

Meeting Summary
Advisory Committee Meeting
Outdoor Cultivation of Medical Marijuana
Monday, December 12, 2011 - 9:00 AM

Summary Report Provided by Supervisor Ron Briggs

In Attendance:

Supervisor Ron Briggs, District IV
Supervisor John Knight, District I
Sheriff John D'Agostini
Members of the Sheriff's Narcotics Division
David Bishop, American Alliance for Medical Cannabis
Mitch Fadel, American Alliance for Medical Cannabis
Bobby Eisenberg, Cool Medical Clinic
Alan Arner, Resident of El Dorado County
Dave Goss, Resident of El Dorado County
John Mansker, Resident of El Dorado County
Pat Van Cor, Resident of El Dorado County
Brenda Bailey, Assistant to Supervisor Briggs

After introductions, the discussion focused on the:

- Outdoor cultivation of marijuana for medical purposes
- Action taken by the County of El Dorado Board of Supervisors at their 11/15/11 meeting (Item #37)
- Timelines associated with the adoption of an urgency ordinance/moratorium per the State Government Code
- Consideration of the outdoor cultivation season for medical marijuana
- Ability to protect the qualified patients as well as the private property rights of their neighbors and the community as a whole.

It was agreed that the focus of this meeting would be limited to the cultivation of medical marijuana due to the seasonal conditions that affect outdoor cultivation and that the moratorium on cultivation is time/season sensitive.

County representatives concurred that the "Spirit of 215" is not the issue and that the County is seeking options to address those who are abusing the intent of Proposition 215. The goal is an ordinance that will aid the Sheriff and address the abuses of Proposition 215 and SB 420.

County residents shared experiences with outdoor cultivation activities that included:

- No fencing, fully visible marijuana gardens
- Use of pit bulls for security
- Firing of shotguns/firearms at night
- Gardens that have as many as 99 plants per posted "patient"
- Home/garden invasions
- Gardens that are clearly visible and accessible to children and teenagers
- Increased pedestrian and vehicle traffic at garden sites
- Odor

Representatives of the American Alliance for Medical Cannabis & the Cool Medical Clinic (AAMC/CMC) shared that they encourage their members to use discretion, wisdom and self-sufficiency when cultivating. A complete ban on outdoor cultivation will result in hardship for many.

Indoor cultivation is complicated and involves additional expenses for the patients. Many of their patients are on fixed budgets and under financial duress. For example, indoor cultivation requires an increase in electricity usage that equates to a minimum increase of \$200/month on electricity bills.

AAMC/CMC representatives encouraged consideration of an ordinance that would determine the size of the gardens based on the need of individuals working together in a collective effort to provide for each individual's personal use.

It was noted that a doctor cannot write a prescription for medical marijuana to a dispensary and that a doctor can write a prescription for ounces, but not for a specified number of plants.

County representatives expressed concerns regarding the impacts to surrounding neighbors and community when a large number of plants are cultivated at one location. Additionally, there was discussion regarding the increased level of prohibition and regulation within the surrounding region and the potential impact on the County. Will the lack of prohibitions and regulation within the County result in an increased level of the cultivation and distribution within the County as people "relocate" here to avoid prohibitions and regulations in other communities?

There was considerable discussion regarding how to define the space for outdoor cultivation and if that definition should be based on square footage, garden canopy or number of plants.

Issues for Continued Discussion by Advisory Committee:

- Base the square footage for cultivation on the number of qualified patients using a garden. For example:
100 square feet for one patient; 200 square feet for 2 patients; and 250 square feet for 3 or more patients
- Limits on the number of individuals that can be part of a collective/cooperative cultivation effort
- Limits on the number of overall collective efforts within County
- Further define the collective/cooperative cultivation of medical marijuana
- Options that will address the requirement that gardens are "not visible" from surrounding parcels and streets, roads, sidewalks, pathways, etc.
- Ordinances adopted by other jurisdictions that address abusive cultivation through an abatement process, the imposition of fines and property liens, etc.
- Should cultivation operations be limited by zone? By parcel size? Include setbacks requirements?

Meeting concluded. Members will be contacted to schedule subsequent meetings.