

AGENDA

**RIO DELL PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 27, 2011 - 6:30 PM
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL**

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

THE TYPE OF COMMISSION BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

- 1) 2011/0427.01 - Appointment of Vice-Chair to the Rio Dell Planning Commission (**ACTION**) 1

E. CONSENT CALENDAR

- 1) 2011/0427.02 - Approve Minutes of the March 1, 2011 Special Meeting (**ACTION**) 3
- 2) 2011/0427.03 - Approve Minutes of the March 23, 2011 Regular Meeting (**ACTION**) 6

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 4/5ths of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2011/0427.04 - Accept Resignation of Commissioner Andrew Gonzales and Announce Vacancy on the Commission to fill the Unexpired Term Ending December 31, 2013 (**ACTION**) 9
- 2) 2011/0427.05 - Consider Recommendation of an Ordinance Prohibiting the Establishment of Medical Marijuana Dispensaries in the City of Rio Dell (**ACTION**) 11

H. ADJOURNMENT

*The next Regular Planning Commission meeting will be on May 25, 2011
at 6:30 PM in the City Council Chambers*

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Planning Commissioners

THROUGH: Ron Henrickson, City Manager

FROM: Karen Dunham, City Clerk

DATE: April 27, 2011

SUBJECT: Appointment of Vice-Chair to the Rio Dell Planning Commission

RECOMMENDATION

Vote to elect a person among the appointed voting members of the Commission to serve as Vice-Chair.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

At the August 25, 2010 Planning Commission meeting the Commission elected Commissioner Leonard as Vice-Chair. He resigned his position on the Planning Commission with his election to the City Council in November, 2010. As an oversight, staff neglected to place the appointment of a new Vice-Chair on a subsequent agenda.

At this time, I am requesting the matter be placed on the agenda for your consideration.

Attachment: Ballot

**City of Rio Dell Planning Commission
Ballot for Vice-Chair
Term Ending 12/31/12**

Instructions:

1. *Write your name on the ballot, in the lower left hand corner*
2. *Circle the name of your selection for the position being voted on.*
3. *Fold your ballot. Pass the completed ballot to City Clerk, Karen Dunham*

Position – Vice-Chair

Candidate

Gordon Johnson

Alice Millington

Denise Sweaney

Should there be a tie, a second vote will occur with only the names of those who tied.

Name _____

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
MARCH 1, 2011**

CALL TO ORDER

The Regular meeting of the Rio Dell Planning Commission was called to order at 5:00 P.M. by Planning Commissioner Gonzales.

Present were Commissioners Dave Gonzales, Andrew Gonzales, and Alice Millington. Absent was Denise Sweaney (arrived at 5:15 P.M.) and Gordon Johnson.

Others present were City Manager Henrickson, George Williamson, Planning Consultant, and City Clerk Dunham.

SCHEDULED MATTERS/PUBLIC HEARINGS

Review Draft Housing Element Update and Provide Recommendation to City Council
Planner Williamson stated this item was brought before the Planning Commission on February 2, 2011 and is before the Commission this evening with the revisions and corrections as brought forward at that meeting. The requested action is to review the changes and with concurrence of the Commission, make a recommendation to the City Council for approval at the March 15, 2011 regular meeting. He reported that the City received favorable review by The Department of Housing and Community Development (HCD). He also noted that following approval of the Housing Element, some updates to the Zoning Ordinance would be necessary to ensure consistency with the General Plan.

City Manager Henrickson asked Commissioners is they felt comfortable with the document and if they felt they had sufficient input on the revisions.

Commissioner Millington referred to Chapter 2, Section A-6 where it said "*This policy has been removed*" and asked what it was that was removed; Planner Williamson explained it had to do with a policy related to small lot development and the policy actually ended up being a program.

Commissioner Millington also mentioned that the document referred to several acronyms however there was no legend to identify them; Planner Williamson said he would provide an acronym code for clarification.

Commissioner Millington noted that emergency shelters are allowed both in Town Center and Community Commercial zones and questioned whether it was appropriate; Planner Williamson explained the State will not approve the Housing Element unless we can show we have adequate provisions in place to provide for emergency shelters.

**PLANNING COMMISSION
MARCH 1, 2011 MINUTES
Page 2**

Commissioner Sweaney asked if emergency shelters would become permanent shelters; Planner Williamson explained they are not intended to be ongoing but rather for use during extreme weather conditions.

City Manager Henrickson suggested a notation be added to prevent any ambiguity; Planner Williamson said it would be duly noted.

Commissioner Gonzales (Dave) stated there was previous discussion regarding churches being utilized for transitional housing; Planner Williamson pointed out that in the document is a list of agencies throughout the County which provide services to the homeless and since Rio Dell has no specific governmentally funded assistance for homeless or transient persons, local churches continue to provide assistance on a case-by-case basis.

Commissioner Millington referred to (D-3) *Preserving Units at Risk of Conversion to Market Rate Units* and asked for clarification; City Manager Henrickson explained this refers to old HUD loans that may have been converted to regular housing.

Commissioner Gonzales asked if government subsidized loans had expiration dates; Planner Williamson explained the City has the obligation to track government programs with the objective to mitigate the potential loss of "at-risk" units due to conversion to market rate units. He said Rio Dell has two assisted multi-family housing projects that fall into the at risk category due to both properties approaching the end of the 20-40 year affordability restriction. There is restrictive language in the Deeds which impose a prepayment penalty for a period of 20 years during which the housing project must remain affordable. Even after the prepayment penalty the market rate conversion risk is somewhat mitigated by reporting requirements and numerous incentives designed to preserve affordable housing.

Commissioner Millington stated the draft housing element refers to Rio Dell as having 3 mobile home parks when in reality there are 4; Planner Williamson said he would make the correction.

It was also noted that the page numbering needed to be corrected on the document.

Commissioner Millington then referred to Chapter 6 *Housing Types Permitted by Zone District* and noted that Table 6-3 lists mobile homes being allowed in all zones that manufactured homes are allowed and asked for distinction between the two.

Planner Williamson explained the Department of Housing and Community Development (HCD) defines the difference between a mobile home and manufactured home and said

**PLANNING COMMISSION
MARCH 1, 2011 MINUTES
Page 3**

any mobile home or manufactured home placed on an individual lot in the City must be a minimum of 20 feet wide and be placed on a permanent foundation as well as meeting other requirements. Williamson said he would include “mobile home” and “manufactured home” in the list of definitions contained in the document.

City Manager Henrickson noted reference was made in the document to the effect that the City is currently implementing the 2001 Edition of the Uniform Building Code which is incorrect. City Clerk Dunham was directed to provide the Planner with the Resolution adopting the current Building Codes as reference.

Commissioner Millington then referred to Chapter 4, page 12 regarding *Extended-Stay Recreational Vehicle Park and Motel Occupancy* and asked if this was referring to the River’s Edge R.V. Park. It was mentioned that the River’s Edge R.V. Park is not in compliance with the terms of the Conditional Use Permit (CUP). After some discussion it was agreed that the sentence “*Additionally, former overnight lodging facilities in town are being currently transformed to accommodate extended stay demands by business and sales people who require lodging with kitchen facilities on a weekly or longer basis*” be removed. Also it was decided that the title of this section be revised to remove the reference of “*extended stay*” R.V. Park.

Planner Williamson stated the changes to the draft Housing Element could be made without affecting the overall program therefore a motion could be made to recommend approval by the City Council at the March 15, 2011 meeting as planned, with the revisions as noted; or the draft Housing Element could be brought back to the Planning Commission with the revisions at the March 23, 2001 regular meeting, with a recommendation for the City Council to approve at their April 5, 2011 regular meeting.

Commissioner Sweaney commented that she would like to see the revisions before making a decision and suggested Planner Williamson forward the revisions to the City Clerk by March 11, 2011 so she can then forward them to the Commissioners. Any changes or corrections would then be forwarded to the Planner by March 14, 2011 for inclusion of the final draft in the Planning Commission packet on March 18, 2011. Commissioners concurred.

ADJOURNMENT

The meeting adjourned at 5:47 P.M. to the March 23, 2011 regular meeting.

Karen Dunham, Secretary to the Planning Commission

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
MARCH 23, 2011**

CALL TO ORDER

The Regular meeting of the Rio Dell Planning Commission was called to order at 6:35 P.M. by Planning Commissioner Gonzales.

Present were Commissioners Dave Gonzales, Andrew Gonzales, Alice Millington, Gordon Johnson and Denise Sweaney .

Others present were Planning Consultant, George Williamson and City Clerk Dunham.

SCHEDULED MATTERS/PUBLIC HEARINGS

Draft Housing Element Update

Planner Williamson acknowledged review of the Draft Housing Element by the Planning Commission on March 1, 2011 and said the objective of the discussion this evening is to respond to the questions and comments derived from that meeting and review the Housing Element Update as revised. He reviewed the revisions as follows:

- **Element Glossary** – A glossary has been added to the Housing Update in the form of an appendix . (attached for review)
- **Pagination and Table Headers** – Pagination and Table Headers have been correctly formatted.
- **Manufactured/Mobile Housing** – The following section provides information on manufactured /mobile homes including state and federal policy, park locations in Rio Dell, and Housing Element Update requirements:

Definition: The following definition was provided by HCD and Government Code and has been included in the glossary:

- **Manufactured Home or Mobile Home** – A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of “Single-Family Dwellings.”
- **Manufactured Housing** – Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal

**PLANNING COMMISSION
MARCH 23, 2011 MINUTES
Page 2**

Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

Also submitted were three samples of the California Government Code that supports manufactured/mobile housing. Planner Williamson said the information is for informational purposes and is not included in the housing element.

Planner Williamson noted other revisions/corrections made to the draft element had to do with clarification of Housing Affordability, reference to the California Building Code and the number of mobile home parks in Rio Dell.

Commissioner Millington stated there was still one mobile home park that was omitted from the element; Foster's Mobile Home Park on Ireland Ave.; and that the name of the park on Center St. was Rio Dell Mobile Estates rather than Riverside Mobile Estates as stated.

Commissioner Millington stated in reading the definitions of mobile home versus manufactured home she was even more confused.

Planner Williamson stated the main distinction is that mobile homes can be towed and manufactured homes cannot.

Commissioner Johnson commented that mobile housing must comply with the California Housing Standards and another major distinction is that it must comply with the California Building Code.

Planner Williamson said he would add clarification to the definition.

Commissioner Sweaney stated there are several references in the element made regarding the California Government Code and asked if we would be provided with new code numbers as the code changes; Planner Williamson said HCD is good about notifying jurisdictions about code changes, especially changes to the Housing Code. Commissioner Gonzales (Dave) said often times you see sub-sections added to the code.

Planner Williamson stated he subscribes to a legislative update service which makes it easier to track changes.

Planner Williamson said subsequent to approval of the Housing Element will be update of the Zoning Ordinance.

**PLANNING COMMISSION
MARCH 23, 2011 MINUTES
Page 3**

Motion was made by Johnson/Millington to forward the Final Draft Housing Element Update to the Council with a recommendation for approve by Resolution. Motion carried 5-0.

ADJOURNMENT

The meeting adjourned at 7:00 P.M. to the April 27, 2011 regular meeting.

Karen Dunham, Secretary to the Planning Commission



*675 Wildwood Avenue
Rio Dell, CA 95562*

TO: Planning Commissioners
THROUGH: Ron Henrickson, City Manager
FROM: Karen Dunham, City Clerk
DATE: April 27, 2011
SUBJECT: Resignation/Vacancy on Rio Dell Planning Commission

RECOMMENDATION

Receive Commissioner Andrew Gonzales's resignation and announce Notice of Vacancy on the Rio Dell Planning Commission for the remainder of the term ending December 31, 2013

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

Commissioner Andrew Gonzales resigned his seat on the Commission effective April 6, 2011. The notice declaring the vacancy was posted on April 8, 2011 with a deadline of April 27, 2011 for applications from those wishing to be considered. To date no applications have been received. The new Commission appointment is scheduled to be made at the May 3, 2011 regular City Council meeting provided we have at least one applicant wishing to be considered. If not, the deadline will be extended until such time applications are received.

Attachment:

Karen Dunham

From: J. Andrew Gonzales <johngonzales29@gmail.com>
Sent: Wednesday, April 06, 2011 4:15 PM
To: Karen Dunham
Subject: Planning commission

Karen,

As expected, my work schedule is such that I will no longer be able to attend future Planning commission meetings. So I am writing to inform you that effective today, April 6th 2011, I am resigning from the planning commission. I have enjoyed my time on the commission, and hope that someday I will again be available to participate in serving the city of Rio Dell, in any capacity. If you have any questions, please feel free to contact me.

Respectfully submitted,

J. Andrew Gonzales
PH. (707) 599-4611
johngonzales29@gmail.com

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Planning Commission

FROM: Ron Henrickson, City Manager *RH*

DATE: April 27, 2011

SUBJECT: Adoption of an ordinance prohibiting the establishment of medical marijuana dispensaries in the City of Rio Dell.

ATTACHMENTS: Exhibit A, Proposed Chapter 5.35
Exhibit B, Ordinance No. 274-2011
Exhibit C, Memorandum from Chief Hill 4/13/2011
Supporting Exhibits D, E, F, G, H and I

ACTION:

1. Open the public hearing, receive testimony and then close the public hearing.
2. Consider recommendation of an ordinance prohibiting the establishment of medical marijuana dispensaries in the City of Rio Dell, Chapter 5.35.

BACKGROUND AND DISCUSSION

In 1996, the voters of the State of California enacted Proposition 215, which authorized the use of marijuana for medicinal purposes. Effective January 1, 2004, the State Legislature adopted SB 420 to clarify the scope of Proposition 215. This bill set amounts of marijuana that qualified patients could possess and allowed

cities to adopt and enforce rules and regulations consistent with SB 420. More recently, on January 21, 2010 in a unanimous decision, the California Supreme Court (People v. Kelly) basically eliminated restrictions on the amount of marijuana a qualified patient can possess. Not surprisingly, there has been an increased interest in establishing medical marijuana dispensaries throughout the state.

On March 15, 2011 the City Council adopted Ordinance No. 274-2011 imposing a temporary moratorium on the establishment of medical marijuana dispensaries, reference Exhibit B.

CITY MANAGER RECOMMENDATION:

The City Manager recommends the Planning Commission recommend adoption of Chapter 5.35 which prohibits medical marijuana dispensaries within the City for the following reasons, reference Exhibits C-I.

According to many sources and a survey conducted by the City of Rocklin Police Chief, experiences in other cities such as Oakland, Hayward, Fairfax and Roseville have demonstrated that medical marijuana dispensaries in general create negative secondary effects in the community, including, increased incidents of illegal drug activity, theft, robbery, burglary and home invasion, and a concentration of marijuana use in public places.

The information also documents that the dispensaries tend to attract a variety of potentially illicit users, including non-medical users and persons from out of the area or even out of state. As a result of the nuisance activities surrounding the dispensaries, some of the cities surveyed report that the dispensaries have contributed to the deterioration of the neighborhoods in which they are located by driving other lawful businesses out of the area. The City of Arcata has found that a growing number of homes have been removed from the affordable market to become “215” indoor grow houses.

Because of the strong likelihood of the negative impacts previously mentioned, staff recommends that the Planning Commission recommend adoption of an ordinance prohibiting all new medical marijuana dispensaries in the City of Rio Dell, reference Exhibit A. This ordinance will allow the City to prevent the establishment of medical marijuana dispensaries.

EXHIBIT A
Chapter 5.35 Medical Marijuana Dispensaries

Sections:

- 5.35.460 Purpose.
- 5.35.470 Definition.
- 5.35.480 Prohibited within the City of Rio Dell.

- 5.35.460 Purpose.

The purpose and intent of this chapter is to prohibit medical marijuana dispensaries within the City. It is recognized that it is a Federal violation under the Controlled Substances Act to possess or distribute marijuana even if for medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with medical marijuana dispensaries, which is contrary to policies that are intended to promote and maintain the public's health, safety and welfare.

- 5.35.470 Definitions.

“Medical Marijuana dispensary” (land use), means a facility or location which provides, makes available or distributes medical marijuana to a primary caregiver, a qualified patient, or a person with an identification card issued in accordance with California health and safety code Sections 11362.5, et seq.

- 5.35.480 Prohibited within the City of Rio Dell.

The establishment or operation of a medical marijuana dispensary as defined in this Chapter shall be prohibited within the City limits.

ORDINANCE NO. 274-2011

EXTENSION OF AN INTERIM URGENCY ORDINANCE OF THE CITY OF RIO DELL AUTHORIZING A MORATORIUM ON THE LEGAL ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF RIO DELL PURSUANT TO GOVERNMENT CODE SECTION 65858.

Table of Contents

.....Article 1	Short Title, Purpose and Scope.....	2
.....Article 2	Statutory Authority / Enforcement Authority	2
.....Article 3	Administration and Enforcement.....	2
.....Article 4	Definitions.....	3
.....Article 5	Necessity	4
..... §5.01	Background/Discussion	4
..... §5.02	Enactment	4
.....Article 6	Severability	9
.....Article 7	Effective Date	9
.....Article 8	Posting Requirement.....	9
.....Article 9	Enacting Date and Signatures	9

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01 This ordinance shall be known and cited as the “Medical Marijuana Dispensary” Ordinance.

§1.02: Purpose: It is declared that this article is enacted for the purpose of imposing a moratorium on the legal establishment and operation of medical marijuana dispensaries and related uses. This would allow the City to add, review and amend ordinances in order to protect the public health, welfare, and safety from impacts associated with or implicated by use of property for Medical Marijuana Dispensaries.

§1.03: Scope: This ordinance shall apply to any and all locations within the city limits of Rio Dell.

§1.04: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Rio Dell City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: Statutory and Enforcement Authority is granted in the following from the Health and Safety Code Section 11362.5 et seq. and Government Code Section 65858.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

§3.01 Administration and Enforcement

- 3.01.1 The Chief of Police of the City is the chief law enforcement officer for the City. The Chief of Police shall carry out the additional powers and duties imposed by this ordinance.

ARTICLE 4: DEFINITIONS

§4.01 Definitions.

- 4.01.1 For the purposes of this ordinance, “medical marijuana dispensary” (MMD) means any profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator (s) intends to or does possess and distribute marijuana for any purpose. A MMD includes a marijuana club as describe in *People v. Peron*, (1997) 59 Cal. App. 4th 1383, and further includes medical marijuana cooperatives. A MMD shall not include the following uses, as long as the location of such uses are otherwise regulated by the City’s Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the 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 Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or a home health agency licensed pursuant to Chapter 8 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

ARTICLE 5: Necessity

- §5.01 In 1996 the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 112362.5 et seq. and entitled it “The Compassionate Use Act of 1996”).
- 5.01.2 The intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law.
- 5.01.3 As a result of Proposition 215, individuals have established MMDs in various cities.
- 5.01.4 Recently, persons have inquired with the City of Rio Dell regarding the establishment of MMDs within the city limits.
- 5.01.5 The experiences of California cities in the regulation and policing of MMDs have varied from city to city. Several California cities have experienced an increase in crime, such as burglary, robbery, loitering around the dispensaries, an increase in pedestrian and vehicular traffic and noise in the vicinity of the dispensaries, and the sale of illegal drugs,

- including the illegal resale of marijuana from dispensaries in the areas immediately surrounding such MMDs.
- 5.01.6 In October 2005, the State Board of Equalization instituted a policy that allows MMDs to obtain a seller's permit thus enabling the State to collect sales tax on medical marijuana sales.
- 5.01.7 Recent surveys with several California cities regarding the secondary effects of MMDs indicated the following mutual issues: street dealers attempting to sell to patrons entering/exiting dispensaries; smoking marijuana in public areas; driving while under the influence of marijuana; attempted burglaries of marijuana establishments; robberies of clients patronizing establishments; adverse impacts on neighboring businesses; physicians writing prescriptions for any patrol regardless of medical infirmity; nuisance behavior of patrons; and illegal drug sales from dispensaries.
- 5.01.8 The City has not adopted rules and regulations specifically applicable to the establishment and operation of MMDs. The lack of such controls may lead to a proliferation of dispensaries and the inability of the City to regulate these establishments in a manner that will protect the general public, homes and businesses adjacent to and near such businesses, and the patient or clients of such establishments.
- 5.01.9 Based on the adverse secondary impacts experienced by other cities and the lack of any regulatory program in the City regarding the establishment and operation of MMDs, it is reasonable to conclude that negative effects on the public health, safety and welfare may occur in Rio Dell as a result of the proliferation of MMDs and the lack of appropriate regulations governing the establishment and operation of such facilities.
- 5.01.10 A MMD currently is not an expressly permitted use or a use permitted subject to a conditional use permit in any zoning district in the City of Rio Dell. However, such establishments may seek to locate in any zoning district disguised as a permitted use or may seek to legalize this use.
- 5.01.11 The establishment of, or the issuance or approval of any permit, certificate of use and occupancy, or other entitlement for the legal establishment of a MMD in the City may result in a threat to public health, safety and welfare in that the Rio Dell Municipal Code does not currently regulate the location and operation of MMDs and does not have a regulatory program in effect that will appropriately regulate the location, establishment, and operation of MMDs in the City.
- 5.01.12 On April 20, 2010 the City council received a staff report and took testimony on the Interim Urgency Prohibition Ordinance, and then unanimously voted to adopt a moratorium on MMDs in the City.
- 5.01.13 On April 28, 2010 the Rio Dell Planning Commission received a staff report and took testimony on the referral from the City council, deciding on a 4-1 vote to recommend to the City council that there be enacted an ordinance specifying that the City not approve any business license nor land uses for enterprises or purpose that are contrary to federal law, state or local laws or ordinances, including MMDs, since medical marijuana clinics are still felony violations of federal controlled substances statutes.
- 5.01.14 The current moratorium is due to expire on March 19, 2011. As a result, the Rio Dell City Council and Rio Dell Planning Commission held a study session on March 1, 2011, received a staff report and took testimony on the Interim Urgency Prohibition Ordinance, then unanimously voted to direct the City Manager to draft an ordinance to ban the use of medical marijuana dispensaries in the City of Rio Dell. This time line does not allow

staff to develop the necessary amendments to the Zoning and Business License Ordinances; comply with the public hearing requirements for ordinance amendments and the publishing requirements. Therefore, an extension to current Interim Urgency Ordinance No. 266-2010 is essential for the public health, safety and welfare of the community.

§5.02 Enactment

- 5.02.1 For the period of this ordinance a MMD shall be considered a prohibited use in any zoning district of the City, even if located within an otherwise permitted use. No permits or authorizations for a MMD shall be issued while this ordinance is in effect.
- 5.02.2 The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c) (3) (the activity is not a project as defined in Section 15378 Title 14, of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly. Conversely, it prevents changes in the environment pending the completion of the contemplated municipal code review.
- 5.02.3 The City Manager or his/her designee/s/ shall: (1) review and consider options for the regulation of MMDs in the City, including, but not limited to the development of appropriate rules and regulations governing the location and operation of such establishments in the City; (2) meet with medical patients, advocates, law enforcement representatives, and other interested parties; and (3) shall file a written report describing the measure which the City has taken to address the conditions which led to the adoption of this ordinance with the City Council ten (10) days prior to the expiration of this interim urgency ordinance, or any extension thereof, and such report shall be made available to the public.
- 5.02.4 This interim urgency ordinance is adopted pursuant to Section 65858 of the California Government Code.
- 5.02.5 This interim urgency ordinance shall take effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This interim urgency ordinance extension will remain in effect for up to 22 months and 15 days.

ARTICLE 6: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

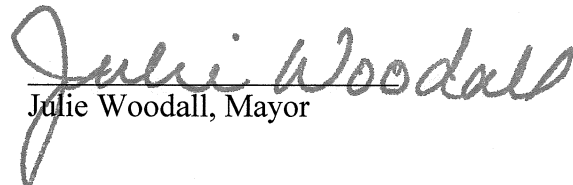
ARTICLE 7: EFFECTIVE DATE: This interim urgency ordinance becomes effective immediately after the date of its enactment.

ARTICLE 8: ORDINANCE REPEAL: Upon passage of this ordinance, Interim Urgency Ordinance 266-2010 is hereby repealed.

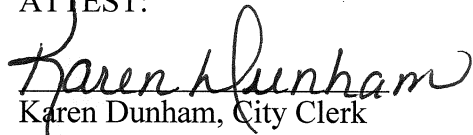
ARTICLE 9: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 10: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Rio Dell at a regular meeting on March 15, 2011 by the following vote:

AYES: Mayor Woodall, Councilmembers Barsanti, Leonard, Marks and Thompson
NOES: None
ABSENT: None
ABSTAIN: None


Julie Woodall, Mayor

ATTEST:


Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Ron Henrickson, City Manager

From: Graham Hill, Chief of Police *GH*

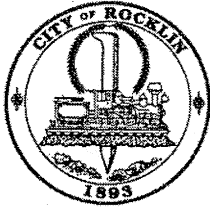
Date: April 19th, 2011

Subject: Marijuana Dispensaries

I have concerns about medical marijuana dispensaries or “cooperative’s” being established in Rio Dell. Some of the issues associated with these types of activities are robbery, burglary, and illegal trafficking of marijuana. Marijuana still has a substantial value and is often the target of such crimes so the perpetrators can obtain it for nothing. Over the last several years we have had several burglaries where the target of the theft was marijuana. In two cases residents were robbed at gunpoint, and in one of the cases the resident was bound with a telephone cord and the firearm discharged inside the residence. It is speculated that many more of these crimes go unreported than are reported, because in many cases the involved parties are involved in illegal activity and do not want to involve the police.

While the persons involved in the operation of a dispensary may very well be acting within legal parameters, those who are providing marijuana to the dispensary, or obtaining it from the dispensary may not. While these types of crimes could occur with almost any type of business, it is well established that a criminal elements is involved in the marijuana trade. Currently we do not need to expend police department resources on issues associated with a dispensary or cooperative, and staffing levels would make that type of potential impact difficult to deal with if such establishments were allowed.

I am aware this issue is coming before the City Council and I would respectfully urge the City Council not to allow such establishments in city limits, where they will burden already thin police department resources. While the actual impact is unknown if marijuana dispensaries were allowed, we are aware of the current impact of not having these types of establishments.



CITY OF ROCKLIN

MEMORANDUM

DATE: July 13, 2004

TO: Honorable Mayor and Members of the City Council

FROM: Mark Siemens, Chief of Police

RE: Medical Marijuana Dispensaries

SUMMARY AND RECOMMENDATION:

California voters approved Proposition 215, which codified into the California Health and Safety Code the "The Compassionate Use Act of 1996". The intent of Proposition 215 was to enable people in need of marijuana for medical purposes the ability to obtain and use it without fear of criminal prosecution under limited, specific circumstances.

Some entrepreneurial types have used the situation to spawn commercial endeavors to distribute marijuana to those who qualify under "The Compassionate Use Act of 1996". Unfortunately, the proposition is unclear about the details of doctor recommendation and how the substance is distributed. The act was specifically developed far enough away from traditional prescriptive drug distribution systems and activities to be distinguishable from them. This was done purposefully as prescription medicines are controlled by the Federal Food and Drug Administration and in Federal law the use, possession, transportation and distribution of marijuana is specifically illegal. At any rate, the use of marijuana under "The Compassionate Use Act of 1996" is not the issue before the Commission. At issue here is the location of commercial distribution of marijuana businesses and the potential impacts to the public health, safety and welfare of our community.

RECOMMENDATION: The City of Rocklin is now addressing how the issue of commercial marijuana distribution under the guise of Proposition 215 will be allowed to impact our community. Staff has given the Council three options as discussed in the Planning Department Staff Report for consideration. As the Police Chief, I recommend the change to zoning law, specifically the approval of the Ordinance adding Section 17.04.348 and adding Subpart D to Section 17.64.030 of the Rocklin Municipal Code regarding medical marijuana dispensaries to avoid the impacts experienced in other communities.

ATTACHMENT A

DISCUSSION:

The City of Rocklin has not experienced the impacts of medical marijuana dispensaries but other communities have. I contacted some of the law enforcement leaders where marijuana dispensaries were located and learned the following:

I spoke with Joel Neves, Chief of Police of Roseville, about the impacts from the dispensary there. Chief Neves related the following impact based on his observations and discussions with involved parties including the owner/operator of the marijuana dispensary.

CITY OF ROSEVILLE IMPACTS:

- Street level dealers trying to sell to those going to the dispensary at a lower price
- People are smoking marijuana in public around the facility
- People coming to the community from out of town and out of state to obtain Marijuana (Nevada State, San Joaquin County, etc)
- Marijuana DUI by people who have obtained from dispensary
- At least one burglary attempt into building

I also spoke with Rich Word, the Chief of Police for the City of Oakland about the impacts of Marijuana Dispensaries in his city. Chief Word has extensive experience with marijuana dispensaries.

CITY OF OAKLAND IMPACTS:

- Large criminal element drawn to the dispensary location
 - Marijuana dealers who have a doctor recommendation are purchasing from the dispensary and then conducting illegal street sales to those who do not have a recommendation.
 - Street criminals in search of the drugs are robbing medical use patients for their marijuana as they leave the dispensary.
 - Thefts and robberies around the location are occurring to support the illegal and legal (by State law) drug commerce.
- Chief Word mentioned that a shoe repair business next door to a dispensary has been severely impacted because of the concentration of criminals associated with the dispensary. The shoe repair business owner is considering shutting down his business.
- They had more than 15 total in city, now limited to four by ordinance but control is not very strong. The fines are too small to control a lucrative business.
- Most of the crime goes unreported because the users do not want to bring negative publicity to the dispensary.
- The dispensaries have an underground culture associated with them.
- At least one of the dispensaries had a doctor on the premises giving recommendations on site for a fee.
- One location was a combination coffee shop and dispensary and marijuana was sold in baked goods and for smoking.

February 3, 2005

Page 3

- Dispensary management has told the police that they cannot keep the criminal element out.

During early July, I was also able to contact several other law enforcement agencies that had experience with marijuana dispensaries. I received the following information:

CITY OF HAYWARD IMPACTS:

In conversation with Acting Chief Lloyd Lowe, I learned 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

LAKE COUNTY IMPACTS

In conversation with Sheriff Rod Mitchell, I learned the following:

- Lake County has one marijuana dispensary in Upper Lake
- The biggest problem is the doctor, close by the dispensary who is known across the state for being liberal in his recommendations to use marijuana for a fee of \$175
- Many “patients” come from hours away and even out of state, Oregon specifically, to get a marijuana recommendation from the doctor
- Upper Lake has been impacted by the type of people coming for the marijuana doctor and dispensary. Citizens report to the Sheriff that the people coming to Upper Lake for marijuana look like drug users (“dopers”).
- One quilt shop owner has told the sheriff that she does not feel safe anymore because of the type of people drawn to the marijuana doctor and the dispensary, which are located close together in the very small town.

February 3, 2005

Page 4

- They also have a notorious marijuana grower who beat prosecution for cultivation by making a medical claim. Law enforcement has taken a hands off approach even though he is blatantly violating the law.
- The Marijuana grower has recently claimed to be a church to avoid paying taxes.

CITY OF FAIRFAX IMPACTS:

In conversations with Chief of Police Ken Hughes, I learned 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

In all of these communities, law enforcement leaders were concerned with the impacts to the public health, safety and welfare by the commercial marijuana dispensing enterprise. All wished that they did not exist in their community. The trouble seems to occur when a large number of marijuana users, legal (under State law) and illegal gather at one location making them easy targets for illegal drug dealers, those freelance illegal drug dealers who are trying to recruit individuals with a doctors recommendation to legitimize (under State law) their sales and possession, and those who wish to prey upon the ill to steal their marijuana. All of these impacts are avoidable if the commercial marijuana dispensing business were not allowed to locate in the community.

**IMAJDERA COUNTY
NARCOTIC rharonartIENT TEAM**

Madera County Sheriff's Department
Bureau of Narcotic Enforcement
Madera Police Department
Chowchilla Police Department

MIADNILT

California Highway Patrol
Madera County Probation Department
Madera County District Attorney

To: Madera County Board of Supervisors

Re: Marijuana Dispensaries

This report is being respectfully submitted to address law enforcement concerns with the establishment of Marijuana Dispensaries in Madera County. I, Tim Brackemyre and Madera County Sheriff John Anderson would like to take this opportunity to provide the members of the Madera County Board of Supervisors with the following information:

What exactly is a Marijuana Dispensary? Based on my experience and research we know that a Marijuana Dispensary is a store front business that sells marijuana. A primary issue involving Marijuana Dispensaries is the fact that "Dispensaries" do not appear in Proposition 215 (Compassionate Use Act) or SB 420 (Medical Marijuana Implementation). To date there is no state governing body that regulates this specific activity and due to this lack of regulation the potential for illicit activity to occur is significant.

Since 2004, the United States Department of Justice, Drug Enforcement Administration has initiated over 87 investigations on Marijuana Dispensaries and conducted 130 enforcement actions. As a result, 365 people have been arrested on violations of state and federal laws. This statistic alone publicizes the disingenuous nature of this business and the overt need for state regulation. The following case summaries are examples of marijuana dispensary investigations:

Capital Compassionate Care

September 2004 a Roseville California dispensary is closed by DEA and the IRS. The business opened up the next day. During the service of a search warrant at the location agents located \$100,000.00 in US currency, 12 lbs of marijuana and several hundred growing marijuana plants.

Richard Marino was indicted on 19 counts of marijuana trafficking and money laundering. The indictment alleges that in eight months the dispensary made approximately 2.7 million from the sale of marijuana and \$356,130 was traced to money laundering activities.

Holistic Caregivers of Compton

May 2008, Virgil Grant, the owner of six Los Angeles area dispensaries is arrested. He and his wife are indicted on 42 charges that include 22 counts of money laundering. This investigation began after a December 2007 motor vehicle accident in which a motorist was killed and a California Highway Patrol Officer was paralyzed by a driver who was operating his vehicle under

the influence of marijuana. A large amount of marijuana and marijuana edibles were discovered in the suspect's vehicle. A forensics expert later testified that the driver of the vehicle that caused the accident had a "high concentration" of marijuana in his blood.

Compassionate Collective of Alameda County

Opened in 2004, that year the business earned \$74,000. In 2005, sales rose to 1.3 million. In 2006, sales hit 21 million. During the first six months of 2007 the business earned 26.3 million. November 5, 2007, Winslow and Abraham Norton were indicted on conspiracy to distribute marijuana as well as conspiracy to launder money and money laundering. Seized were several hundred pounds of marijuana, \$200,000 in cash, two bank accounts, two IRA's, two vehicles, a residence and two commercial buildings.

The following is a list of the associated crimes connected to this dispensary:

February 2005, a group of suspect(s) entered the business tied up the customers and employees and robbed the place of \$50,000 in cash.

April 2005, Winslow Norton was arrested in Mendocino County in possession of 44 pounds of marijuana packaged for sale. At the time of his arrest a man claiming to be his father arrived at the jail to post bail with a bag containing \$150,000 in cash.

June 2005, a masked gunman fired four gunshots into a dispensary workers vehicle upon arrival at the location.

February 2007, the Norton brothers were involved in a shootout at a Fremont Hotel

July 2007, one of the clubs customers was ambushed robbed at gunpoint and killed for his marijuana at a nearby gas station.

Compassionate Caregivers

Larry Kristich owned and operated the business from 2002 to 2005. He owned dispensaries in Oakland, San Francisco, San Leandro, West Hollywood, San Diego, Bakersfield and Ukiah. Kristich pled guilty to federal narcotics and money laundering charges and admitted that he was responsible for the distribution of 15,000 pounds of marijuana. Kristich stated that Compassionate Caregivers' totaled 95 million in sales. Additionally, he admitted to laundering more than 50 million of that money.

California Healthcare Collective

This case was a joint investigation by the Modesto Police Department and DEA. It culminated in 2006, with the service of a search warrant at the business. As a result, Luke Scarmazzo and Ricardo Montes were arrested and charged with drug, weapons and money laundering charges. Prosecutors estimated that the business was responsible for somewhere between 4 and 8 million in sales. The DEA seized more than 100 pounds of marijuana, one-thousand marijuana plants, multiple firearms and \$200,000 in cash.

Associated Crimes

Prior to 2006 the emerging trend was dispensary employee and customer robberies. In some cases these crimes lead to the deaths of victims / suspect(s). The suspect(s) targeted these establishments due to the presence of large quantities of marijuana and cash. Recently we have seen an increase in home invasion robberies of both dispensary employees and owners which brings these related crime(s) to cities with and without dispensaries.

The Los Angeles Police Department reported a **200%** increase in robberies, a **52.2%** increase in burglaries, a **57.1%** increase in aggravated assaults and a **130.8%** rise in auto burglaries near cannabis clubs. Additionally, LAPD is reporting that armed gang members are being hired as security guards at these locations.

From 2006 to 2007 the San Francisco Police Department reported the following crimes that occurred at, or within close proximity to marijuana dispensaries:

- 3 homicides, 2 attempted homicides**
- 6 possession of a loaded firearm**
- 1 exhibiting a deadly weapon**
- 57 robberies and 27 attempted robberies**
- 98 aggravated assaults**

- 144 incidents of battery**
- 7 incidents of battery on a police officer**
- 1 forcible rape, 1 attempted rape**

- 3 sexual batteries**
- 198 burglaries and 2 attempted burglaries**

It is our deepest concern as members of the Madera County law enforcement community that a significant increase in crime due to the presence of marijuana dispensaries will create an overwhelming burden on the already limited resources of Madera County.

John Anderson

Sheriff
Madera County Sheriff's Department

Tim Brack

Task Force Commander
Madera County Narcotic Enforcement Team

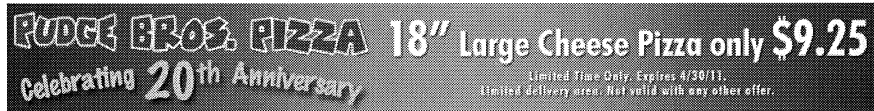


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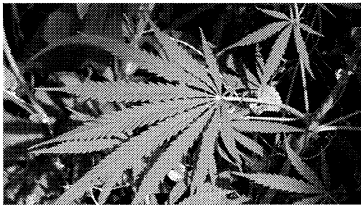


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Police report jump in crime near marijuana dispensaries

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Heidi Hammet, investigative reporter
KDVR Denver
October 13, 2009

DENVER— Police departments are reporting a "significant increase" in home invasion robberies near medical marijuana dispensary stores, according to Colorado Attorney General John Suthers.

He says he's been hearing from law enforcement officers who feel like their hands are tied.

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Attorney General Suthers says the rise in crime may prompt state lawmakers to take a closer look at the amendment that legalized medical marijuana nine years ago, to see if there is additional legislation that could be passed to give the state more control over the blooming marijuana business.

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"Ultimately, the question is, is this what the voters wanted, do they want to do something about it, do they want their state legislature to do something about it," said Attorney General Suthers.

But to tighten up the current law, the legislature may have to pass an amendment to the constitutional amendment that gave Coloradoans the right to use, grow, and sell medical marijuana.

That means the voters would have the final say.

Still, a medical marijuana user and caregiver we spoke to says more state control isn't the answer. He says Colorado should legalize pot.

Then criminals wouldn't have to break into homes and businesses to get it.

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Exhibit 6

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Sheriff says pot dispensaries have become crime targets

The industry has been 'hijacked by underground' drug dealers, Lee Baca says as a suspect is charged in last week's triple murder in West Hollywood, which allegedly has ties to medical marijuana.

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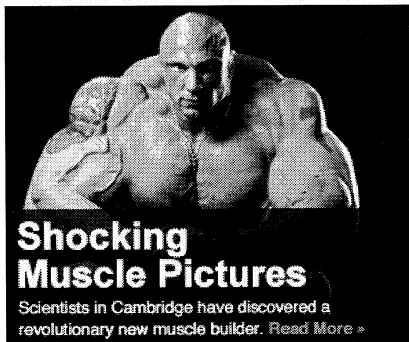
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September 02, 2010 | By Richard Winton, Los Angeles Times

Los Angeles County Sheriff Lee Baca on Wednesday took aim at the medical marijuana industry, citing last week's triple murder in West Hollywood as an example of how enterprising criminals have infiltrated some of the dispensaries.

Baca said the dispensaries have strayed from their original mission — to aid the seriously ill — and are now the target of criminals who see an easy way to make money and get drugs.

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"The medicinal marijuana program that voters authorized years ago has been hijacked by underground drug-dealing criminals who are resorting to violence in order to control their piece of the action," Baca said.

The sheriff did not provide any specific examples, although there have been several high-profile killings this summer tied to medical marijuana businesses. In addition to the West Hollywood killing, which detectives said was tied to a scheme to buy pot from medical dispensaries and resell it on the streets, workers at dispensaries in Echo Park and Hollywood were killed during robberies in June.

There has been much debate about whether the proliferation of marijuana dispensaries has resulted in more crime. But Baca is emerging as a vocal critic of liberalizing pot laws, particularly a state ballot measure that would legalize marijuana use. The campaign to defeat Proposition 19 announced Wednesday that Baca and Sen. Dianne Feinstein (D-Calif.) will head up the effort against the marijuana legalization measure on the November ballot.

Baca said he's concerned that the hundreds of medical marijuana establishments around L.A. County are making it easier for people to access the drug — and that is attracting criminal elements as well as patients with legitimate needs for the drugs.

"There are predators armed and seeking easy dollars in sales of marijuana," Baca said.

The sheriff spoke at a news conference announcing the arrest of a suspect in the West Hollywood fatal shootings. Authorities say that two of the victims, Pirooz Moussazadeh and Bernard Shahriar, both 27, bought marijuana from local dispensaries and other locations and then resold it for a profit.

Harold Yong Park, 31, was charged Tuesday in the killings. Detectives said Park told them he previously bought and sold high-grade marijuana from the two victims. Thursday night, a dispute erupted when he

2.

came to the North Kings Road apartment, officials said. Park allegedly killed the pair along with Shahriar Moussazadeh, who detectives said was not involved in the drug deal. Park allegedly took marijuana from the apartment.

There have been at least six killings tied to the marijuana trade in L.A. County so far this year. The Los Angeles Police Department has recorded dozens of lesser crimes, such as robberies and burglaries.

This June, four armed men robbed the Higher Path Holistic Care Collective in the 1300 block of Sunset Boulevard. One of the suspects stayed in the getaway car while three others entered the pot shop, disarmed the security guard and robbed the place of cash and marijuana. The attackers fatally shot worker, 27, and wounded another employee.

Later that night, the operator of

Hollywood Holistic 2 on North El Centro Avenue off Sunset Boulevard walked in to find clerk Ila Ali Packman, 39, dead of stab wounds. Police don't believe the two attacks were connected.

richard.winton@latimes.com

Times staff writer John Hoefel contributed to this article.

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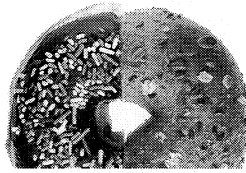
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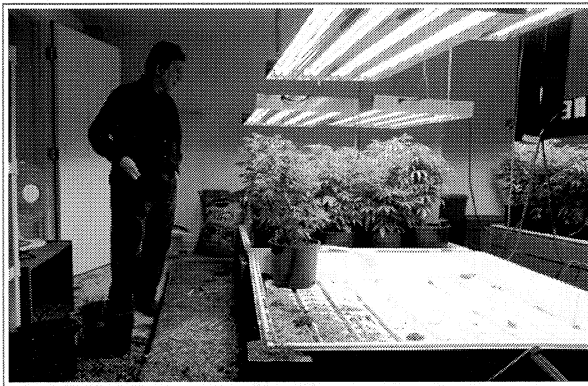
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Criminals target medical marijuana

Wash. shootout involving activist highlights risk to growers



Ted S. Warren / AP
 Steve Sarich stands in a room used to grow medical marijuana in his home in Kirkland, Wash. Police said they found 385 marijuana plants in Sarich's home as they investigated a shootout between Sarich and a robber in his home on Monday. Sarich says he uses pot for back pain.

AP Associated Press

updated 3/18/2010 9:05:04 PM ET

SAN FRANCISCO— Patients, growers and clinics in some of the 14 states that allow medical marijuana are falling victim to robberies, home invasions, shootings and even murders at the hands of pot thieves.

There have been dozens of cases in recent months alone. The issue received more attention this week after a prominent medical marijuana activist in Washington state nearly killed a robber in a shootout — the eighth time thieves had targeted his pot-growing operation.

Critics say the heists and holdups prove that marijuana and crime are inseparable, though marijuana advocates contend that further

legalization is the answer. News of crimes related to medical marijuana comes at an awkward time for California and Washington advocates who are pushing to pass ballot measures to allow all adults, not just the seriously ill, to possess the drug.

"Whenever you are dealing with drugs and money, there is going to be crime. If people think otherwise, they are very naive," said Scott Kirkland, the police chief in El Cerrito, Calif., and a vocal critic of his state's voter-approved medical marijuana law.

"People think if we decriminalize it, the Mexican cartels and Asian gangs are going to walk away. That's not the world I live in," Kirkland said.

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Unwanted attention

Activists and law enforcement officials say it is difficult to get an accurate picture of crimes linked to medical marijuana because many drug users don't report the crimes to police for fear of arousing unwanted attention from the authorities. But the California Police Chiefs Association used press clippings to compile 52 medical marijuana-related crimes — including seven homicides — from April 2008 to March 2009.

There also is plenty of anecdotal evidence:

- A man in Washington state was beaten to death last week with what is believed to be a crowbar after confronting an intruder on the rural property where he was growing cannabis to treat painful back problems.
- Medical marijuana activist Steve Sarich exchanged gunfire with intruders in his Kirkland, Wash., home near Seattle on Monday, shooting and critically injuring one of them.
- In California, a boy was shot to death while allegedly trying to steal a cancer patient's pot plants from his home garden.
- A respected magazine editor was killed in 2007 by robbers who targeted his Northern California home for marijuana

and money after hearing that his teenage son was growing pot with a doctor's

approval.

- Robbers killed a security guard at a Los Angeles medical marijuana dispensary in 2008.

Police and marijuana opponents say the violence is further proof that the proliferation of medical marijuana is a problem that will worsen if the drug is legalized or decriminalized.

Pot activists say the opposite: that prohibition breeds crime and legalization would solve the problem. They also say the robberies have exposed the need for more regulation of medical marijuana laws in states like California, Washington and Colorado.

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"The potential for people to get ripped off and for people to use guns to have to defend themselves against robbers is very real," said Keith Stroup, founder and chief legal counsel for the National Organization for the Reform of Marijuana Laws. "But it's nothing to do with medical marijuana. It is to do with the failure of states to regulate this."

Marijuana advocates say there is adequate regulation in New Mexico, where officials say there have been no violent medical marijuana robberies.

Medical cannabis is primarily grown by a small number of regularly inspected nonprofits in New Mexico, and the state keeps their names and locations confidential. The law includes extensive requirements covering security, quality control, staff training and education about the use of the drug.

Vague rules

Most medical marijuana states have only vague rules for caregivers or dispensaries participating in a business with products that can fetch \$600 an ounce. Some states, including California and Colorado, can only guess how many pot dispensaries they have because the businesses don't have to register with the state.

"This is ridiculous, in my opinion, to have medical marijuana and no regulation," Stroup said. "A jewelry store wouldn't open without security, and if it did, a scuzzy person's going to break in and steal all their diamonds."

Stephen Gutwillig, California director of the pro-pot Drug Policy Alliance, said that while the robberies are disturbing, there is no way to conclude that legalized marijuana breeds any more crime than convenience stores, banks or homes stocked with expensive jewelry and electronics.

In fact, Denver police said the 25 robberies and burglaries targeting medical marijuana in the city in the last half of 2009 amounted to a lower crime rate than what banks or liquor stores there suffered.

"I think what we are seeing is a spate of crime that reflects the novelty of medical marijuana cultivation and distribution through unregulated means," Gutwillig said.

Marijuana is still illegal under federal law, but the Obama administration loosened its guidelines for prosecutions of medical pot last year. The Justice Department told federal

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prosecutors that targeting people who use or provide medical marijuana in strict compliance with state laws was not a good use of their time.

The decision energized the medical marijuana movement and came as Washington state and California are trying to get pot legalization measures on the ballot. Activists are still gathering signatures, and it's not yet known if the measures will qualify for the ballot.

Meanwhile, California cities have been trying to rein in the drug in response to a medical marijuana law that is the nation's most liberal.

Detective Robert Palacios of the Los Angeles Police Department said he has investigated a half-dozen dispensary robberies in the last year, but he has seen the number of such crimes drop in recent weeks after the City Council moved to close many stores.

In all the cases he's investigated, armed robbers have stolen marijuana, cash and other items. They often resell the drug on the street.

"They are going into a business and using a threat of force," Palacios said. "Even though they are in an establishment that itself is questionably legal, it's our duty to investigate."

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Publish Date: 11/8/2009

Crime tied to marijuana dispensaries

By Sarah Bultema | Loveland Reporter-Herald

Marijuana dispensaries may be helping patients in a legal way — but the businesses often are subject to public scrutiny as well as criminal activity.

Since the spring, two dispensaries have been burglarized, and money and marijuana were stolen. The latest happened just last week.

There has even been one home invasion robbery, in which armed suspects entered a home that was growing medical marijuana and stole the supply, Loveland Police Chief Luke Hecker said.

Criminals are targeting the dispensaries and homes because they know they can find drugs there, he said.

“We’re seeing criminal activity surrounding this, the medical marijuana business,” Hecker said.

Along with the criminal activity, many Lovelanders want to get the dispensaries out of town, said city manager Don Williams.

There are some residents who simply don’t agree with Amendment 20 and don’t believe marijuana should be legal, even for medical purposes, he said.

Others are in favor of the amendment, Williams said, but they don’t want the dispensaries to operate too close to home.

“The biggest concerns from citizens is keeping (dispensaries) out of residential neighborhoods and keeping it away from schools,” Williams said.

Another problem is that police officers don’t have clear guidelines about how to differentiate these dispensaries from illegal operations.

Page 1 | 2 | More >>

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Funny, ask anybody the steet WHY marijuana is illegal, and they won't know. Cigarettes kill 500,000 people a year, and pot...the CDC doesn't report one death from cannabis. And CRIME? Well, pot stores getting robbed are not violent assaults. Banks get robbed, too. Do we outlaw banks? This country has bough t into way too many lies on this issue. Too bad.

ejb4501, Reseda, CA, 11/10/2009 2:19 AM

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I wonder if there is crime tied to ALCOHOL dispensaries? Na aaaaaaah!

NMayer, Loveland, CO, 11/8/2009 8:46 PM

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