brought back for discussion. The CEQA analysis for the entire zoning code update would then include this issue; or
3. Permit Medical Marijuana Dispensaries in certain zoning districts by right subject to specified development standards like maintaining certain distance separations from residences, schools, parks, churches, and/or other MMDs. The City currently imposes similar types of development restrictions on adult entertainment uses and drug treatment clinics (See Galt Municipal Code Section 18.16.030 excerpt attached as Exhibit B). However, since churches were recently allowed to locate in the Light Manufacturing (LM) zoning district, and adult entertainment uses and drug treatment clinics must be located at least 500 feet away from churches, it could get increasingly difficult to find suitable properties to locate these use types which tend to be controversial in a community. Consequently, some of the development restrictions may eventually need to be modified or additional zoning districts will need to be identified to allow the use because cities must ensure that the development restrictions are not so onerous that there would be virtually no properties available for adult entertainment or drug treatment clinics. Council should keep in mind that adult entertainment and drug treatment uses are legal uses and must be permitted within all jurisdictions; medical marijuana dispensaries, on the other hand are not.

Therefore due consideration should be given to what zoning districts may be appropriate and what development restrictions should be imposed, if any on MMDs. Once the zoning ordinance is amended, this option would not require public notice or hearing of an MMD application and would be a staff level approval process if the project meets the designated criteria. A CEQA analysis would be required to adopt such an ordinance with associated costs (costs are unknown at this time), but no subsequent CEQA analysis would be required for the applicant to fund since it would be a ministerial permit; or

4. Require a Conditional Use Permit in selected zoning districts subject to specified development standards. This is a variation of Option 3 which would require a public hearing before the Planning Commission and notification of adjacent property owners within 500 feet of the site whenever a MMD is proposed. It would allow more opportunity for public input and imposition of conditions, but could also prove to be contentious and there could be a higher level of legal challenges. A CEQA analysis would be required to adopt the ordinance (unspecified costs incurred by the City) and a CEQA analysis (applicant cost) would also be required for every application because there would be discretion in the granting of the permit; or.
5. Leave the zoning code silent on the issue which would require a future applicant to apply for a zoning text amendment to address the issue and to pay CEQA costs. Staff is not recommending this option because we think a more proactive approach is needed to clarify the community's regulations and avoid any ambiguity; or
6. Alternative direction city council may wish to provide.

City Council directed staff to proceed with Option 1 (total prohibition in all zoning districts) and they also approved the time extension for the Urgency Interim Ordinance for 10 months and 15 days or until the permanent ordinance is adopted, whichever occurs first. After tonight's Planning Commission hearing, the anticipated schedule is for the City Council to consider the permanent ordinance on July 7, 2009.

## **Proposed Project**

Pursuant to City Council direction, staff has prepared an ordinance that will amend the Galt Zoning Ordinance to specifically regulate Medical Marijuana Dispensaries. The proposed zoning code amendment consists of three basic parts:

- A. **Amend the land use matrix to include MMDs and show them as Not Permitted in all zoning districts.** For ease of reference, staff is recommending that the use type be added to the zoning code land use matrix under the overall heading of "Commercial Uses" and the subheading of "Services" along with related uses like "medical services" and "drug treatment clinics" (Galt Municipal Code Section 18.16.030, Table 18.16-1). It is then shown with a capital "N" denoting "Not Permitted" in all zoning districts across the matrix. (Exhibit A to the Ordinance)
- B. **Amend the "List of terms defined" (GMC Section 18.92.030) to include the term MMD** (Exhibit B to the Ordinance).
- C. **Add the definition of "Medical Marijuana Dispensary" to the zoning code chapter of definitions (Section 18.92.040).** The recommended definition is the one indicated previously in this staff report (Exhibit C to the Ordinance).

In addition to this zoning code amendment, staff is recommending a "clean-up" amendment to the Northeast Area Specific Plan. Currently the NEASP text includes several pages of duplicative zoning ordinance excerpts in the Plan (primarily on pages 30-42 of the NEASP). These pages have not always been amended to reflect various changes that have occurred in the zoning code, but it was clearly the intent from the text that the two documents should match in terms of land uses permitted and basic development standards. Consequently, staff recommends deleting those zoning excerpts and replacing them with simple references to the appropriate sections of the zoning ordinance which is supposed to be

the source document. This will eliminate redundant pages from the Specific Plan and will also ensure intended consistency between the Specific Plan and the Zoning Ordinance as it relates to land uses and development standards. This is basically a formatting issue and no substantive changes are being made to the text.

Since the NEASP was adopted by Resolution, a Resolution is attached to address these proposed amendments. Staff recommends approval of the proposed Project. The three actions needed to forward this recommendation to City Council are noted on page 2 of this staff report.

## **Public Comments**

All written public comments that were submitted to staff prior to writing this report are included for your information as Attachment 5. As of this writing, all comments have been e-mails to the City Clerk from individuals using a common form letter. Only one full letter is included and then staff has bracketed just the sender information from the first page of the other e-mails.

### **ATTACHMENTS:**

1. Resolution 2009-\_\_\_\_, approving the CEQA Exemptions for the zoning and NEASP amendments
2. Resolution 2009-\_\_\_\_, amending the NEASP  
     Exhibit A: Pages 30-42 of NEASP showing new explanatory text in underline format and deleted text in strikeout format.
3. Ordinance 2009-\_\_\_\_, amending the Galt Zoning Ordinance (Title 18--Galt Municipal Code)  
     Exhibit A: Excerpt of Table 18.16-1 of the zoning code showing new proposed text.  
     Exhibit B: Section 18.92.030 showing addition of the term MMD to list of defined terms.  
     Exhibit C: Section 18.92.040 excerpt showing addition MMD definition.
4. Memorandum from Police Chief Cattolico
5. Public comments submitted in writing to staff prior to report completion (Francine McDermott, Tracy Gamble, Margaret Green, Brenda Anderson, and Paul Chabot)

**RESOLUTION NO. 2009-\_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF GALT, CALIFORNIA, APPROVING THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTIONS  
FOR THE GALT ZONING ORDINANCE AMENDMENT TO  
DEFINE AND PROHIBIT THE ESTABLISHMENT AND OPERATION  
OF MEDICAL MARIJUANA DISPENSARIES IN ALL CITY ZONING DISTRICTS  
AND THE  
NORTHEAST AREA SPECIFIC PLAN AMENDMENT TO DELETE PAGES  
OF ZONING ORDINANCE EXCERPTS AND REPLACE THEM WITH TEXT  
REFERENCES TO THE APPLICABLE ZONING ORDINANCE SECTIONS**

**WHEREAS**, on April 27, 2009 the City Council adopted Interim Urgency Ordinance No. 2009-06 prohibiting the establishment and operation of medical marijuana dispensaries within the City of Galt until May 20, 2009, pursuant to California Government Code Section 65858 and included all required legislative findings; and

**WHEREAS**, in accordance with California Government Code Section 65858(a), a public hearing was held on May 19, 2009 and the City Council extended Interim Urgency Ordinance No. 2009-06 for ten months and fifteen days or until the City adopts a permanent ordinance addressing Medical Marijuana Dispensaries, whichever occurs first, and directed staff to prepare a permanent zoning ordinance amendment to prohibit said Medical Marijuana Dispensaries; and

**WHEREAS**, the Planning Department prepared a proposed ordinance to amend the zoning ordinance to regulate and address medical marijuana dispensaries issue and also recommended amendments to the Northeast Area Specific Plan to remove pages of zoning ordinance excerpts and replace them with references to the applicable code sections (Hereinafter identified as the "Project"); and

**WHEREAS**, the City of Galt Planning Department evaluated the proposed project and is recommending approval of a CEQA Exemption based on CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3)-the General Rule Exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment; and

**WHEREAS**, there are currently no legal medical marijuana dispensaries located in the City of Galt, and this project would ensure that there would be no such facilities in the future. Therefore, there would be no change in existing conditions resulting from this proposal, and no impacts on the environment. The same CEQA exemptions apply to the amendments to the Northeast Area Specific Plan (NEASP) because those amendments are simply to remove pages of zoning ordinance text excerpts and replace them with references to those same excerpted sections; and

**WHEREAS**, said CEQA Exemption will be recorded with the Sacramento County Recorder's Office and is on file in the City Clerk's Office and is incorporated herein in full by reference; and

**WHEREAS**, a duly noticed public hearing was held June 11, 2009, by the Galt Planning Commission and the Planning Commission used its independent judgment and considered the CEQA Exemption, the Project as set forth in the staff report, supporting evidence, and all public testimony presented at the public meeting and made a recommendation that City Council approve the CEQA Exemption; and

**WHEREAS**, a duly noticed public hearing was held July 7, 2009, by the Galt City

Council and the City Council used its independent judgment and considered the CEQA Exemption, the Project as set forth in the staff report, the Planning Commission recommendation, supporting evidence, and all public testimony presented at the public meeting.

**NOW THEREFORE BE IT RESOLVED AND ORDERED** that the City Council of the City of Galt finds the Project to be exempt from the provisions of CEQA under Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (General Rule that CEQA only applies to projects which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 and approves the filing of the CEQA Exemption.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Galt, California this 7th day of July, 2009 upon motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ by the following vote, to wit:

AYES:	Council members:
NOES:	Council members:
ABSTAIN:	Council members:
ABSENT:	Council members:

\_\_\_\_\_  
**MAYOR, City of Galt**

ATTEST:

\_\_\_\_\_  
**CITY CLERK, City of Galt**

**RESOLUTION NO. 2009-\_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF GALT, CALIFORNIA,  
AMENDING THE GALT NORTHEAST AREA SPECIFIC PLAN  
TO REMOVE MULTIPLE PAGES OF ZONING ORDINANCE  
TEXT EXCERPTS FROM THE PLAN AND  
REPLACE THAT REDUNDANT TEXT WITH REFERENCES  
TO THE APPLICABLE SECTIONS OF THE GALT ZONING ORDINANCE**

**WHEREAS**, the City Council adopted the Northeast Area Specific Plan and certified the Final Environmental Impact Report by adopting Resolutions 87-52 and 87-50, respectively on June 23, 1987, hereby incorporated by reference, providing a basis of project approval; and

**WHEREAS**, the Northeast Area Specific Plan includes numerous pages of Galt Zoning Ordinance text excerpts including the land use matrix, numerous footnotes, and development standards; and

**WHEREAS**, this redundant text is cumbersome and requires unnecessary duplication of effort when amending the Zoning Ordinance, so the City wishes to streamline the process and eliminate printing waste; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (General Rule exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. The proposed amendments are simply to remove pages of zoning ordinance text excerpts and replace them with references to those same excerpted sections. It is basically a formatting issue with no potential to adversely affect the environment; and

**WHEREAS**, the City of Galt held two public hearings on the proposed CEQA Exemption and Northeast Area Specific Plan Amendment by the Planning Commission, held June 11, 2009, and the City Council on July 7, 2009; and

**WHEREAS**, the Planning Commission and City Council considered the documentary and oral evidence submitted at the public hearings; and

**WHEREAS**, the Planning Commission received and reviewed the CEQA Exemption and the City Planning Department's Staff Report, which analyzed the proposed change to the Northeast Area Specific Plan and determined that the proposed amendment will have no significant environmental impacts and, using their independent judgment, recommended that the City Council approve the CEQA Exemption and further adopt the amendment to the Northeast Area Specific Plan; and

**WHEREAS**, the City Council received and reviewed the CEQA Exemption and the City Planning Department's Staff Report, which analyzed the proposed change to the Northeast Area Specific Plan, and considered the Planning Commission's recommendation and determined that the CEQA Exemption is appropriate and, using their independent judgment, endorses same; and

**WHEREAS**, the CEQA Exemption is available and on file in the City Clerk's Office of the City of Galt; and,

**WHEREAS**, the Northeast Area Specific Plan Amendment will edit some minor explanatory text and then delete excerpts of the Galt Zoning Ordinance as shown on Exhibit A attached hereto; and

**WHEREAS**, the Northeast Area Specific Plan Amendment is consistent with the City of Galt 2030 General Plan and Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the City Council of the City of Galt as follows:

A. C.E.Q.A. Compliance: The City Council hereby finds and declares that the proposed amendment will have no significant impact on the environment and a Notice of Exemption will be filed, in compliance with California Environmental Quality Act (C.E.Q.A.).

**BE IT FURTHER RESOLVED**, by the City Council of the City of Galt, California, that the Northeast Area Specific Plan is hereby amended as shown on Exhibit A attached hereto.

The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the City Council of the City of Galt, California, this 7th day of \_\_\_\_\_ July, 2009, upon motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, by the following vote, to wit:

<b>AYES:</b>	Councilmembers:
<b>NOES:</b>	Councilmembers:
<b>ABSTAIN:</b>	Councilmembers:
<b>ABSENT:</b>	Councilmembers:

\_\_\_\_\_  
MAYOR, City of Galt

ATTEST:

\_\_\_\_\_  
City Clerk, City of Galt

**EXHIBIT A**  
**(1 of 2 pages)**

Page 30 of the Northeast Area Specific Plan shall be amended to read as shown on the next page of this two page exhibit with new text shown in underline font and text deletions indicated in ~~strikeout~~ font. These editing marks are for ease of review only in this exhibit. The underlining and strikeout fonts shall be removed in the final text.

All text on Pages 31 through 41 of the Northeast Area Specific Plan (Excerpts from the Galt Zoning Ordinance) is hereby repealed in its entirety.

On Page 42 of the Northeast Area Specific Plan, footnotes 8 through and including 14 are hereby repealed in their entirety.

All pages after Page 30 are hereby renumbered to reflect the new chronology.

*Exhibit A (2 of 2 pages)*

*Northeast Area Specific Plan Page 30 as revised with editing notations shown*

## **RESIDENTIAL**

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### **Purpose and General Plan Implementation**

The following Residential designations have been created to allow the range of housing types and densities needed in the Specific Plan area consistent with the General Plan.

#### **LOW DENSITY**

##### **SINGLE-FAMILY RESIDENTIAL (R-1-A SP)**

---

**Purpose:** to allow for single family homes on rural-suburban size lots (approximately 3.0 dwelling units/gross acre).

**Implements:** General Plan Low Density designation.

#### **INTERMEDIATE DENSITY**

##### **SINGLE-FAMILY RESIDENTIAL (R-1-B SP)**

---

**Purpose:** to allow for single family homes on suburban size lots (approximately 3.6 dwelling units/gross acre).

**Implements:** General Plan Low Density designation.

#### **MEDIUM DENSITY**

##### **SINGLE-FAMILY RESIDENTIAL (R-1-C SP)**

---

**Purpose:** to allow for single family homes on modest size lots approximately 4.3 dwelling units/gross acre.)

**Implements:** General Plan Low Density designation.

#### **MEDIUM DENSITY**

##### **RESIDENTIAL (R-2 SP)**

---

**Purpose:** to designate areas for single-family, duplex and other medium density multi-family residential uses (no greater than 6 dwelling units per gross acre). While single-family houses and duplexes typify this designation other innovative housing techniques, including clustered housing, zero-lot-line developments, and condominiums are permitted when combined with the (PD) Planned Development District.

**Implements:** General Plan Medium Density designation.

##### **MULTIPLE-FAMILY RESIDENTIAL (R-3 SP)**

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**Purpose:** The Multiple-Family designation provides for the highest range of residential densities allowed in the Specific Plan area. The maximum allowed net density of 18 units per acre and an average of 12 units per gross acre is intended to allow housing compatible with single-family development and with the suburban character envisioned for the Specific Plan area.

**Implements:** General Plan High Density designation.

### **Permitted Uses and Development Standards**

~~Uses listed in the table on the following pages shall be allowable in one or more of the residential designations as indicated in the columns beneath each residential designation heading. Where indicated with the letter "P", the use shall be a permitted use. Where indicated with the letter "C", the use shall be a conditional use subject to a Conditional Use Permit. This section shall not be construed to supersede more restrictive use regulations contained in the Conditions, Covenants and Restrictions of any property or dwelling units. However, in no case shall uses be permitted beyond those allowable in this section.~~

The Galt Zoning Code, as amended from time to time, identifies the use types that are permitted "P", conditionally permitted "C" for (Conditional Use Permit) or "M" for (Minor Use Permit), and not permitted "N" in the aforementioned residential designations. Readers should refer to Chapter 18.16 of the Galt Municipal Code for use regulations and Chapter 18.20 of the Galt Municipal Code for development standards.

**ORDINANCE NO. 2009-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALT,  
CALIFORNIA, TO AMEND THE TEXT OF THE GALT ZONING ORDINANCE  
(GALT MUNICIPAL CODE TITLE 18)  
TO DEFINE THE TERM “MEDICAL MARIJUANA DISPENSARY”  
AND TO PROHIBIT THAT USE TYPE IN ALL ZONING DISTRICTS  
WITHIN THE CITY LIMITS**

**THE CITY COUNCIL OF THE CITY OF GALT HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. FINDINGS**

- A. On April 27, 2009 the City Council adopted Interim Urgency Ordinance No. 2009-06 prohibiting the establishment and operation of medical marijuana dispensaries within the City of Galt until May 20, 2009, pursuant to California Government Code Section 65858 and including all required legislative findings.
- B. California Government Code Section 65858(a) provides that after notice pursuant to Section 65090 and a public hearing the legislative body may extend an interim urgency ordinance for ten (10) months and fifteen (15) days and subsequently for one year upon a four-fifths vote of the City Council.
- C. California Government Code Section 65858(c) provides that the legislative body shall not extend any interim urgency ordinance unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety or welfare.
- D. As fully outlined in Ordinance No. 2009-06, incorporated by reference herein, there have been significant recent changes in the enforcement of federal laws prohibiting possession and distribution of medical marijuana. Significantly, in March 2009, the United States Attorney General stated that the federal government will only target marijuana distributors that violate both federal and state law. The federal policy shift away from enforcement of the Controlled Substances Act has lead to increased concerns among members of the community that there will be renewed interest in the establishment and operation of medical marijuana dispensaries within the City.
- E. Notice of a public hearing on the extension of Ordinance No. 2009-06 was published in the *Galt Herald* accordance with Government Code Sections 65090 and 65858(a).
- F. In accordance with California Government Code Section 65858(a), a public hearing was held on May 19, 2009 and the City Council extended Ordinance No. 2009-06 for ten months and fifteen days or until the City adopts a permanent ordinance addressing Medical Marijuana Dispensaries, whichever occurs first.
- G. The Galt Municipal Code does not currently directly provide for the regulation of medical marijuana dispensaries. In order to address community concerns regarding the establishment of medical marijuana dispensaries, it is necessary for the City of Galt to establish regulations to address the potential impact such facilities may have on the public health, safety and welfare.
- H. The purpose of this Ordinance is to protect the public safety, health and welfare from a current and

**ORDINANCE NO. 2009-\_\_\_\_**  
**PAGE 2 OF 4**

immediate threat posed by the issuance of a permit, license or entitlement for the establishment and operation of medical marijuana dispensaries in the City.

- I. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws.

**SECTION 2. THE GALT ZONING ORDINANCE (GALT MUNICIPAL CODE TITLE 18) IS HEREBY AMENDED AS FOLLOWS:**

- A. Section 18.16.030, Table 18.16-1 “Permitted and conditionally permitted uses” is hereby amended to add the use type “Medical Marijuana Dispensary” to the land use matrix under the heading “Commercial Uses” and subheading “Services” and to designate it as Not Permitted “N” in all zoning districts as shown on Exhibit A attached hereto and made a part of this Ordinance.
- B. Section 18.92.030 “List of terms defined” is hereby amended to include the term “Medical Marijuana Dispensary” in the alphabetical list of terms defined as shown on Exhibit B attached hereto and made a part of this Ordinance.
- C. Section 18.92.040 is hereby amended to include a definition for “Medical Marijuana Dispensary” as shown on Exhibit C attached hereto and made a part of this Ordinance. For purposes of this ordinance, “medical marijuana dispensary” means (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver in strict accordance with California Health and Safety Code Section 11362.5 *et seq.*, or (2) any facility, building, structure or location where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to cultivate or distribute marijuana for medical purposes. The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in California Health and Safety Code Section 11362.5 *et seq.*

For purposes of this ordinance, a “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses are otherwise regulated by applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code Section 11362.5 *et seq.*

**SECTION 3. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The zoning ordinance text amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (General Rule exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment) of the CEQA

**ORDINANCE NO. 2009-\_\_\_\_**  
**PAGE 3 OF 4**

Guidelines, California Code of Regulations, Title 14, Chapter 3.

There are currently no legal medical marijuana dispensaries located in the City of Galt, and this project would ensure that there would be no such facilities in the future. Therefore, there would be no change in existing conditions resulting from this proposal, and no impacts on the environment.

**SECTION 4. NO MANDATORY DUTY OF CARE.** This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 5. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of the ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective thirty (30) days after its final passage and adoption.

**SECTION 7. PUBLICATION.** Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published and posted in accordance with section 36933(c)(1) of the California Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Galt, the 7th day of July, 2009, and by unanimous vote of the Council members present, further reading was waived.

On a motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing ordinance was duly passed and adopted by the City Council of the City of Galt at a regular meeting thereof held on this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote, to wit:

AYES: Council members:  
NOES: Council members:  
ABSTAIN: Council members:  
ABSENT: Council members:

\_\_\_\_\_  
**MAYOR**, City of Galt

ATTEST:

\_\_\_\_\_  
**CITY CLERK**, City of Galt

**CERTIFICATION STATEMENT**

I, Elizabeth Aguire, City Clerk of the City of Galt, do hereby certify that the foregoing ordinance is a true and correct copy of Ordinance No. 2009-\_\_\_\_\_, passed by the City Council on the day and year set forth

**ORDINANCE NO. 2009-\_\_\_\_**  
**PAGE 4 OF 4**

above, and published pursuant to law.

---

Elizabeth Aguire, City Clerk

Exhibit A  
 Excerpt from Galt Municipal Code Section 18.16.030, Table 18.16-1  
 (Adding Use Type of Medical Marijuana Dispensary)

galt code

USE TYPE	SPECIAL			RESIDENTIAL						COMMERCIAL				INDUSTRIAL	
	OS	PQ	RA	R1			R2	R3	C	HC	NC	OP	LM1	M	
				A	B	C									
Services															
Laboratory, Testing Or Classification Including Agricultural Services	N	N	N	N	N	N	N	N	N	P	P	N	P <sup>II</sup>	P	
Laundry, Dry Cleaning, Tailoring, Shoe Repair	N	N	N	N	N	N	N	N	N	P	P	P	M	M	
Medical Services, Including Clinics, Physical Therapy (Less Than 10,000 S.F. Floor Area)	N	P	N	N	N	N	N	N	N	N	P	P	P	N	
Medical Services (other than a hospital), including clinics and physical therapy (10,000 S.F. or larger)	N	P	N	N	N	N	N	N	N	C	P	N	C	N	
Drug Treatment Clinic <sup>17</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	C	
Medical Marijuana Dispensary	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Mini-Storage <sup>8</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	P	
Mortuary	N	C	N	N	N	N	N	N	N	C	C	N	N	M	
Photography/Art Studio, Photographic Processing Or Supply, And Picture Framing	N	N	N	N	N	N	N	N	N	P	P	P	P	P	
Printing, Publishing, Cartography, Lithography, Or Blue-Printing	N	N	N	N	N	N	N	N	N	P	P	M	P	P	
Call Center or Telemarketing Facility	N	N	N	N	N	N	N	N	N	N	N	C	C	N	
Beauty Salon/Barber including incidental massage therapy	N	N	N	N	N	N	N	N	N	P	P	P	P	M	
Taxidermist	N	N	N	N	N	N	N	N	N	P	P	C	N	P	
Veterinary services/Animal Care Facility excluding outdoor Kennel	N	N	M	N	N	N	N	N	N	P	P	M	P	P	
Veterinary services/Animal Care Facility including outdoor Kennel	N	N	C	N	N	N	N	N	N	C	C	N	N	C	
<b>INDUSTRIAL USES</b>															
<b>Agricultural and Food Industries</b>															
Bakery, wholesale	N	N	N	N	N	N	N	N	N	C	C	N	N	P	
Brewery, distillery	N	N	N	N	N	N	N	N	N	C	C	N	N	C	

EXHIBIT A



## Exhibit B

### Excerpt from Galt Municipal Code Section 18.92.030 (Adding “Medical Marijuana Dispensary to list of terms defined)

#### Section 18.92.030 List of terms defined.

Abandoned sign	Council	Incidental sign
Accessory structure	County	Integrated development
Accessory use	Covered parking	Interior sign
Adult bookstore	Curbside collection	Junk
Adult entertainment center	Day care center	Junkyard
Adult live entertainment center	Day care home	Kennel
Alley	Design	Landscaped freeway
Amusement enterprise, indoor	Developed area	Lot
Amusement enterprise, outdoor	Development project	Lot, interior
Animal, domestic	Directory sign	Lot, through
Animal, non-domestic	Discount store	Lot, reversed corner
Animal care facility	Discount superstore	Lot area
Animated sign	Discount superstore, large-format	Lot area, net
Arterial street	Discount warehouse/club	Lot coverage
Automobile repair garage	Downtown Revitalization and Historic Preservation Specific Plan	Lot line
Automobile wrecking	Drug treatment clinic	Lot line, front
Awning sign	Duplex	Lot line, rear
Bakery, retail	Emergency shelter	Lot line, side
Bakery, wholesale	Enclosed	Lot width
Banner	Engineer, City	Lounge, cocktail
Barber poles	Equipment rental yard	Manufactured home
Beacon	Family	Marquee
Bed and breakfast	Farmers market	Marquee sign
Billboard	Fence	Massage Parlor
Brewery, Micro	Flag	Medical office/services
Building	Flashing sign	Medical Marijuana Dispensary
Building height	Freestanding sign	Mini storage
Building marker	Frontage	Mobilehome
Building official	Galt Landscape Manual	Mobile food vending/ preparation unit
Building sign	Garage Sale	Mobilehome park
Campground	Garage, two-car	Monument sign
Canopy sign	Gas station price sign	Multiple-family dwelling
Care providers, Residential	General plan	Mural
Cemetery	Governmental or other signs required by law	Nonconforming building
Change of copy	Grocery store/supermarket	Nonconforming lot
Changeable copy sign	Gross acre	Nonconforming sign
City	Group care facility	Nonconforming use
Club	Guest ranch	Non-taxable merchandise
Code compliance officer	Guest room	Nursery, landscape
Cold storage	Halfplex	Northeast Area Specific Plan
Commencement of development	Hazardous Materials	Pennant, pole
Commercial coach	Holiday decorations	Pennant, string
Commercial message	Home occupation	Permanent sign
Community garden	Hospital	Person
Condominium	Hotel/motel	Place of worship
Construction or contractor sign	Household pet	Planning commission
Convalescent facility	Identification sign	Planning director
Convenience store	Illuminated sign	Pole sign
		Portable sign
		Pre-zoning

## Exhibit C

### Excerpt from Galt Municipal Code Section 18.92.040 (Adding Medical Marijuana Dispensary Definition)

**Manufactured home:** A manufactured home is a complete single-family home deliverable in one or more transportable sections, and constructed to the standards established by the U.S. Department of Housing and Urban Development (HUD). A manufactured home is not the same as a recreational vehicle or commercial coach which may look similar from the exterior.

**Marquee:** A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Marquee sign:** A sign attached to, or made a part of, a marquee.

**Massage Parlor:** A building or portion thereof or a place where massage is administered for compensation or from which a massage business or service for compensation is operated, provided, however, that a health spa or reducing salon is not a massage parlor. As used herein, "massage" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external surfaces of the body with the hands, or with the aid of any mechanical, electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Therapeutic massage administered in a medical office, hospital complex, medical care facility, beauty salon or health club/fitness center as an incidental service or as a home occupation shall not be deemed to render such office, complex, or facility a massage parlor within the meaning of this title.

**Medical Marijuana Dispensary:** (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver in strict accordance with California Health and Safety Code Section 11362.5 *et seq.*, or (2) any facility, building, structure or location where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to cultivate or distribute marijuana for medical purposes. The terms "primary caregiver," "qualified patient," and "person with an identification card" shall be as defined in California Health and Safety Code Section 11362.5 *et seq.* For purposes of this ordinance, a "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code Section 11362.5 *et seq.*

**Medical office/services:** A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services, primarily on an out-patient basis, by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California, but not including a drug treatment clinic.



CITY OF GALT

POLICE DEPARTMENT

Loren Cattolico, Chief of Police  
Industrial Drive X Galt, CA 95632

Office: 209.366.7000 455  
Fax: 209.366.7093

---

To: Ted Anderson, City Manager  
From: Loren Cattolico, Chief of Police  
Re: Marijuana Dispensaries

In preparation for the City Council's decision regarding whether to allow marijuana dispensaries in Galt, I have prepared the following analysis for Council consideration. The analysis includes excerpts on state and federal law from the California Police Chiefs Association's Task Force on Marijuana Dispensaries white paper on marijuana dispensaries. A copy of the white paper in its entirety was provided to Council members at the April 27, 2009 special meeting. The analysis also includes information about the experiences of several California cities with regard to the establishment of medical marijuana dispensaries within their jurisdictions.

**I. State and Federal Law: Excerpts from the California Police Chiefs Association White Paper on Medical Marijuana Dispensaries**

Proposition 215, an initiative authorizing the limited possession, cultivation, and use of marijuana by patients and their care providers for certain medicinal purposes recommended by a physician without subjecting such persons to criminal punishment, was passed by California voters in 1996. This was supplemented by the California State Legislature's enactment in 2003 of the Medical Marijuana Program Act (SB 420) that became effective in 2004. The language of Proposition 215 was codified in California as the Compassionate Use Act, which added section 11362.5 to the California Health & Safety Code. Much later, the language of Senate Bill 420 became the Medical Marijuana Program Act (MMPA), and was added to the California Health & Safety Code as section 11362.7 *et seq.* Among other requirements, it purports to direct all California counties to set up and administer a voluntary identification card system for medical marijuana users and their caregivers. Some counties have already complied with the mandatory provisions of the MMPA, and others have challenged provisions of the Act or are awaiting outcomes of other counties' legal challenges to it before taking affirmative steps to follow all of its dictates. And, with respect to marijuana dispensaries, the reaction of counties and municipalities to these nascent businesses has been decidedly mixed. Some have issued permits for such enterprises. Others have refused to do so within their jurisdictions. Still others have conditioned permitting such operations on the condition that they not violate any state or federal law, or have reversed course after initially allowing such activities within their geographical borders by either limiting or refusing to allow any further dispensaries to open in their community.

**California Law**

Although California law generally prohibits the cultivation, possession, transportation, sale, or other transfer of marijuana from one person to another, since late 1996 after passage of an initiative (Proposition 215) later codified as the Compassionate Use Act, it has provided a limited affirmative defense to criminal prosecution for those who cultivate, possess, or use limited

amounts of marijuana for medicinal purposes as qualified patients with a physician's recommendation or their designated primary caregiver or cooperative. Notwithstanding these limited exceptions to criminal culpability, California law is notably silent on any such available defense for a storefront marijuana dispensary, and California Attorney General Edmund G. Brown, Jr. has recently issued guidelines that generally find marijuana dispensaries to be unprotected and illegal drug-trafficking enterprises except in the rare instance that one can qualify as a true cooperative under California law. A primary caregiver must consistently and regularly assume responsibility for the housing, health, or safety of an authorized medical marijuana user, and nowhere does California law authorize cultivating or providing marijuana—medical or non-medical—for profit.

California's Medical Marijuana Program Act (Senate Bill 420) provides further guidelines for mandated county programs for the issuance of identification cards to authorized medical marijuana users on a voluntary basis, for the chief purpose of giving them a means of certification to show law enforcement officers if such persons are investigated for an offense involving marijuana. This system is currently under challenge by the Counties of San Bernardino and San Diego and Sheriff Gary Penrod, pending a decision on review by the U.S. Supreme Court, as is California's right to permit any legal use of marijuana in light of federal law that totally prohibits any personal cultivation, possession, sale, transportation, or use of this substance whatsoever, whether for medical or non-medical purposes.

### **Federal Law**

Except for very limited and authorized research purposes, federal law through the Controlled Substances Act absolutely prohibits the use of marijuana for any legal purpose, and classifies it as a banned Schedule I drug. It cannot be legally prescribed as medicine by a physician. And, the federal regulation supersedes any state regulation, so that under federal law California medical marijuana statutes do not provide a legal defense for cultivating or possessing marijuana—even with a physician's recommendation for medical use.

[See, *White Paper on Marijuana Dispensaries*, California Police Chiefs Association Task Force on Marijuana Dispensaries (2009) iv-v.]

### **Legal Issues Under California Law with Dispensaries**

Primary Care Giver as defined in California Law:

A primary caregiver is an individual who has “consistently assumed responsibility for the housing, health, or safety of a patient”. See Health & Safety Code § 11362.5(e). The statutory definition includes some clinics, health care facilities, residential care facilities, and hospices. If more than one patient designates the same person as the primary caregiver, all individuals must reside in the same city or county. In most circumstances the primary caregiver must be at least 18 years of age.

It is important to note that it is almost impossible for a store-front medical marijuana business to gain true primary caregiver status. Businesses that call themselves “cooperatives”, but function like store-front dispensaries, suffer this same fate. In *People v. Mower*, the court was very clear that the defendant had to prove he was a primary caregiver in order to raise the medical marijuana affirmative defense. Mr. Mower was prosecuted for supplying two people with marijuana. He claimed he was their primary caregiver under the medical marijuana statutes. This claim required

him to prove he “consistently had assumed responsibility for one’s housing, health, or safety” before he could assert the defense.

The key to being a primary caregiver is not simply that medical marijuana is provided for a patient’s health: the responsibility for the health must be consistent. Any relationship a store-front medical marijuana business has with a patient is more likely to be transitory than consistent. A patient can go to any dispensary he chooses. He can even visit different ones on a single day or any subsequent day. Courts have found that a patient’s act of signing a piece of paper declaring that someone is a primary caregiver does not necessarily make them one. The relationship between patient and primary caregiver must be consistent over time. Any business that cannot prove its relationship with the patient meeting these requirements is not a primary caregiver. Functionally, the business is a drug dealer and is subject to prosecution as such.

[See, *White Paper on Marijuana Dispensaries*, California Police Chiefs Association Task Force on Marijuana Dispensaries (2009) 4.]

### **Storefront Medical Marijuana Dispensaries and Cooperatives:**

Since the passage of the Compassionate Use Act of 1996, many store-front medical marijuana businesses have opened in the state. Some are referred to as dispensaries, some as cooperatives; but it is how they operate that removes them from any umbrella of legal protection. These facilities operate as if they are pharmacies. Most offer different types and grades of marijuana. Some offer baked goods that contain marijuana. Monetary donations are collected from the patient or primary caregiver when marijuana or food items are received. The items are not technically sold since that would be a criminal violation of the statutes. These facilities are able to operate because they apply for and receive business licenses from cities.

Federally, all existing store-front medical marijuana businesses are subject to search and closure since they violate federal law. Their mere existence violates federal law. Consequently, they have no right to exist or operate, and arguably counties in California have no authority to sanction them.

Similarly, in California there is no apparent authority for the existence of these store-front medical marijuana businesses. The Medical Marijuana Program Act of 2004 allows *patients* and *primary caregivers* to grow and cultivate marijuana, no one else. Although Health and Safety Code section 11362.775 offers some state legal protection for true collectives and cooperatives, no parallel protection exists in the statute for any store-front business providing any narcotic.

The common dictionary definition of collectives is that they are organizations jointly managed by those using its facilities or services. Legally recognized cooperatives generally possess “the following features: control and ownership of each member is substantially equal; members are limited to those who will avail themselves of the services furnished by the association; transfer of ownership interests is prohibited or limited; *capital investment receives either no return or a limited return*; economic benefits pass to the members on a substantially equal basis or on the basis of their patronage of the association; members are not personally liable for obligations of the association in the absence of a direct undertaking or authorization by them; death, bankruptcy or withdrawal of one or more members does not terminate the association; and the services of the association are furnished primarily for the use of the members.” Medical marijuana businesses, of any kind, do not meet this legal definition.

Actual medical dispensaries are commonly defined as offices in hospitals, schools, or other institutions from which medical supplies, preparations, and treatments are dispensed. Hospitals, hospices, home health care agencies, and the like, are specifically included in the code as primary caregivers as long as they have “consistently assumed responsibility for the housing, health, or safety” of a patient. Clearly, it is doubtful that any of the store-front medical marijuana businesses currently existing in California can claim that status. Consequently, they are not primary caregivers and are subject to prosecution under both California and federal laws.

[See, *White Paper on Marijuana Dispensaries*, California Police Chiefs Association Task Force on Marijuana Dispensaries (2009) 6.]

## II. Other California Cities Experiences with Medical Marijuana Storefronts

The following examples are among those listed on the California Police Chiefs Association website.

### SACRAMENTO

Medical Marijuana Dispensary Robbed In Sac 4/28/09  
Reporting

**Laura Cole** SACRAMENTO (CBS13) —

A medical marijuana dispensary was robbed of money and drugs on Tuesday evening, according to authorities. Green Solutions, a dispensary on Broadway, was robbed by two violent suspects who allegedly pistol-whipped one of the employees. They were granted access to the dispensary after saying they were trying to buy medical marijuana for their patients, and after a customer inside the store vouched for them, they were let inside. The two men snatched a large amount of cash and marijuana and fled the scene. Police are reviewing surveillance footage to try to find suspects, and are questioning the customer who vouched for the two robbers. The man who was assaulted was reportedly not seriously injured.

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### ANAHEIM

- May 19, 2004 a medical marijuana dispensary “420 Primary Caregivers” obtained a business license and began operations. Fall 2004, The Police Department began to receive complaints from neighboring businesses in the complex. The complaints centered around the ongoing sales of marijuana to subjects who did not appear to be physically ill, the smell of marijuana inside the ventilation system off the building and the repeated interruption to neighboring businesses.
- January 2005, The medical marijuana dispensary was robbed at gunpoint by three masked subjects who took both money and marijuana from the business.
- April 5, 2005, The Department met with the property management company, owners and representatives from the businesses in the complex which housed the medical marijuana dispensary. The meeting focused on the safety of the employees and patrons of adjacent businesses. Many neighboring businesses complained of marijuana use on the premises and in the surrounding area as well as a loss of business based on the clientele of the medical

marijuana dispensary “hanging around the area”. Since this meeting, two businesses have ended their lease with the property management company. A law firm that had been in that location for ten years left citing “Marijuana smoke had inundated their office....and they can no longer continue to provide a safe, professional location for their clientele and employees.” A health oriented business terminated their lease after six years and moved out of the complex citing “their business is repeatedly interrupted and mistaken multiple times a day for “the store that has the marijuana.” The owner fears that “he or his employees may be shot if they are robbed by mistake and the suspects do not believe they do not have Marijuana.” The property management company indicated “at least five other businesses have inquired about terminating their lease for reasons related to 420 Primary Caregivers.” Arrests have been made supporting the belief that some “qualifying patients” purchase Marijuana with a doctor’s recommendation, then supply it to their friends for illicit use.

### **CHERRYLAND**

Cherryland, CA June 30, 2005 -- An employee of a marijuana dispensary narrowly escaped with his life after a gunman opened fire as he waited outside the establishment for co-workers to arrive. The employee, whom authorities declined to identify, was sitting inside his car in the rear parking lot of the Collective Cannabis Club at 21222 Mission Boulevard on Tuesday morning when a masked gunman appeared, said Lt. Dale Amaral, spokesman for the Alameda County Sheriff’s Department. (Source [http://www.hempevolution.org/media/santa\\_cruz\\_sentinel/scs041213.htm](http://www.hempevolution.org/media/santa_cruz_sentinel/scs041213.htm))

### **CLEAR LAKE**

There have been a few reported robberies of medical marijuana patients away from the dispensaries. One significant case involved home invasion robbery. Multiple suspects entered the home of a person who was known to be a medical marijuana user. During the robbery, one resident was beaten with a baseball bat while the suspects made inquiries regarding the location of the marijuana. Two of the suspects were shot and killed by the homeowner. (Source Clear Lake P.D. Inv. Clawson)

### **CLOVIS**

In December of 2005, the Clovis Police Department in conjunction with the Fresno County Sheriff’s Department conducted an investigation which resulted in the arrest of a subject for possession of 120 pounds of marijuana. The subject of the investigation was found to have a medical marijuana card which helped facilitate his possession and sales of marijuana. (source [www.ci.clovis.ca.us/PressReleaseDetail.asp?ID=838](http://www.ci.clovis.ca.us/PressReleaseDetail.asp?ID=838))

### **DAVIS**

(Excerpt from Staff Report to Davis City Council: Medical Marijuana June 13, 2005) In summary, the experiences of other cities that already have dispensaries are bad. Dispensaries have experienced robberies themselves; legitimate patients have been robbed of their marijuana as they leave the facility; people purchasing marijuana at the dispensaries have been caught reselling the marijuana nearby; street level dealers have begun selling marijuana and other drugs nearby in an effort to undersell the dispensary; some dispensaries have doctors present in their facility who will recommend marijuana as a course of treatment for just about any patient complaint; and many dispensaries do not take serious steps to ensure they are selling only to

legitimate patients or their caregivers. When asked, many of the police departments that already have facilities in their cities said that if Davis did not already have a dispensary, we should take steps to prohibit one from opening in the city.

### **EL DORADO COUNTY**

A medical marijuana dispensary operated medical marijuana clinic in Cool, California with 6000 patients; DEA raided September 28, 2001; seized patient records. Indicted June 22, 2005 for marijuana found on premises. (Source <http://www.canorml.org/news/fedmmjcases.html>)

### **FAIRFAX**

- Chief of Police Ken Hughes, advised the following:
- Fairfax has one marijuana dispensary
- Fairfax has had some problems with patients selling to non-patients
- They have had problems with purchasers from dispensary congregating at a baseball field to smoke their marijuana
- Fairfax police arrested one person who purchased marijuana at the dispensary and then took it to a nearby park where he tried to trade it to a minor for sex
- Very small town and low crime rate

### **HAYWARD P.D.**

- Acting Chief Lloyd Lowe, advises the following:
- Hayward has three dispensaries total, two legal under local ordinance and one illegal.
- They have had robberies outside the dispensaries
- They have noticed more and more people hanging around the park next to one of the dispensaries and learned that they were users in between purchases
- They have problems with user recommendation cards – not uniform, anyone can get them
- One illegal dispensary sold coffee, marijuana and hashish – DA would prosecute the hashish sales and possession violations after arrests were made
- They have received complaints that other illegal drugs are being sold inside of dispensaries
- The dispensaries are purchasing marijuana from growers that they will not disclose
- Chief Lowe believes that the dispensaries do not report problems or illicit drug dealers around their establishments because they do not want the police around
- Hayward Police arrested a parolee attempting to sell three pounds of marijuana to one of the dispensaries
- Hayward has recently passed an ordinance that will make marijuana dispensaries illegal under zoning law in 2006

### **HUMBOLDT COUNTY**

One subject arrested in Humboldt County Aug 1, 2001 growing 204 plants for the Salmon Creek patients' collective; case turned over to the feds, pled guilty December 6; sentenced to 15 months for possession. Released from prison May 2003. Meanwhile, in a separate case, this subject won a landmark [federal lawsuit](#) for return of one ounce of pot seized by the DEA at the request of the Humboldt sheriff after the latter was ordered to return under Prop. 215. This subject is now

missing and presumed dead since Aug 2003; police suspect foul play. (Source <http://www.canorml.org/news/fedmmjcases.html>)

## **RECOMMENDATION**

Although we should all have compassion for those in our community who have severe illnesses, it is clear by reading the historical data that California's enactment of Prop 215 has been by all accounts a morass of confusing and contradicting laws. By allowing "legislature by ballot", the State did not take into consideration the necessities of implementation and proper safeguards required to make this law something other than a thinly veiled attempt for individuals to have a legal option to possess marijuana. With the recent comments from the new United States Attorney General, indicating that marijuana prosecutions will not be a federal priority, those same individuals are attempting to further complicate an already out of control situation by attempting to legalize the sale of marijuana under the guise of medical dispensaries. It seems to be abundantly clear that storefront medical marijuana sites have been unable to meet the State of California's legal definition as primary caregivers. From a community safety standpoint I can see no benefit in allowing a marijuana dispensary to operate a storefront dispensary/cooperative in Galt. Based upon the experiences of some other Cities in California the peripheral results have been very problematic. Not only are the storefronts prone to robbery and theft, but so too are the patrons. Neighboring businesses have reportedly also been adversely affected in many instances. As the Chief of Police who recently publicly asked our community for support of a sales tax measure to fight gangs and drugs, I cannot in good conscience support an ordinance that could send mixed messages regarding drug use to our citizens. The anecdotal evidence seems clear that marijuana dispensaries are magnets for crime. In Galt we have no such reported issues of crime relating to those who possess or grow their own medicinal marijuana at home as allowed by State law. It appears reasonable to me that the current law allows for individuals who have medical marijuana cards from their physician to obtain and possess marijuana already, and that those individuals will lose nothing by Galt not allowing a storefront operation. It is my opinion that prohibiting such storefront operations will be in the best interest of the community.

**Kiriu, Sandy**

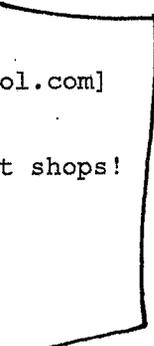
**From:** Aguire, Elizabeth  
**Sent:** Thursday, May 21, 2009 12:51 PM  
**To:** Kiriu, Sandy  
**Subject:** FW: More California cities to vote on pot shops!

Liz  
Elizabeth Aguire, MMC  
City Clerk/PIO  
City of Galt  
380 Civic Drive  
Galt, CA 95632  
(209) 366-7130  
Fax: (209) 745-3373  
clerk@ci.galt.ca.us

-----Original Message-----

From: Francine McDermott [mailto:dnlawgator@aol.com]  
Sent: Sunday, May 03, 2009 11:23 AM  
To: Aguire, Elizabeth  
Subject: More California cities to vote on pot shops!

Francine McDermott  
2761 Fairway Dr  
Blythe, CA 92225-9517



May 3, 2009

Galt  
380 Civic Drive  
PO Box 97  
Galt, CA 95632

Dear Galt:

It is my understanding that you will soon vote to determine whether to allow marijuana shops to exist in within city boundaries. I am writing to encourage that you vote "No" on any item that could potentially escalate the use and possession of drugs in this community.

Neighborhoods where the pro-drug lobby has been successful implementing such pot shops have seen in increase in crime and a decrease of beauty. One need to only look to Los Angeles and San Francisco to see the affects these "nonprofit" dispensaries have had on their communities. Recently the Fox News O'Reilly Factor reported to a national broadcast that there are now more pot shops on the streets of San Francisco and West L.A. than Starbucks.

Within the last two-years over a dozen surrounding cities have taken up these same issues and voted them down nearly 100%! This speaks volumes about what happens when communities see through the smokescreen and are enlightened as to what pot shops really bring their communities-more illegal drug use, more crimes, and more of our youth being sold marijuana (and sometimes other drugs) from a so-called medical marijuana patient.

Before you vote, I ask that you carefully consider the following and make the best decision for the residents of this city by voting "NO" on pot shops:

Marijuana Dispensaries are in violation of federal law.

Law enforcement is struggling to keep up with the increase of crime that is associated with the influx of the dispensaries.

Marijuana is an illegal drug with no scientifically recognized medical efficacy in its smoked form.

The highest percentage of individuals smoking marijuana as a so-called medicine in California is 18-25 year old males. But even more troubling is that 12% of the users are under 21!

In cities like San Diego where the issue has been closely examined, only 2% of those smoking marijuana under the guise of medicine have serious conditions such as AIDS, glaucoma and cancer. A full 98% are "treating" more minor conditions such as back and neck pain, anxiety, muscle spasms, insomnia, headaches and other insignificant conditions.

Please take the time to also read the below article.

**MEDICAL MARIJUANA IS BAD FOR OUR COMMUNITIES** A native of Southern California, Kevin A. Sabet, Ph.D., is an Advisor to the Inland Valley Drug Free Community Coalition ([www.ivdfc.org](http://www.ivdfc.org)) and has been researching and consulting on drug abuse matters for over fourteen years. A Marshall Scholar, he is a former Office of National Drug Control Policy senior official under the Clinton and Bush Administrations, and is currently working on a book analyzing drug policy.

By Kevin A. Sabet, Ph.D.

RIVERSIDE / SAN BERNARDINO COUNTY, CA - May 21, 2008 - With all of the talk about medical marijuana dispensaries in California, it is hard to separate truth and science from ideology and dogma. In recent years, marijuana activists in the state have donned white coats and exclaimed a new found concern for the seriously ill, while legislators and judges have been left to wrestle with the consequences of a poorly written referendum, Proposition 215.

Unfortunately, Proposition 215 has nothing to do with the sick and dying, as a simple read of its text reveals that marijuana can be legally recommended for "any illness for which marijuana provides relief." This has led to a multi-million dollar, state sanctioned drug distribution industry, resulting in a substantial increase in medical fraud (the drug has been recommended for everything from hangnails to fatigue to reduced sex drive), "medical marijuana" use by minors, and increased local crime.

That is why scores of California localities, like the northern cities of San Pablo, San Rafael, Concord, Dublin, Fremont, Livermore, Newark, Pleasanton, and the southern cities of San Diego, San Marcos, Anaheim, Oxnard, Rancho Cucamonga, Norco, Hemet, Fontana, Murrieta, Temecula, Colton, Chino (among others), and after thoroughly studying the issue, have come out with a ban on such dispensaries. They should be commended.

A recent article in the Los Angeles Times, "This bud's for you, and you, and you" by Joel Stein and a 2007 expose by 60 Minutes have revealed just how easy it is to obtain marijuana - "sick" or not. So it is also not surprising that the Food and Drug Administration, American Medical Association, and the renowned Mayo Clinic have come out against smoked marijuana as a so-called "medicine." A landmark study almost ten years ago, conducted by the Institute of Medicine, stated that "...smoked marijuana should generally not be recommended for...medical use." Smoked marijuana (smoked anything) has never passed basic medical standards of safety and efficacy. Medical marijuana dispensaries mask as havens for the sick, when in reality they serve as city condoned centers for drug use.

Of course there may be some people who genuinely use it to "feel better" from their illness, but smoking a drug as volatile and unstable as marijuana is like chewing on willow bark to partake in the benefits of aspirin. For those whose doctors think that some components of the cannabis plant may be therapeutic, Marinol, derived from the plant's most active ingredient, THC, already exists. Though it's not often prescribed, doctors have the right to prescribe this drug if they feel it would best serve their

PC 34

patient (though non-cannabis based drugs are almost always chosen as a first resort).

Other isolated components in marijuana - delivered in aerosol sprays or patches - are currently being studied and research in this area is important. Cannabis-based drugs could indeed open new pathways to fight obesity, nausea, multiple sclerosis, and other illnesses, but, just as someone should not inject heroin to gain the therapeutic effects of morphine, these drugs need to be used in the proper context and setting.

Legalizing smoked marijuana under the guise of medicine is irresponsible and contradictory to basic scientific standards for therapeutic drugs.

Even if smoking marijuana might make someone "feel better," that is not enough to call it a medicine. If that was the case, then tobacco cigarettes or vodka shots could be called medicine because they are often attributed to making one "feel better."

Furthermore, it is contrary to common sense and established law to have the electorate, influenced by big spending from pro-marijuana interest groups, decide what medicine is. Serious loopholes exist in Proposition

215 that permit the abuse of current drug laws, and allow drug dealers to avoid arrest and prosecution.

These are key reasons why a large, growing number of local city and county governments have moved toward banning medical marijuana identification cards and dispensaries. Other California communities should follow suit.

Science needs to be the basis of both our legal and illegal drug policies, not political ploys designed to legalize smoked marijuana for any reason.

Sincerely,

Francine McDermott  
760-217-8646

**Kiriu, Sandy**

**From:** Aguire, Elizabeth  
**Sent:** Thursday, May 21, 2009 12:51 PM  
**To:** Kiriu, Sandy  
**Subject:** FW: More California cities to vote on pot shops!

Liz  
 Elizabeth Aguire, MMC  
 City Clerk/PIO  
 City of Galt  
 380 Civic Drive  
 Galt, CA 95632  
 (209) 366-7130  
 Fax: (209) 745-3373  
 clerk@ci.galt.ca.us

-----Original Message-----

**From:** Tracy Gamble [mailto:tracygamble1@aol.com]  
**Sent:** Friday, May 01, 2009 5:49 PM  
**To:** Aguire, Elizabeth  
**Subject:** More California cities to vote on pot shops!

Tracy Gamble  
 3113 Mandan Way  
 San Diego, CA 92117-2519

May 1, 2009

Galt  
 380 Civic Drive  
 PO Box 97  
 Galt, CA 95632

Dear Galt:

It is my understanding that you will soon vote to determine whether to allow marijuana shops to exist in within city boundaries. I am writing to encourage that you vote "No" on any item that could potentially escalate the use and possession of drugs in this community.

Neighborhoods where the pro-drug lobby has been successful implementing such pot shops have seen in increase in crime and a decrease of beauty. One need to only look to Los Angeles and San Francisco to see the affects these "nonprofit" dispensaries have had on their communities. Recently the Fox News O'Reilly Factor reported to a national broadcast that there are now more pot shops on the streets of San Francisco and West L.A. than Starbucks.

Within the last two-years over a dozen surrounding cities have taken up these same issues and voted them down nearly 100%! This speaks volumes about what happens when communities see through the smokescreen and are enlightened as to what pot shops really bring their communities-more illegal drug use, more crimes, and more of our youth being sold marijuana (and sometimes other drugs) from a so-called medical marijuana patient.

Before you vote, I ask that you carefully consider the following and make the best decision for the residents of this city by voting "NO" on pot shops:

**Kiriu, Sandy**

---

**From:** Aguire, Elizabeth  
**Sent:** Thursday, May 21, 2009 12:52 PM  
**To:** Kiriu, Sandy  
**Subject:** FW: More California cities to vote on pot shops!

Liz  
Elizabeth Aguire, MMC  
City Clerk/PIO  
City of Galt  
380 Civic Drive  
Galt, CA 95632  
(209) 366-7130  
Fax: (209) 745-3373  
clerk@ci.galt.ca.us

-----Original Message-----

From: Margaret Green [mailto:auntym322@aol.com]  
Sent: Friday, May 01, 2009 4:04 PM  
To: Aguire, Elizabeth  
Subject: More California cities to vote on pot shops!

Margaret Green  
68165 Concepcion Rd  
Cathedral City, CA 92234-3637

May 1, 2009

Galt  
380 Civic Drive  
PO Box 97  
Galt, CA 95632

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**Kiriu, Sandy**

**From:** Aguire, Elizabeth  
**Sent:** Thursday, May 21, 2009 12:52 PM  
**To:** Kiriu, Sandy  
**Subject:** FW: More California cities to vote on pot shops!

Liz  
 Elizabeth Aguire, MMC  
 City Clerk/PIO  
 City of Galt  
 380 Civic Drive  
 Galt, CA 95632  
 (209) 366-7130  
 Fax: (209) 745-3373  
 clerk@ci.galt.ca.us

-----Original Message-----

**From:** Brenda Anderson [mailto:info@ivdfc.org]  
**Sent:** Friday, May 01, 2009 11:59 AM  
**To:** Aguire, Elizabeth  
**Subject:** More California cities to vote on pot shops!

Brenda Anderson  
 12223 Highland Ave #106-305  
 Rancho Cucamonga, CA 91739-2574

May 1, 2009

Galt  
 380 Civic Drive  
 PO Box 97  
 Galt, CA 95632

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**Kiriu, Sandy**

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**Sent:** Thursday, May 21, 2009 12:52 PM  
**To:** Kiriu, Sandy  
**Subject:** FW: More California cities to vote on pot shops!

Liz  
Elizabeth Aguire, MMC  
City Clerk/PIO  
City of Galt  
380 Civic Drive  
Galt, CA 95632  
(209) 366-7130  
Fax: (209) 745-3373  
clerk@ci.galt.ca.us

-----Original Message-----

**From:** Paul Chabot [mailto:info@drugfreecalifornia.org]  
**Sent:** Friday, May 01, 2009 11:58 AM  
**To:** Aguire, Elizabeth  
**Subject:** More California cities to vote on pot shops!

Paul Chabot  
12223 Highland Ave #106-305  
Rancho Cucamonga, CA 91739-2574

May 1, 2009

Galt  
380 Civic Drive  
PO Box 97  
Galt, CA 95632

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