

**Rio Vista Planning Commission**  
**Minutes**  
**Wednesday, April 13, 2011 at 7 p.m.**  
**City Council Chambers**  
**One Main Street**  
**Rio Vista, California 94571**

Meeting called to order at 7:01pm

**Roll Call**

**Present:** Chairman McTeer, Vice Chairman Upham, Commissioners Bowcutt, Cohn, Lamothe, Richardson, Van Nieuwburg  
**Absent:** None  
**Staff:** Interim Planning Manager Dan Christians, Administrative Assistant Kristine Smith

**Public Comments**

There were no comments from the public.

- Action Item: Minutes**  
**Review and approval of February 9, 2011 Planning Commission meeting minutes.**

Motion by Commissioner Van Nieuwburg, second Commissioner Cohn to approve February 9, 2011 minutes as presented, all in favor, motion carried: Vote 6-1.

AYES: McTeer, Upham, Bowcutt, Cohn, Lamothe, Van Nieuwburg  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: Richardson

*Because the City Attorney and Chief of Police were present to submit testimony for Item 3, the Planning Commission agreed to reverse the order of Items 2 and 3:*

- Action Item: Public Hearing on Alternatives for Medical Marijuana Dispensaries (ZON-11-001)**

**Recommendation:** After considering alternative options, adopt Planning Commission Resolution No. 2011-01, 02 Recommending the City Council Approval of Amendments to the Rio Vista Municipal Code that do not permit Medical Marijuana Dispensaries in any zoning districts and clarifying and confirming that any land use not specifically listed or identified in Title 17 (the Zoning Ordinance) shall be a prohibited land use.

Interim Planning Manager gave a Power Point presentation and a brief overview on the staff report to the Planning Commission and members of the public and then turned the floor over to Chief to Police Bill Bowen.

Police Chief Bill Bowen passed out pamphlets to the Planning Commission and staff members on the problems associated with medical marijuana dispensaries. He explained that the biggest issues are robberies and other crimes and most crimes are not reported because the dispensaries do not want any attention. He stated that should the Planning Commission decide to approve the Resolution to allow dispensaries, the dispensary should be right next to the Police Department.

Commissioner Cohn asked if they would still be allowed to apply for a conditional use permit (CUP) if medical marijuana dispensaries are banned in all or certain zone(s).

Interim Planning Manager Christians responded that would only be allowed to apply for a CUP if the use was allowed by CUP in that zone; otherwise they would have to apply for a zoning code amendment to allow a CUP for that zone.

Commissioner Bowcutt asked what happens to a building where the marijuana is grown.

Chief Bowen explained that the biggest problem is mold that gets behind the sheet rock and some buildings have to be torn down.

Commissioner Cohn asked if the City could make income from the retail sales from medical marijuana dispensaries.

Chief Bowen stated generally no, because the dispensaries are supposed to be non-profit. Also, there are often additional public costs because of more police calls to respond to problems on or near those premises.

Public Hearing opened at 7:36 pm

No Comments

Public Hearing Closed at 7:37 pm

Motion by Commissioner Cohn, second Commissioner Van Nieuwburg to approve Resolution No. 2011-01 of the Planning Commission of the City of Rio Vista recommending the City Council adopt an Ordinance prohibiting medical marijuana dispensaries in the city, all in favor, motion carried: Vote 7-0.

AYES: McTeer, Upham, Bowcutt, Cohn, Lamothe, Richardson Van Nieuwburg

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

Motion by Commissioner Bowcutt, second Commissioner Van Nieuwburg to approve a Resolution No. 2011-02 of the Planning Commission of the City of Rio Vista recommending the

City Council adopt an Ordinance clarifying that any land use not specifically identified in the zoning code be prohibited, all in favor, motion carried: Vote 7-0.

AYES: McTeer, Upham, Bowcutt, Cohn, Lamothe, Richardson Van Nieuwburg  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

2. **Action Item: Public Hearing on Amendments to Draft Final Housing Element (GP-10-001)**

**Recommendation:** Adopt Planning Commission Resolution No. 2011-03 Recommending the City Council Approval of a General Plan Amendment and Negative Declaration for Revisions to the Housing Element (GP-10-001).

Interim Planning Manager Dan Christians gave a brief staff report to the Planning Commission and members of the public with a recommendation for approval.

Commissioner Richardson asked if the \$641,000 in the Redevelopment Fund is the actual cash on hand.

Interim Planning Manager Dan Christians responded in the affirmative and stated that the proposed housing programs are intended to expend more of the low and moderate income housing fund balance in the most effective ways to meet the housing needs of the community.

Public Hearing Opened at 8:05 pm

Lynn Hansen commented on the problems caused by vacant housing units in Rio Vista.

Public Hearing Closed at 8:10 pm

Motion by Commissioner Richardson, second Commissioner Bowcutt to approve Resolution No. 2011-03 of the Planning Commission of the City of Rio Vista recommending the City Council approval of a General Plan amendment for revisions to the Housing Element, all in favor, motion carried: Vote 7-0.

AYES: McTeer, Upham, Bowcutt, Cohn, Lamothe, Richardson Van Nieuwburg  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

4. **Action Item: Public Hearing on Reasonable Accommodation Protections for Persons with Disabilities in Title 17 (Zoning Ordinance) (ZON-11-002)**

**Recommendation:** Adopt a Resolution No. 2011-04 recommending the City Council Approval of Amendments to the Rio Vista Municipal Code establishing Reasonable Accommodation for Persons with Disabilities in Title 17 (Zoning Ordinance).

Interim Planning Manager Dan Christians gave a brief staff report to the Planning Commission and members of the public with a recommendation for approval.

Public Hearing Opened at 8:12 pm

No Comments

Public Hearing Closed at 8:14 pm

Motion by Commissioner Van Nieuwburg, second Commissioner Richardson to approve a Resolution of the Planning Commission of the City of Rio Vista recommending the City Council approval of an Ordinance establishing reasonable accommodation protections for persons with disabilities in Title 17 (Zoning Ordinance), all in favor, motion carried: Vote 7-0.

AYES: McTeer, Upham, Bowcutt, Cohn, Lamothe, Richardson Van Nieuwburg

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

**5. Consideration of Reports of Chairperson, Commissioners and Staff**

(Informational Only)

- A. Status of Community Vision and Design/Zoning Guidelines for Army Reserve Center Project

Interim Planning Manager gave an update with maps and graphs and a conceptual land use opportunities and constraints drawing. Chairman McTeer would like to encourage everyone to attend the next meeting.

- B. Rio Vista Flood Wall and Public Access Project

Dan Christians briefly described the tasks being conducted by Siegfried Engineering, Inc. to prepare boundary and topographical maps, an environmental determination and design alternatives to establish a flood wall and public promenade along the Rio Vista waterfront from the Helen Madere Bridge to Main Street.

- C. Public Facilities Impact Fee Study

The City has asked for a committee and to meet in a few weeks with recommendations on possible revisions to the roads, parks, municipal facilities, police and fire facilities and make a recommendation to the City Manager. Chairman McTeer is serving on behalf of the Planning Commission.

- D. Status of Assisted Living Project/Parking Survey, 93 Second Street

A new parking study is being conducted and the Planning Division is hoping to receive a submittal in the next few months with new revised plans.

E. YSAQMD Clean Air Application for Bridge to Beach Multi-Use Pathway

Staff is submitting an application to the Yolo Solano Air Quality Management District for \$60,000 of clean air funds to identify an interim route for the Bridge to Beach Pathway, construct a comprehensive pedestrian-oriented signage program, and develop a user's guide/map to encourage use of the pathway.

F. Planning Commissioner workshops in W. Sacramento, Citrus Heights, Elk Grove and Stockton

Commissioners have received this information and were encouraged to attend one of the workshops.

G. Other

Commissioners would like an update on the Sportsman Building, and the Go-Kart race track on Front Street.

6. **Adjournment (May 11 meeting is proposed to be canceled; Next meeting will be scheduled for June 8, 2011)**

With no further business the meeting was adjourned at 8:40 pm

---

**Kristine Smith**  
**Administrative Assistant**