
**CITY OF BIG BEAR LAKE
PLANNING COMMISSION MEETING MINUTES**

December 16, 2015

CALL TO ORDER 1:15 p.m.

FLAG SALUTE Commissioner Tholen led the salute.

ROLL CALL Commissioners Breunig, Senft, Tholen, Vice-Chairman Bush and Chairman Smith were present.

STAFF PRESENT James J. Miller, Community Development Director; Todd Leishman, City Attorney

AGENDA APPROVAL

The agenda was approved by a unanimous voice vote.

PRESENTATIONS / ANNOUNCEMENTS / INFORMATIONAL ITEMS

Community Development Director James Miller wished the Commission happy holidays.

PUBLIC FORUM

None

1. CONSENT CALENDAR

1.1 Approval of the minutes of the Planning Commission meeting of December 2, 2015.

Commissioner Senft moved to approve the minutes. Commissioner Tholen seconded the motion. Chair Smith abstained due to absence at the meeting. The motion carried with the following vote:

AYES: Breunig, Bush, Senft, Tholen
NOES: None
ABSTAIN: Smith
EXCUSED: None

2. PUBLIC HEARING ITEMS

2.1 Development Code Amendment 2015-166

Planner: James Miller

Location: Citywide
APN: N/A
Applicant: City of Big Bear Lake

To amend Development Code Sections 17.25.230 (Residential Zones) and 17.35.230 (Commercial Zones) to continue to prohibit Medical Marijuana Dispensaries, Cultivation and delivery services within all zones in the City of Big Bear Lake.

James Miller gave the report and presentation.

Vice-Chairman Bush asked how the new law being implemented by the State effective March 1, 2016, would impact any ordinance the City adopts. Mr. Miller explained that the City has the opportunity to create regulations that are even more restrictive than the proposed State regulations as long as they are in place prior to March 1. Mr. Miller also noted that the City's legal representatives have reviewed the proposed language.

Commissioner Breunig inquired about the ability for patients to obtain medical marijuana. Mr. Miller said they could obtain it from outside the City or grow their own.

Public hearing opened at 1:30 p.m.

Mr. Miller introduced representatives from the Sheriff's Department:

Sergeant Gary Wheeler, Supervisor of Marijuana Team and Sergeant Lucas Niles from the Big Bear Sheriff's Department.

Sergeant Wheeler explained some of the difficulties with the original law, including distribution issues and the fact that a lot of the cities had regulations that addressed old case law. There is new case law that sides with cities, including a case in 2013 in Riverside that allowed cities to regulate and/or ban distribution and a case in Fresno that was won allowing the complete ban of marijuana in that city.

Sergeant Niles said that medical marijuana sales can attract crime.

Vice-Chairman Bush asked how the County is responding to creating new regulations. Sergeant Wheeler answered that the County does not allow any delivery service. When doing investigations on delivery services, they have often found weapons and controlled substances on the premises.

Vice-Chairman Bush questioned the delivery method for a patient. Sergeant Wheeler said that only a caregiver can legally carry the marijuana for the patient. He also noted that the new State law will address cultivation, distribution and delivery. Sergeant Niles added that medical marijuana will be handled as a controlled substance.

Benjamin Harper spoke saying that he filed with the State to obtain permits to be a delivery service. He noted that he helped write the ordinance in Adelanto.

Public hearing closed at 2:10 p.m.

The Commission continued to discuss the benefits and ramifications of allowing delivery service and agreed to prohibit delivery through and in the City limits. Section 4 (B) of the Resolution changed to read the following:

"B. Out-of-City Delivery Service Not Allowed. A delivery service that has a legally licensed physical place of business outside the City limits shall not be allowed to drive through or deliver within the incorporated boundaries of the City of Big Bear Lake."

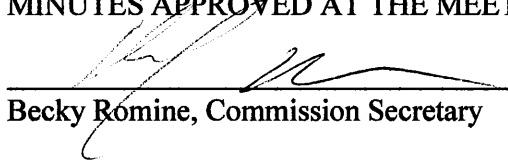
Vice-Chairman Bush moved to adopt the attached Resolution, recommending that the City Council find the action exempt from the California Environmental Quality Act (CEQA) and adopt an Ordinance to approve Development Code Amendment 2015-166 to continue the ban on medical marijuana cultivation, dispensaries and delivery service land uses in all zones of the City of Big Bear Lake. Commissioner Senft seconded the motion, which carried by the following vote:

AYES: Breunig, Bush, Senft, Smith, Tholen
NOES: None
ABSTAIN: None
EXCUSED: None

3. **SUMMARY COMMENTS** - NONE

4. **ADJOURNMENT** At the hour of 2:45 p.m., Chairman Smith adjourned the meeting.

MINUTES APPROVED AT THE MEETING OF FEBRUARY 3, 2016.


Becky Romine, Commission Secretary