



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

G-3

For the meeting of: October 13, 2015

Date: October 6, 2015
To: Board of Supervisors
From: Supervisor Estelle Fennell and Supervisor Ryan Sundberg
Subject: Supplemental Report from the Medical Marijuana (MMJ) Ad Hoc Committee

RECOMMENDATION(S): That the Board of Supervisors hear a supplemental report from the Medical Marijuana Ad Hoc Committee and direct staff to add additional alternatives to the proposed Medical Marijuana Land Use Ordinance on parcels five (5) acres or larger.

SOURCE OF FUNDING: N/A

DISCUSSION: On September 15, 2015, the Board of Supervisors heard a report from the MMJ Ad Hoc Committee and directed staff to prepare a medical marijuana land use ordinance for parcels five (5) acres or larger for consideration by the Planning Commission, and then for consideration by the Board of Supervisors. Staff was directed to come back with a proposed ordinance in compliance with State law, effective no later than March 1, 2016.

As part of this process, the MMJ Ad Hoc Committee is providing a supplemental report to the Board of Supervisors and additional alternatives to the proposed medical marijuana land use ordinance for parcels five (5) acres or larger, for consideration by the Planning Commission, and then the Board of supervisors.

FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT: N/A

Signature Estelle Fennell
Signature Ryan Sundberg

Prepared by Kathy Hayes

REVIEW: Auditor County Counsel Personnel Risk Manager Other

TYPE OF ITEM:
Consent
Departmental
Public Hearing
XX Other Board Initiated (20 min)
PREVIOUS ACTION/REFERRAL:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Secinded by Supervisor
Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

Board Order No.
Meeting of:

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated:
By:
Kathy Hayes, Clerk of the Board

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: N/A

CC. AM BOS

Hayes, Kathy

From: Sundberg, Ryan
Sent: Tuesday, October 13, 2015 6:41 AM
To: 'james.wasetis@sbcglobal.net'
Cc: Hayes, Kathy
Subject: RE: Maybe if the grows were kept small, you could help save lives and lower the incentive of shooting them in the head and robbing them.

Thank you for the input. We will make sure this gets into the public record. I do think we are only interested in small grows and dealing with only the existing impact and not adding new grows until we get we get a handle on the existing problems.

Best,

Ryan Sundberg
Humboldt County 5th
District Supervisor
707-476-2395

Sent from iPad

-----Original Message-----

From: james.wasetis@sbcglobal.net [james.wasetis@sbcglobal.net]
Sent: Monday, October 12, 2015 08:21 PM Pacific Standard Time
To: Bohn, Rex; Fennell, Estelle; Lovelace, Mark; Bass, Virginia; Sundberg, Ryan
Subject: Maybe if the grows were kept small, you could help save lives and lower the incentive of shooting them in the head and robbing them.

<http://lostcoastoutpost.com/2015/oct/1/hcso-suspect-large-after-last-nights-alderpoint-sh/> (couple shot in heads during grow robbery)

I seriously drought anything you do will impact large scale grows after 50 years of illegal growing and will not deter large scale grows in either compliance or paying taxes. start off small and you may have a better chance of regulation .

I feel increasing grow size to increase compliance is kind of like saying were going to allow you to commit one crime a year so we can lower the amount of reportable crime being committed. Just makes no sense to me and increases crimes.

Jim Wasetis

CC: All
BOS

Hayes, Kathy

From: Luke Bruner/Wonderland Nursery <vekindustries@gmail.com>
Sent: Monday, October 12, 2015 5:39 PM
To: Fennell, Estelle; Sundberg, Ryan; Bohn, Rex; Bass, Virginia; Lovelace, Mark; Hayes, Kathy
Cc: Lazar, Steve; Luke Bruner/Wonderland Nursery
Subject: Thoughts and feedback on Staff's Cannabis Cultivation Ordinance

Chair Fennell, Supervisors Bass, Bohn, Lovelace, and Sundberg,

It's taken some time to "process" Staff's Ordinance, since it's markedly different in size, scope, and direction than all drafts from CCVH. This issue is best discussed in terms of "What's there" and "What's missing."

Among the "What's missing" category, most prominent is, of course, a tax measure. It is my opinion that a tax should be vigorously and rapidly pursued. The CCVH draft excise tax needs only a bit of polish, and it would be ready to send to the voters. All commercial cannabis cultivation, licensed or unlicensed, legal or illegal, must be subject to taxation. 2015 must be the last full year that commercial cannabis cultivation is untaxed in Humboldt County.

It's been stated by the C.A.O. that it is not possible for the tax document to be completed in time, even with CCVH's document as a template. It is my hope that Your Board can discuss hiring Nossaman LLP to finish work on the tax document. Bill Pellman, the attorney that drafted the tax document, has an impressive and extensive career, including serving as County Counsel for the County of Los Angeles. I have included a brief bio at the end of this letter.

Also among the "What's missing" category: I've dialoged with a number of community stakeholders, and there was a common theme: "What happened to the CCVH Draft?" Though it changed over the last 11 months, there was a great deal of familiarity with its pieces and history among the stakeholders. There was a common expectation that it would serve, along with the letter of recommended changes I submitted, as a template. This was not what occurred. What happened to the CCVH Draft? I intend to submit it to the Planning Commission as part of my written public comment.

In terms of "What's there": the most prominent feature is the allowing of 700-light indoor grows. These 700-light grows have the same permitting requirements as a mom-and-pop with 50 plants in their backyard. I don't think this is right.

There are other issues, too, which I intend to submit into the written record for the planning commission.

Additionally, Staff's Ordinance is silent on the matter of business licenses and agricultural certification. From my lay perspective, business licenses and ag certification may proceed from the Ad Hoc Committee directly to the Board of Supervisors. Obviously, I defer to County Counsel on appropriate insight and advice for process for such matters.

Finally, I request that all of today's public comments, the minutes of Your Board's discussion today, and the video of Your Board's discussion today, be transmitted to the Planning Commission to be added to the public record of documents/video under their review.

Sincerely,
-Luke Bruner

CC: BM
BOS

Bio for Bill Pellman

Bill Pellman has extensive experience in municipal law, governmental litigation, land use, and mediation. Prior to joining Nossaman, he served as the ninth County Counsel of Los Angeles County. His 31 years with the County Counsel's office covered a myriad of responsibilities and legal areas. These included being legal advisor to the Board of Supervisors, County Districts, the Metropolitan Transportation Authority, County Superintendent of Schools, the Superior Courts, and special districts.

For 20 years, Mr. Pellman was the advisor to the Los Angeles County Local Agency Formation Commission. Subsequent to his service as the County Counsel of Los Angeles, he assisted and advised public agency clients and private clients regarding a variety of government law issues.