

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Thursday, January 12, 2017

Supervisor Scott Haggerty, Chair
Supervisor Nate Miley

Location City of Livermore Council Chambers
3575 Pacific Avenue
Livermore, CA 94550

Summary/Action Minutes

I. Update on Medical Cannabis Dispensary and Cultivation Ordinances [Attachment](#)

Albert Lopez, Director, Planning Department, presented introductory comments and some background information; chronology of public meetings; new state law allows expansion of medical cannabis. Proposed cultivation ordinance and amendments to medical marijuana ordinance;

Liz McElligott, Assistant Agency Director, Community Development Agency presented a memorandum to update the Committee on the proposed Medical Cannabis Dispensary and Cultivation Ordinances.

The memorandum included a brief description of issues raised and in response to direction from the Transportation and Planning Committee and public comment received. The revised draft ordinances incorporate the public comments which correct errors or do not change the substance of the ordinances. Staff requests direction as to how to address public comments that raised issues that would change the substance of the ordinances. Clarification requested on the following:

Dispensaries: 1) clarification on the number of dispensaries allowable; 2) identify geographical locations of dispensaries in East and West County; 3) consider if dispensaries will be allowed in Agricultural Zones.

Equity or community benefits: Committee to consider if equity and or community benefits measures should be included in the ordinance and or the RFP process.

Sensitive receptors: buffer reduced to 600 feet in between sensitive receptors; the Sheriff's Office and some members of the public members would like to retain the 1,000 foot buffer between sensitive receptors.

Storage of cannabis: There is no limit on the amount of medical cannabis that can be stored at a dispensary; the Sheriff' Office recommends to limit storage to 20 pounds; the Castro Valley MAC recommended a 100 pound limit.

Edibles: The current ordinance does not allow edibles; Committee to consider allowing edibles; the Sheriff's Office does not does not support sale of edibles.

Proposition 47: Some felonies have been reduced to misdemeanors due to Prop. 47. Language included in ordinance prohibits a person who previously committed of a felony, but now reduced to a misdemeanor, from participating in medical cannabis sales or cultivation; Committee to determine if the Prop. 47 language should be included in the ordinance.

Onsite ingestion: Onsite ingestions is currently not allowed; members of the public recommended on site ingestion be allowed as it is necessary as part of doing business.

Delivery: The draft ordinances establishes a permit process for delivery of medical cannabis. Committee to determine if there should be a cap on the number of delivery permits issued.

Cultivation: Permitted dispensary in good standing to apply to cultivate - would limit the number of cultivation to two; should not be limited to existing dispensaries; two tiered pilot; expand to include cultivation of other dispensaries limited to four (4)

A consultant was hired for the CEQA review, staff is currently reviewing the draft CEQA document and then it will be released to the public for a 20 day comment period.

Next Steps

The ordinances will be heard by the Planning Commission on February 6, 2017 and additional public meetings. The ordinances are tentatively scheduled for a first reading at the Board of Supervisors meeting on March 14, 2017.

After adoption of the dispensary and cultivation ordinances, staff will also begin preparing an ordinance to implement permitting procedures for medical cannabis manufacturing facilities and testing labs to align with the provisions of the Medical Cannabis Regulation and Safety Act (MCRSA) that apply to those facilities; and, in addition, staff will begin the process of determining the need for an ordinance that would apply to medical cannabis facilities countywide in those regulatory areas, such as Environmental Health, in which the County has jurisdiction over facilities within the cities. Staff estimates that the public process for approval of these ordinances would be completed approximately six months after adoption of the dispensary and cultivation ordinances.

Speakers

Larry Gosselin, Chair, Agricultural Advisory Committee, reported that the Ag Advisory Committee met on the medical cannabis topic and will present recommendations to the Planning Commission by January 24, 2017.

Al Vieux stated that he was concerned with the proposed grow facilities and how they will affect the Williamson Act, farmers and ranchers. Away from rural and urban neighbors, away from easy targets criminal element. Delay permit for grown facility until sheriff and neighbors
Alison Batteate believes rural East County is not the appropriate location for medical cannabis dispensaries. She is concerned about the future of agricultural. The Sheriff's recommendations have not been supported.

Chris Allen is a greenhouse property owner in Sunol and wanted to address some comments he has heard and seen. Santa Cruz and Monterey County have issued several permits for growers. Fifteen other counties have established cultivation ordinance. Allow cultivation as a possible revenue source.

Sheila Fagliano is concerned about safety with medical cannabis activity in the rural areas, she asked that the Sheriff's Office concerns be given consideration.

Albert Batteate is not against medical cannabis activity however it should in an area that does not compete with the current agricultural and cattle lands, with a secure environment.

Eric Sweet is concerned about emergency response times and energy use. He hopes that safety is a top concern with the County.

Paul Fagliano stated that the Federal government views cannabis as an illegal crop and the state has not issued rules or ordinances for cannabis until 2018. Mr. Fagliano suggest the County wait until the state ordinance is passed. He also has concerns regarding neighborhood safety.

Orville Meaux believes that the pilot program can be enhanced with the Equity Greenhouse Cooperative in impacted areas. The cooperatives can assist large and medium sized farms. The cooperatives are hoping to coordinate with land owners to create a minimum impact opportunity for agriculture. This will be considered an agricultural product under the MRSA.

Jeremy Laine owns four businesses in the cannabis industry including a delivery business and a dating site for people who use cannabis. He has experience with medical cannabis ordinances and would like to be included to receive information in the future.

Adam Pine Director of the Four Elements, delivery service in the area; six cultivation permits should be considered, commensurate with the number of dispensaries. There is a lot of investment that goes into cultivation and operation and people want to do it right.

Jason Preece is concerned about possible impacts of medical cannabis cultivation related to water use. Large parcels in range lands are sensitive to water supply and water quality.

Ryan Nielsen, rancher, believes that a lot of the concerns of residents can be addressed, such as safety and environmental impacts.

Heidi Preece believes the ordinances should have very stringent requirements for pilot cultivation sites.

George Duarte asked if the County is coordinating with any municipalities; if there are significant differences in ordinances it could drive away or move business toward those areas.

Albert Batteate asked if everything will be done in one location

Adam Pine suggested the Committee recommend 5 cultivation sites instead of four, to coincide with the number of allowable dispensaries.

Alison Batteate asked for clarification on the pilot cultivation program.

Denise Martelacci, Fairview resident, asked if the Fairmont campus dispensary is successful, would an additional dispensary be allowed in the west part of the County.

Jason Oberman suggested the Committee allow six dispensaries in the unincorporated area.

Paul Fagliano is concerned about impaired marijuana users on streets and roads after onsite ingestion. Mr. Fagliano also requested more deputies in the area.

Orville Meaux stated that in states where medical cannabis is allowed, they have the lowest accident death rates. Co-ops would be structured to allow partnerships.

Al Vieux stated that the local Cattlemen's Association will submit a letter in opposition to medical marijuana dispensaries and cultivation.

Brenda Morrison, Livermore resident, asked about the minimum number of plants to be grown by each patient; asked if medical marijuana patients could group their cultivated plants together. Ms. Morrison also asked about the performance standards for dispensaries.

Sudhir Reddy, pharmacist and pharmacy owner in Castro Valley, stated that he is interested in opening his own dispensary. There is increased opioid abuse; some patients use medical marijuana for pain management and he supports educating the public on the uses.

Commander Kelly Mile, Alameda County Sheriff's Office read a report from "Rocky Mountain High Intensity" in Colorado that states marijuana related traffic deaths increased 40% after recreational use of marijuana was passed.

Dan Hemingway, retired Sheriff and area resident, stated that safety is a big concern however there are not enough staff to maintain increased activity.

Purpose:

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation**
- Other:

Recommendation from the Transportation and Planning Committee: The Transportation and Planning Commission recommended the following:

- Five (5) dispensaries allowed: the two (2) existing dispensaries in Ashland and Cherryland, one (1) at the Fairmont Campus, two (2) in East County.
- Dispensary locations in East County do not have to be tied to a cultivation site
- Equity provisions may be included in the RFP in West County dispensary areas
- Community benefits provisions may be include in the RFP in East County
- Buffer for sensitive receptors to be 1,000 feet
- Edibles will be allowed by the Environmental Health department from a certified kitchen that only produces edible cannabis products
- There will be a 100 pound storage limit per dispensary
- Remove language concerning Proposition 47
- Onsite ingestion allowed for testing medical cannabis only
- Cultivation: The two existing dispensaries will be a part of the Cultivation Pilot Program; two additional cultivation permits will be available for a total of four allowable cultivation sites. Eliminate the phased in approach of pilot program.
- Outdoor cultivation will not be allowed

County staff to distribute Dispensary Performance Standards to the public for review.

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