

June 13, 2017

Regular Meeting

Board of Supervisors

#13b - Cannabis

Workshop

On Jun 9, 2017, at 6:41 AM, Scott and Deb <scottndeb@schat.net> wrote:
John,

I truly wish that I could attend the board's cannabis workshop on Tuesday but do to work constraints I will have to watch it after the fact.

However, I was deeply concerned but not surprised at the agenda wording for this item on next week's agenda. The presenters will present a preliminary land use framework to the board. How can they possibly do this John with they have not met with the communities? It is full steam ahead, like I mentioned to you, again! We continually go with a supposition and that is the direction staff proceeds with most fully. And then, after the fact, present it to the communities.

After lots of thought, research and prayer, I have finally decided that if I wouldn't want it in my backyard, **why would I want it in anyone's?** Just because it is on ag land doesn't mean that it isn't close to someone. Commercial land in Walker is right on Highway 395. And I definitely don't want it there. Why is it that everyone is so forceful that we don't want it in residential areas? Again, the not in my backyard mindset.

I believe that the economic benefit for the county would be so outweighed by the regulatory and enforcement expense and the additional staffing that would require. Is there financial gain for the state? You bet. But that is so marginalized when you trickle down to the counties. And yet, we are the one's who will deal with it on a day to day basis.

And perhaps most importantly, if we "normalize" cannabis to our children and desensitize them to it we are creating issues similar to smoking and alcohol that our generations have fought for years at ENORMOUS expense. Why John is 60%, not 10% not 20%, of the states revenue from licensing to be used for youth education and determent.

Do I believe there are medicinal benefits for some in cannabis? Absolutely! But I believe this is a sedge way for growers who, let's be honest, are after the money to push their personal agenda. What was front and center of the flyer that Patrick handed out? The medicinal values of cannabis was the vast majority of his paperwork to convince us that he should be allowed to grow it in our county. It wasn't what jobs he would create, how he would protect our environment, or be a vital member of our community. To me that is apples and oranges.

At this juncture, I am amazed at my thought process. I have truly done a 180 and do not want to see commercial grows **AT ALL** in Mono County. I do not want indoor grows **or** outdoor grows. I urge you to support a continuation of the moratorium in Mono County and to direct staff that that alternative is **EQUALLY** explored.

I have spoken with four people who were at the meeting and who brought the subject up to me. They are of the same mind set as myself and came to that conclusion after the meeting. I asked them to address their personal concerns to the board or you individually. I hope they do because I was amazed at the position of 2 of them.

Thanks for all you do and your consideration of this matter!

Deb

June 12, 2017

Attention: Mr. John Peters
Mono County Supervisor

Dear Mr. Peters:

I am writing to you to humbly ask for your support as a representative of District Four in Mono County. My partner Robert Poe and I recently purchased a ten-acre parcel and 40 acres parcel off of Eastside Road with the hope of developing a cannabis cultivation company in my home town of Walker. However, we recently learned that the proposed plan for cultivation would not include the rural residential designation. This is obviously of great concern to us, as not only is our property under the RR designation, but a great deal of large acreage property in Walker, Coleville and Topaz is also under the RR and RE designation. The current proposed plan would only allow for the people currently possessing agriculturally designated land, and larger businesses who can afford to purchase available AG land and/or buy out existing farms. We firmly believe that excluding the RR designation from the cannabis cultivation proposed plan will not be supportive of California's vision of supporting small local businesses in being able to participate in the cannabis industry.

To give a bit of context, I'd like to explain our background and what we would like to do in Mono County. My name is Sally Rosen. I was born and raised in Walker and loved every minute of it. Our small town is so special, and I would not have wished to be raised anywhere else. I worked at Walker Burger and the Walker General Store during my teenaged years, and therefore came to understand and appreciate the significance of tourism in our community. After I graduated from high school I went to school at Lassen College for two years. It was there that I met my partner, Robert Poe. He and I formed a strong relationship due to our shared interests in entrepreneurship. Robert earned a degree in Power Generation Technology and quickly got a job with a geothermal powerplant in Reno after finishing his program. I transferred to the University of Nevada, Reno after completing my associates degree from Lassen. I went on from there to receive a B.A. in Speech Communication, and then was fortunate enough to receive entry to UNR's Graduate Assistantship program, which allowed me to teach for the University and afforded me free tuition. I have been teaching classes at UNR ever since graduating with my M.A. in Communication Studies in 2011. Simultaneously, I began working with the Reno Housing Authority, which administers low-income housing programs throughout Washoe County. I started as an intern, and was promoted several times until I was the Director of Asset Management. In that position, I oversaw the administration of housing subsidy and property management of over 1,000 Public Housing and single-family homes.

During this time, my partner Robert went from well field operator, to operation supervisor, training coordinator, and finally engineering assistant and construction manager at Enel North America. Although Robert found working on large geothermal, wind, and solar projects throughout the country and abroad extremely rewarding, the desire to start a business of our own was too strong to resist. So, in 2013 Robert left his position with Enel and started the Reno Vapor Emporium, selling electronic cigarettes and accessories. We learned a great deal about business and about the industry. We were successful enough with the first store that we open a second store a year later, the Sparks Vapor

Emporium. Both stores continue to do well. In addition to our two stores, we also have an exploration and mining company in Atlanta, Idaho.

Our goal for the cannabis business is to start a company called Green Buffalo Farms. We are hoping to be able to grow organic cannabis for both recreational and medical industry (if the law allows for both). Our property has a large canyon area that is shielded from neighboring lots and from the rest of the town, so we are planning on building greenhouses in that section of our property. We are hoping to apply for a medium level permit, and we will use a combination of our well water and the water from a spring to which we have rights to supply the plants. We are also planning on hiring a handful of people to help on the farm once we get things going. We believe that our farm will bring jobs and income into the valley, which will eventually be used to help improve and maintain the community. We are both driven by the desire to be a part of an industry that has the potential to offer a great deal of help to people who need it. Robert and I have seen first-hand the effectiveness of cannabis on friends and family who would have otherwise had to turn to illegal drugs and alcohol, and/or extremely costly and strong prescription medications that can cause serious and detrimental side-effects.

We are hoping that you will take the time to understand our situation and the situation of others like us, who have the desire to enter this new industry. We love Walker and this community, and firmly believe that broadening the regulations to allow for those with rural residential property designation will be beneficial to Mono County and the community. We have a vested interest in helping to see this community succeed and thrive. We have the unique opportunity to embrace the changing times and get in on the ground floor of what is sure to be a huge industry in the future. I hope you will take all this into consideration, and push to allow rural residential land to be included in the cultivation regulations.

Thank you so much for taking the time to read this. We were both hoping to be able to attend the Supervisor meeting scheduled for tomorrow, June 13th, but we will not be able to attend due to prior engagements. I encourage you to share our story with the other supervisors, and if you or anyone else would like to talk further about our ideas or have any questions please do not hesitate to give us a call.

Sincerely,

Sally Rosen and Robert Poe

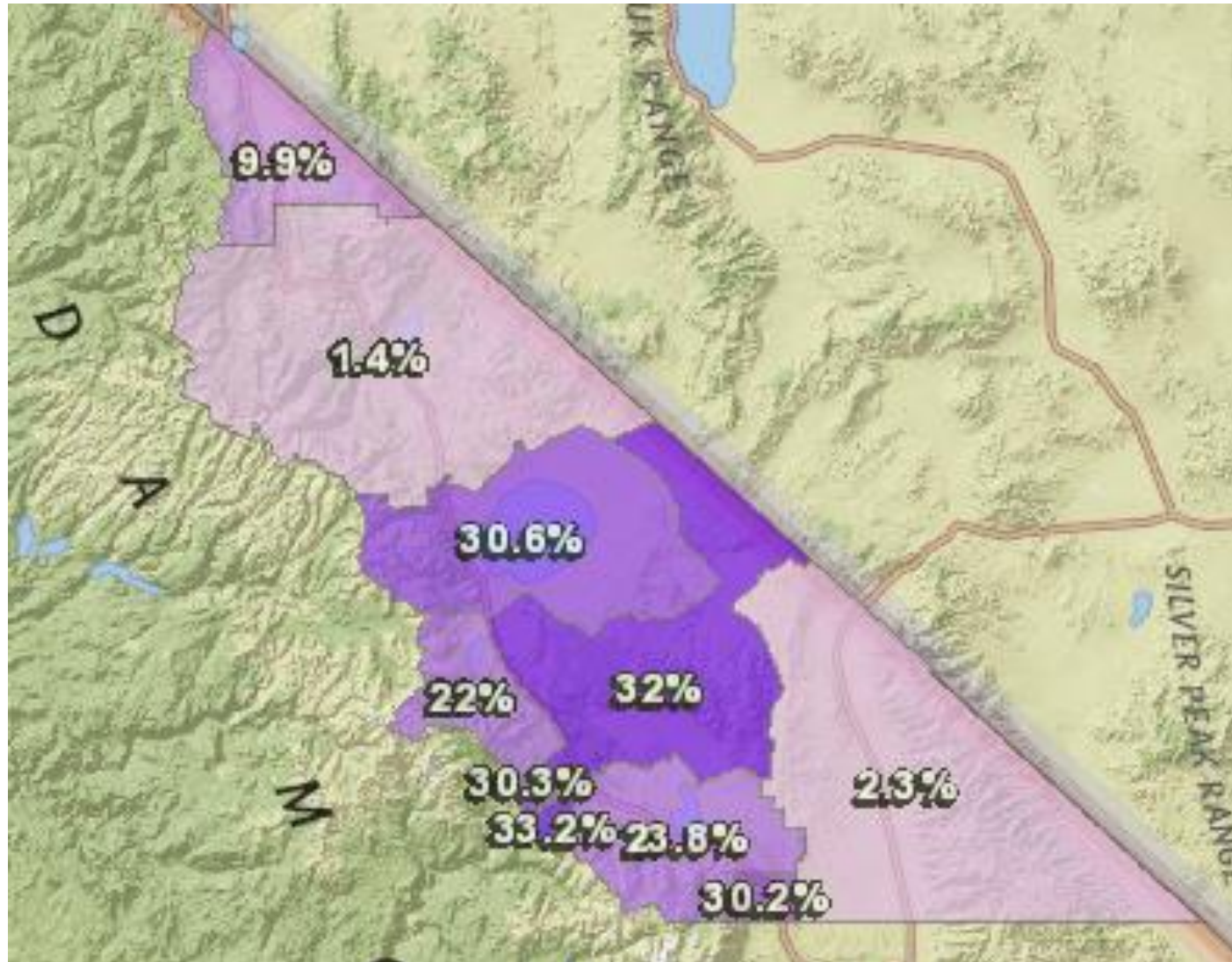
865 Eastside Rd
Coleville, CA 96107
(775) 229-9326
(775) 229-9325

Cannabis Regulation

June 13, 2016

Mono County Board of Supervisors

Background



California

YES: 56.4%

NO: 43.6%

Mono County

YES: 3,303 61.6%

NO: 2,061 38.4%

Options

A. State Regulates

- Allow activities subject to State regulations.

B. Ban

- In whole or in part

C. Draft County Regulations

- Direction from March Board meeting
- Types of cannabis activities
- Locations & development standards
- If desired, regulate personal cultivation

Planning Process

Goal: Develop & adopt land use policies/regulatory standards for cannabis by Dec. 31.

Challenges:

- Rapidly changing landscape of state laws
- Unknown impacts across multiple departments = collaboration challenge
- Emotional response to issue, outreach
- Speculation

The County's regulatory framework is not yet established.

- Commercial cannabis activities are currently illegal.
- Individuals investing in future uses do so at their own risk with no guarantees.

Rationale Planning Process:

- Public health & safety
- Consistency with General Plan Vision, community character, and related public input

Regulating Land Uses

Personal Cultivation

- Regulate?

Commercial Operations

- Option 1 – Fit within existing designations
- Option 2 – Add more regulation
- Option 3 – Less regulation
- Use Permit

Personal Cultivation

Adult Use State Regulations:

- No person shall sell cannabis without proper state licensing
- Within residences and permanent accessory structures
- 6 plants maximum
- Single private residence or upon the grounds of that private residence
- Locked space, not visible by normal unaided vision from a public place
- May give away not more than 28.5 grams

Medical State Regulations:

- Prop. 215 (1996)
- SB 420
- Medical Marijuana Regulation and Safety Act (MCRSA)

Personal Cultivation: Regulate?

Potential issues that may be addressed:

- Indoors vs. outdoors: one or the other
- Location
- Ventilation/odor
- Security features
- Maximum area
- Screening/visuals
- Setbacks
- Many details are addressed by building codes

Commercial

Retail

Manufacturing

Test

Cultivation

Commercial Retailer

Potential Land Use Designations:

- Commercial
- Service Commercial
- Industrial & Industrial Park
- Agriculture (as an accessory to main use)
- Mixed-Use

- The parcel must be located 600' from any school
- Hours of operation 6am – 9pm
- Must meet Security Plan requirements

Commercial Manufacturing

To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

- ❑ Type P license: only package and/or label another manufacturer's products;
- ❑ Type N license: only conduct infusions and/or packaging and labeling their own products.
- ❑ State operational requirements

Potential Land Use Designations:

- Agriculture
- Service Commercial
- Industrial & Industrial Park

Commercial Testing (Type 8)

A laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products

- Security protocols
- Control access
- Security alarm system required
- Storage area with Commercial-grade lock
 - Test samples
 - Waste containing cannabis

Potential Land Use Designations:

- Commercial
- Industrial and Industrial Park
- Agriculture

Commercial Cultivation (Type 1-5)

No Adult-use Type 5 prior to Jan.1, 2023.

Potential Land Use Designations:

- Agriculture
- Industrial and Industrial Park

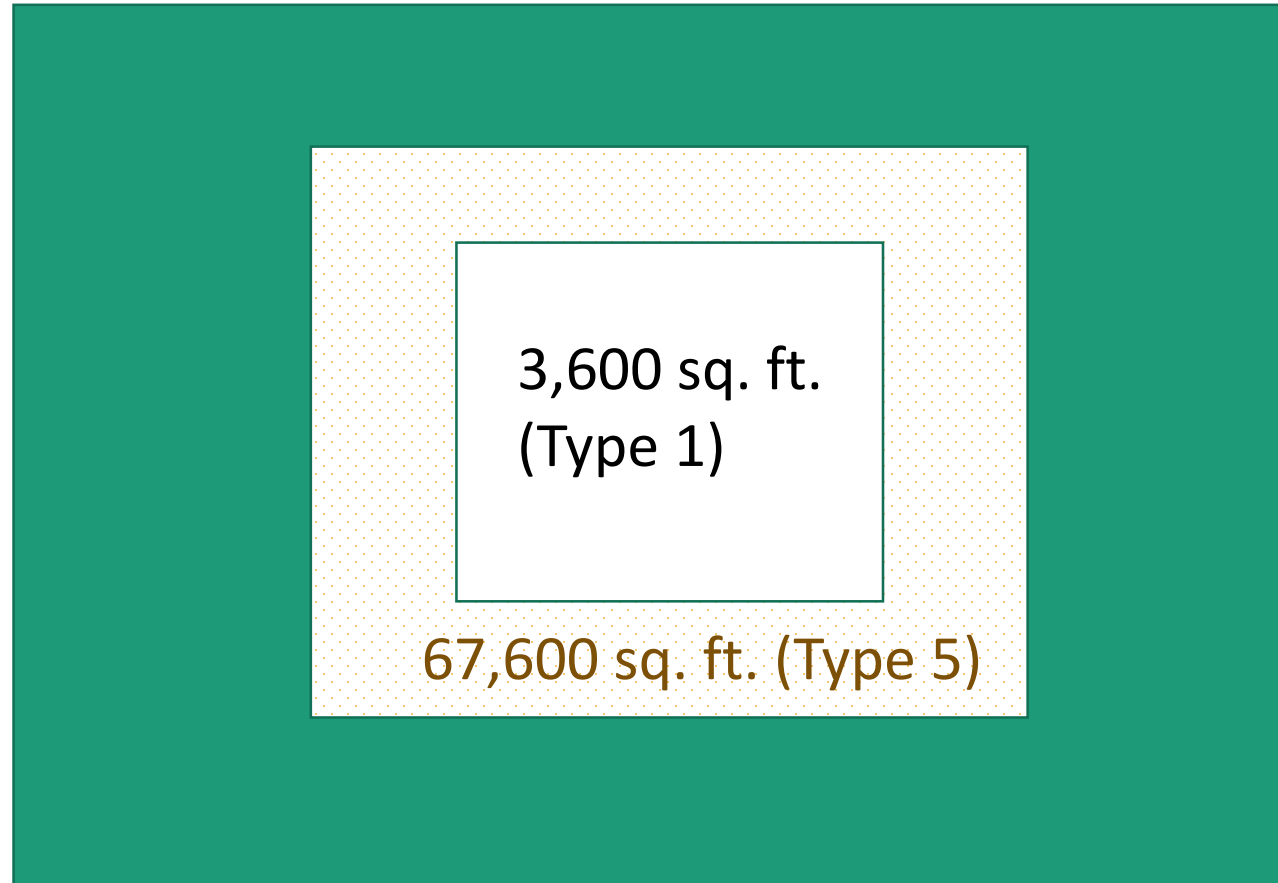
Defining “Agriculture”

- Green house building permits
- LUD Resource Management & Open Space
 - Ag is a permitted use, but cannabis seems incompatible with land use intent
- **Land Use Policies Objective 1.G.**
 - Protect open space and agricultural lands from conversion to and encroachment of developed community uses.
 - **Policy 1.G.1.** Protect lands currently in agricultural production.
 - **Action 1.G.1.a.** Designate large parcels in agricultural use as "Agriculture."

Commercial Cultivation: Potential Regs

- Setbacks from property lines & expanded list of facilities
- Security
- Visuals/screening
- Odors/ventilation
- Lighting
- Environmental Management Plan

10 acres



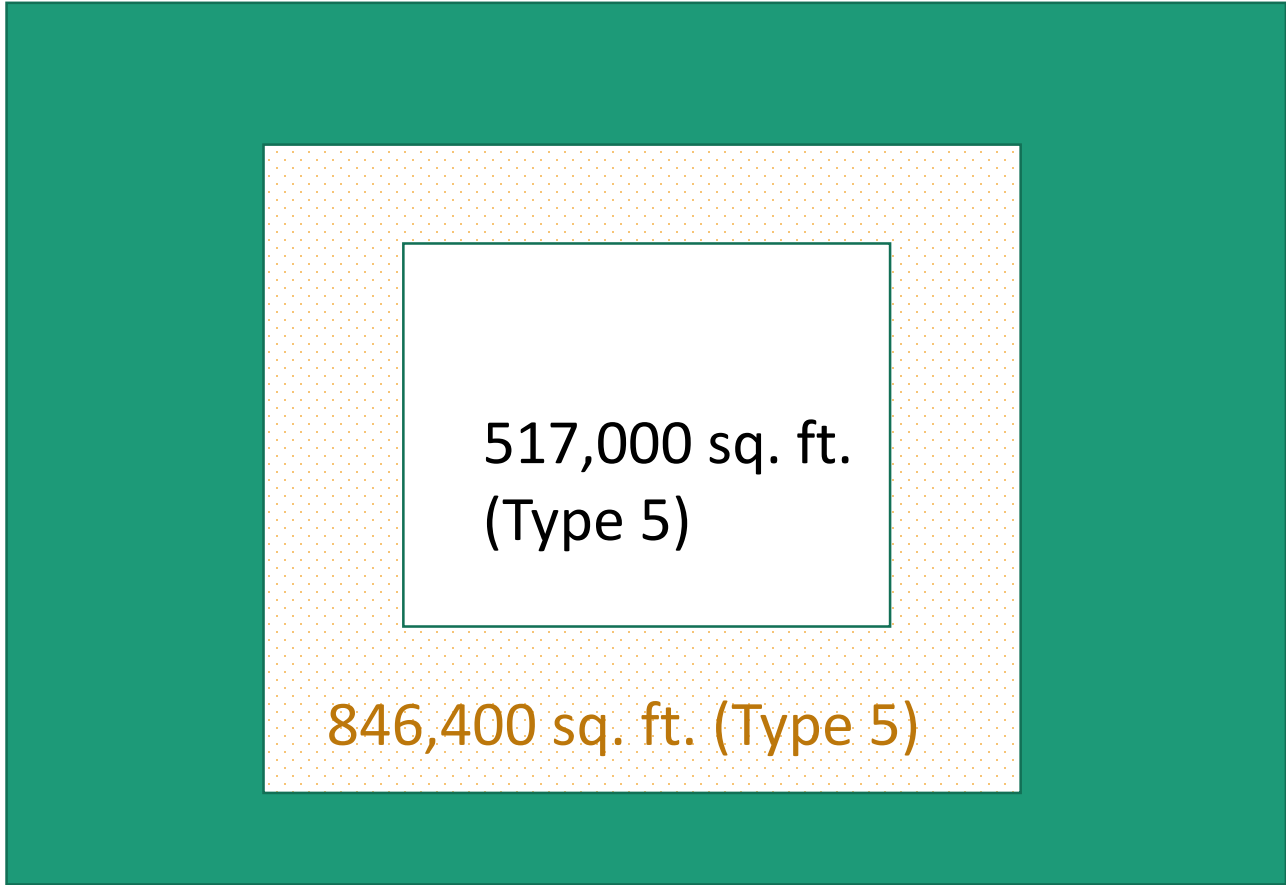
3,600 sq. ft.
(Type 1)

67,600 sq. ft. (Type 5)

300' set back

200' set back

40 acres



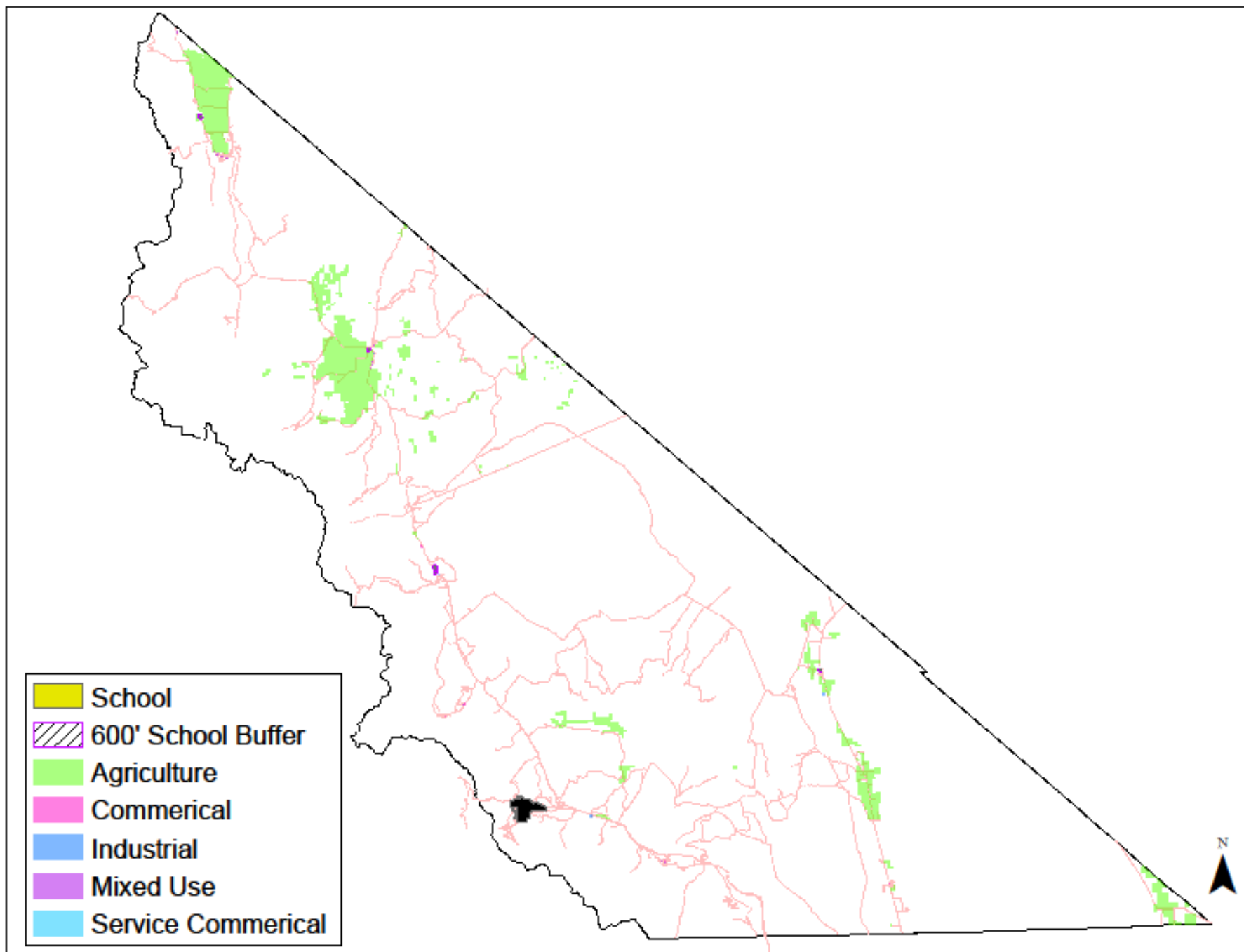
517,000 sq. ft.
(Type 5)

846,400 sq. ft. (Type 5)

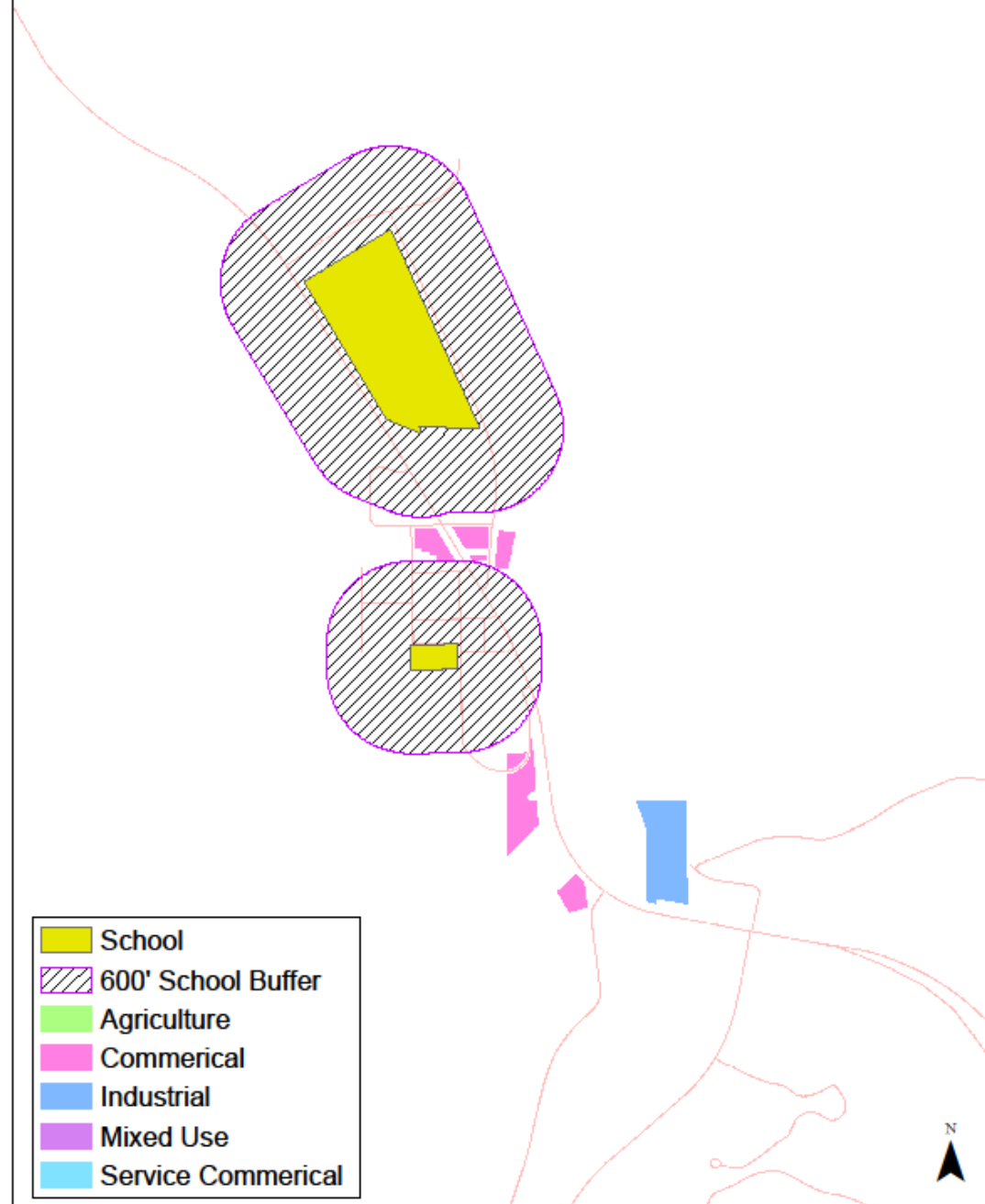
300' set back

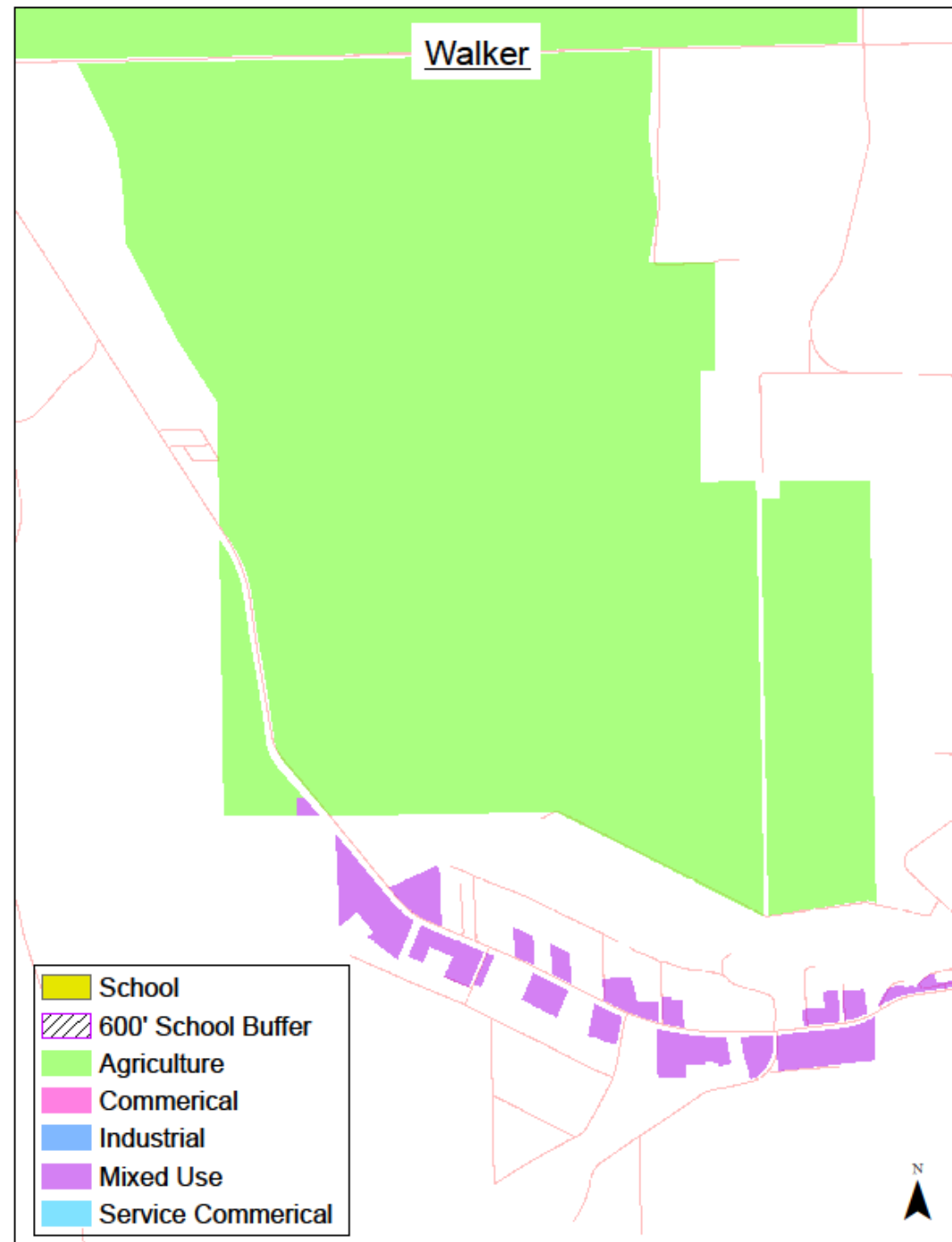
200' set back

	Cultivation	Manufacturing	Testing	Retail
	Type 1-5	Type 6 & 7	Type 8	Type 10
Agriculture (AG)	X	X*	X*	X*
Commercial (C)			X	X
Commerical Lodging (CL)				
Commerical Lodging Moderate (CL-M)				
Commerical Lodging High (CL-H)				
Estate Residential (ER)				
Idustrial (I)	X	X	X	X
Industrial Park (IP)	X	X	X	X
Mixed Use (MU)				X
Multi-Family Residential Low (MFR-L)				
Multi-Family Residential Moderatle (MFR-M)				
Multi-Family Residential High (MFR-H)				
Natural Habitat Protection (NHP)				
Open Space (OS)				
Public and Quasi-public Facilities (PF)				
Resource Extraction (RE)				
Resource Management (RM)				
Rural Mobile Home (RMH)				
Rural Residential (RR)				
Rural Resort (RU)				
Scenic Area Agriculture (SAA)				
Single-Family Residential (SFR)				
Service Commercial (SC)		X		X
Specific Plan (SP)				
*INCIDENTAL USE ACCESSORY TO MAIN USE				



Lee Vining





Use Permit

- Discretionary permit approved by the Planning Commission
- Allows for public comment
- Provides flexibility through conditions
- Required to meet “findings”
- Environmental review required
- \$495 deposit + bill hourly for staff time

Building Permit

- Different activities will trigger different occupancy classifications & different code requirements

General Requirements:

- Site Plan & architectural details
- Structural engineering
- Mechanical plans, including electrical, plumbing, irrigation
- HVAC & Ventilation
- Waste disposal
- Other project dependent health & safety features: CO2 & sulfur sensors, fire sprinklers

Land Use Questions

1. Do we regulate personal cultivation (medical and/or adult use)?
2. Do we continue to develop regulations for commercial cannabis?
3. If we are to continue....
 - Should we apply current land use designation definitions to cannabis industry types?
 - Should we add additional requirements for cannabis industry types applicable to specific land-uses?
4. Does the Board have any specific questions they would like answered by the public at CDD community outreach meetings?

Code Enforcement

- Receive a formal complaint or some other tip about illegal activity.
- Investigate complaint.
- If violations are confirmed, issue a Notice of Violation with opportunity to comply and abate any violations (usually 30 days).
- If non-compliance continues, can issue an administrative citation:
 - \$100 per day per violation for first five days
 - \$500 per day per violation until abated or an appeal is filed within 10 business days
 - Any decision of the appeal hearing officer can be appealed to Superior Court
- The County can then initiate litigation to recover the accumulated fines.

Code Enforcement

- Option 2: if owner does not comply with Notice of Violation, can initiate a Public Nuisance Hearing with the Board.
- Two public hearings: the first alleging violations and the second providing evidence of violations.
- If Board declares a property public nuisance, then county can seek an abatement warrant from the court to correct said violations.
- Any costs incurred by the county in abatement would be placed in a lien against the property.
- A third option after non-compliance is to seek injunctive relief through the courts.

