

PC 8/22/13
#9.a

Michelle L Bonbright
4231 Product Dr #24
Shingle Springs, CA 95682
209-304-9619

13 AUG -5 PM 12:03
RECEIVED
PLANNING DEPARTMENT

Attn: County of El Dorado Planning Commission;

I am respectfully writing to ask that you reconsider your stand on medical cannabis dispensaries. I am a working tax paying member of this community. I also have Lupus. Since 2009 I have been out of remission. My Rheumatologist has had me on a powerful regimen of steroids and chemotherapy drugs. My ability to manage the side effects with cannabis has kept me on my feet, smiling and working, and subsequently paying taxes and providing this county with revenue from my dollars.

To put it in perspective, I am unable to whip up a batch of Chemo drugs in my kitchen, facilitating my need for a pharmacy. Thusly, I am unable to grow my own cannabis as I live in an apartment where children also live. I have to purchase my cannabis in a safe legal manner by going to a dispensary. Taking my access to safe medicine will also affect my ability to be productive and go to work. It is for people like me that dispensaries exist, and I hope that you will continue to see the value of such places.

Respectfully,

Michelle L. Bonbright

7/31/13

PC 8/22/13
#9.a

Fwd: Medical marijuana

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>
Cc: Debra Ercolini <debra.ercolini@edcgov.us>

Mon, Aug 5, 2013 at 4:10 PM

----- Forwarded message -----

From: **Daniel Stjean** <danielpaulstjean1@gmail.com>
Date: Sat, Aug 3, 2013 at 2:31 PM
Subject: Medical marijuana
To: planning@edcgov.us

Dear county,

Shutting down legal marijuana dispensaries is a mistake because it would restrict patients from a getting safe controlled product. I believe that the availability of marijuana for medical use is extremely important both for the safe distribution of marijuana and for those in the community that need it. Furthermore, taxes from the safe and legal sale of marijuana benefit the community, and make it a safer place to live in.

-best regards
Daniel st jean

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Thank you.



Fwd: Hearing on Dispensaries and Collectives..

Planning Unknown <planning@edcgov.us>

Tue, Aug 6, 2013 at 8:33 AM

To: Charlene Tim <charlene.tim@edcgov.us>

Cc: Debra Ercolini <debra.ercolini@edcgov.us>, Peter Maurer <peter.maurer@edcgov.us>

----- Forwarded message -----

From: **James White** <ammosmith23@hotmail.com>

Date: Mon, Aug 5, 2013 at 5:06 PM

Subject: Hearing on Dispensaries and Collectives..

To: "planning@edcgov.us" <planning@edcgov.us>

Hi and greeting to all on the Planning Commission,

My name is James and I am a California Prop. 215 patient. I would like to encourage you to keep the dispensaries and collectives open for safe access. I know there are some who want them shut down however they do provide a safe and regulated way for patients like myself to access cannabis for treatment. These businesses give back by paying taxes directly into the county and state. I would also like to encourage you to make it easier for patients to grow their medicine on private land. Thank you for reading my email concerning this issue.

James

--

Tom Purciel

Associate Planner - Planning Services

tom.purciel@edcgov.us

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Thank you.



Fwd: Supporter of Medical Marijuana Dispensaries

Planning Unknown <planning@edcgov.us>

Wed, Aug 7, 2013 at 1:34 PM

To: Peter Maurer <peter.maurer@edcgov.us>

Cc: Charlene Tim <charlene.tim@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

----- Forwarded message -----

From: **Scott Watkins** <sctwatkins@gmail.com>

Date: Wed, Aug 7, 2013 at 1:22 PM

Subject: Supporter of Medical Marijuana Dispensaries

To: planning@edcgov.us

My name is Scott Watkins. I am a resident of Folsom, CA and I frequently visit medical marijuana dispensaries in South Lake Tahoe and Cameron Park. I am a graduate student and I work close to full time. It has come to my attention that the Planning Commission is attempting to prohibit medical marijuana dispensaries in El Dorado County. Medical marijuana dispensaries allow me to receive the medicine I need without having to resort to buying it on the streets in an uncontrolled and dangerous environment. I strongly oppose any ordinance that would limit medical marijuana and I am a tax paying supporter of medical marijuana. Do the right thing and allow patients like myself to continue to have access to their medication.

--
Tom Purciel
Associate Planner - Planning Services
tom.purciel@edcgov.us

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Thank you.



PC 8/22/13
#9.a
5 pages

Fwd: Medical Marijuana

Planning Unknown <planning@edcgov.us>

Fri, Aug 9, 2013 at 8:45 AM

To: Charlene Tim <charlene.tim@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

Cc: Peter Maurer <peter.maurer@edcgov.us>

----- Forwarded message -----

From: **Summer Bradley** <summerbradley@hotmail.com>

Date: Thu, Aug 8, 2013 at 11:42 AM

Subject: Medical Marijuana

To: "planning@edcgov.us" <planning@edcgov.us>

Hi Planning Commission,

I wrote you yesterday but saw this article on CNN.com today that I think may be of interest to you. Please take some time to check it out and consider what it says especially when it comes to local patients and their needs for safe access!!!

http://www.cnn.com/2013/08/08/health/gupta-changed-mind-marijuana/index.html?hpt=hp_t1

Thank you!

-Summer

--
Tom Purciel
Associate Planner - Planning Services
tom.purciel@edcgov.us

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Thank you.

Why I changed my mind on weed

By Dr. Sanjay Gupta , CNN Chief Medical Correspondent
updated 8:44 PM EDT, Thu August 8, 2013

CNN.com

Dr. Sanjay Gupta: I've tried marijuana

Watch Dr. Sanjay Gupta's groundbreaking documentary "WEED" at 8 p.m. ET August 11 on CNN.

(CNN) -- Over the last year, I have been working on a new documentary called "Weed." The title "Weed" may sound cavalier, but the content is not.

I traveled around the world to interview medical leaders, experts, growers and patients. I spoke candidly to them, asking tough questions. What I found was stunning.

Long before I began this project, I had steadily reviewed the scientific literature on medical marijuana from the United States and thought it was fairly unimpressive. Reading these papers five years ago, it was hard to make a case for medicinal marijuana. I even wrote about this in a TIME magazine article, back in 2009, titled "Why I would Vote No on Pot."

Well, I am here to apologize.

I apologize because I didn't look hard enough, until now. I didn't look far enough. I didn't review papers from smaller labs in other countries doing some remarkable research, and I was too dismissive of the loud chorus of legitimate patients whose symptoms improved on cannabis.

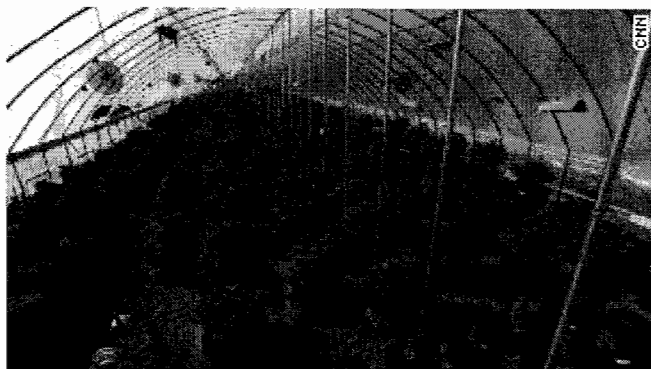
Instead, I lumped them with the high-visibility malingerers, just looking to get high. I mistakenly believed the Drug Enforcement Agency listed marijuana as a schedule 1 substance because of sound scientific proof. Surely, they must have quality reasoning as to why marijuana is in the category of the most dangerous drugs that have "no accepted medicinal use and a high potential for abuse."

They didn't have the science to support that claim, and I now know that when it comes to marijuana neither of those things are true. It doesn't have a high potential for abuse, and there are very legitimate medical applications. In fact, sometimes marijuana is the only thing that works. Take the case of Charlotte Figi, who I met in Colorado. She started having seizures soon after birth. By age 3, she was having 300 a week, despite being on seven different medications. Medical marijuana has calmed her brain, limiting her seizures to 2 or 3 per month.

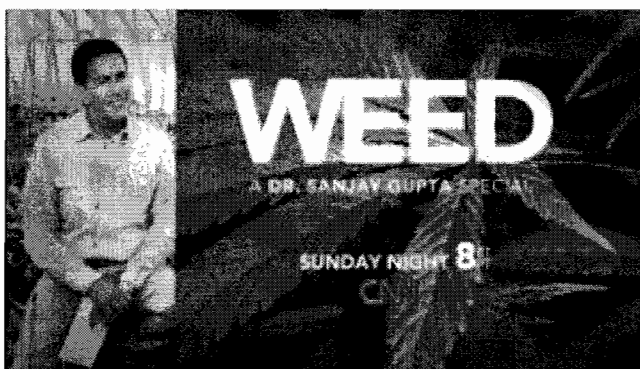
I have seen more patients like Charlotte first hand, spent time with them and come to the realization that it is irresponsible not to provide the best care we can as a medical community, care that could involve marijuana.

We have been terribly and systematically misled for nearly 70 years in the United States, and I apologize for my own role in that.

I hope this article and upcoming documentary will help set the record straight.



Medical facts of Marijuana



WEED: A Dr. Sanjay Gupta Special

On
August
14,
1970,
the

Assistant Secretary of Health, Dr. Roger O. Egeberg wrote a letter recommending the plant, marijuana, be classified as a schedule 1 substance, and it has remained that way for nearly 45 years. My research started with a careful reading of that decades old letter. What I found was unsettling. Egeberg had carefully chosen his words:

"Since there is still a considerable void in our knowledge of the plant and effects of the active drug contained in it, our recommendation is that marijuana be retained within schedule 1 at least until the completion of certain studies now underway to resolve the issue."

Not because of sound science, but because of its absence, marijuana was classified as a schedule 1 substance. Again, the year was 1970. Egeberg mentions studies that are underway, but many were never completed. As my investigation continued, however, I realized Egeberg did in fact have important research already available to him, some of it from more than 25 years earlier.

High risk of abuse

In 1944, New York Mayor Fiorello LaGuardia commissioned research to be performed by the New York Academy of Science. Among their conclusions: they found marijuana did not lead to significant addiction in the medical sense of the word. They also did not find any evidence marijuana led to morphine, heroin or cocaine addiction.

We now know that while estimates vary, marijuana leads to dependence in around 9 to 10% of its adult users. By comparison, cocaine, a schedule 2 substance "with less abuse potential than schedule 1 drugs" hooks 20% of those who use it. Around 25% of heroin users become addicted.

The worst is tobacco, where the number is closer to 30% of smokers, many of whom go on to die because of their addiction.

There is clear evidence that in some people marijuana use can lead to withdrawal symptoms, including insomnia, anxiety and nausea. Even considering this, it is hard to make a case that it has a high potential for abuse. The physical symptoms of marijuana addiction are nothing like those of the other drugs I've mentioned. I have seen the withdrawal from alcohol, and it can be life threatening.

I do want to mention a concern that I think about as a father. Young, developing brains are likely more susceptible to harm from marijuana than adult brains. Some recent studies suggest that

Public Comment

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regular use in teenage years leads to a permanent decrease in IQ. Other research hints at a possible heightened risk of developing psychosis.

Much in the same way I wouldn't let my own children drink alcohol, I wouldn't permit marijuana until they are adults. If they are adamant about trying marijuana, I will urge them to wait until they're in their mid-20s when their brains are fully developed.

Medical benefit

While investigating, I realized something else quite important. Medical marijuana is not new, and the medical community has been writing about it for a long time. There were in fact hundreds of journal articles, mostly documenting the benefits. Most of those papers, however, were written between the years 1840 and 1930. The papers described the use of medical marijuana to treat "neuralgia, convulsive disorders, emaciation," among other things.

A search through the U.S. National Library of Medicine this past year pulled up nearly 20,000 more recent papers. But the majority were research into the harm of marijuana, such as "Bad trip due to anticholinergic effect of cannabis," or "Cannabis induced pancreatitis" and "Marijuana use and risk of lung cancer."

In my quick running of the numbers, I calculated about 6% of the current U.S. marijuana studies investigate the benefits of medical marijuana. The rest are designed to investigate harm. That imbalance paints a highly distorted picture.

The challenges of marijuana research

To do studies on marijuana in the United States today, you need two important things.

First of all, you need marijuana. And marijuana is illegal. You see the problem. Scientists can get research marijuana from a special farm in Mississippi, which is astonishingly located in the middle of the Ole Miss campus, but it is challenging. When I visited this year, there was no marijuana being grown.

The second thing you need is approval, and the scientists I interviewed kept reminding me how tedious that can be. While a cancer study may first be evaluated by the National Cancer Institute, or a pain study may go through the National Institute for Neurological Disorders, there is one more approval required for marijuana: NIDA, the National Institute on Drug Abuse. It is an organization that has a core mission of studying drug abuse, as opposed to benefit.

Stuck in the middle are the legitimate patients who depend on marijuana as a medicine, oftentimes as their only good option.

Keep in mind that up until 1943, marijuana was part of the United States drug pharmacopeia. One of the conditions for which it was prescribed was neuropathic pain. It is a miserable pain that's tough to treat. My own patients have described it as "lancinating, burning and a barrage of pins and needles." While marijuana has long been documented to be effective for this awful pain, the most common medications prescribed today come from the poppy plant, including morphine,

oxycodone and dilaudid.

Here is the problem. Most of these medications don't work very well for this kind of pain, and tolerance is a real problem.

Most frightening to me is that someone dies in the United States every 19 minutes from a prescription drug overdose, mostly accidental. Every 19 minutes. It is a horrifying statistic. As much as I searched, I could not find a documented case of death from marijuana overdose.

It is perhaps no surprise then that 76% of physicians recently surveyed said they would approve the use of marijuana to help ease a woman's pain from breast cancer.

When marijuana became a schedule 1 substance, there was a request to fill a "void in our knowledge." In the United States, that has been challenging because of the infrastructure surrounding the study of an illegal substance, with a drug abuse organization at the heart of the approval process. And yet, despite the hurdles, we have made considerable progress that continues today.

Looking forward, I am especially intrigued by studies like those in Spain and Israel looking at the anti-cancer effects of marijuana and its components. I'm intrigued by the neuro-protective study by Lev Meschoulam in Israel, and research in Israel and the United States on whether the drug might help alleviate symptoms of PTSD. I promise to do my part to help, genuinely and honestly, fill the remaining void in our knowledge.

Citizens in 20 states and the District of Columbia have now voted to approve marijuana for medical applications, and more states will be making that choice soon. As for Dr. Roger Egeberg, who wrote that letter in 1970, he passed away 16 years ago.

I wonder what he would think if he were alive today.

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PC 8/22/13
#9.a

Fwd: {edcquestions} Hearing on August 22nd

Planning Unknown <planning@edcgov.us>

Mon, Aug 12, 2013 at 8:13 AM

To: Charlene Tim <charlene.tim@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

Cc: Peter Maurer <peter.maurer@edcgov.us>

----- Forwarded message -----

From: **Kathy Krizl** <kathy.krizl@edcgov.us>

Date: Mon, Aug 12, 2013 at 6:10 AM

Subject: Re: {edcquestions} Hearing on August 22nd

To: Jeff Polderman <jeffpolderman@yahoo.com>, Planning Unknown <planning@edcgov.us>

Cc: "EDCquestions@edcgov.us" <EDCquestions@edcgov.us>

Forwarding your information to the Planning Department for response...

Kathy Krizl

Web Development

El Dorado County IT

(530) 621-5416

kathy.krizl@edcgov.us

On Sun, Aug 11, 2013 at 6:45 PM, Jeff Polderman <jeffpolderman@yahoo.com> wrote:

Greetings...and to whom it may concern. I am unable to attend the hearing on August 22nd concerning Ordinance OR13_0001. Medical Marijuana Distribution. Specifically the proposed amendment title 17. I was disturbed to hear that a medical marijuana facility that has followed all laws and regulation is under attack by the county. This dispensary helps provide medical marijuana to people who have the legal right to do so by California state law. This keeps the drug dealers out of the picture. Leaving responsible law abiding citizens to purchase greatly needed relief from medical issues. While putting money in the form of state and county revenue. It seem counter productive to keep desperately needed revenue from our county..as well as desperately needed medicine to the responsible adults who choose herbal medicine over commercially made..man made chemicals. Thank you for at least having an open forum to discuss this very important topic. Jeff Polderman..county resident and tax payer.

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Thank you.

--
Tom Purciel

Associate Planner - Planning Services

tom.purciel@edcgov.us

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Fwd: r420 regulation

Planning Unknown <planning@edcgov.us>

Mon, Aug 12, 2013 at 10:18 AM

To: Charlene Tim <charlene.tim@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

Cc: Peter Maurer <peter.maurer@edcgov.us>

----- Forwarded message -----

From: **Mitch Martin** <mitchmartin188@yahoo.com>

Date: Mon, Aug 12, 2013 at 9:48 AM

Subject: r420 regulation

To: "planning@edcgov.us" <planning@edcgov.us>

This is Mitch Martin, a new member in the New Life in Diamond Springs.

This will sound naïve, but I think sweeping magnitude is needed to resolve this situation.

This is Mitch Martin, a new member in the New Life in Diamond Springs.

This will sound naïve, but I think sweeping magnitude is needed to resolve this situation.

There are 5 things, #3 is essential.

Federally legalize 420 with all or many of its protocols so that people will have something extra in these tough times.

Tax and regulate with more effect so that all the peoples will benefit from it.

Quintuple the penalties for harder drug causations, including stoned driving and drunk driving.

For people who insist on getting these penalties, instead of fines and/or jail, send them to help with the harvesting of the fields (and other venues). Until they learn to get more respect for society. Penalties assorted with valance are different of course.

Put this peculiar information on the ballets for all to see.

I feel people will respond positively. And I hope we can identify better solutions that can be applied to this situation. If the people want 420, they should give a lot back to society.

mitchmartin188@yahoo.com

—
Tom Purciel
Associate Planner - Planning Services
tom.purciel@edcgov.us

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Fwd: Marijuana Collectives

Planning Unknown <planning@edcgov.us>

Tue, Aug 13, 2013 at 6:28 PM

To: Charlene Tim <charlene.tim@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

Cc: Peter Maurer <peter.maurer@edcgov.us>

----- Forwarded message -----

From: **John Olander** <johnolander@att.net>

Date: Tue, Aug 13, 2013 at 6:14 PM

Subject: Marijuana Collectives

To: "planning@edcgov.us" <planning@edcgov.us>

I suffer from two medical conditions which greatly compromise my quality of life: Depression, and Restless Leg Syndrome. Both of these conditions are greatly mitigated by using cannabis products, as I have been for about two years. I was alarmed when I saw the issue of legal collectives coming before the Planning Commission. I urge you to keep open the very few collectives still operating in our area.

Thank you for your consideration.

John Olander

--

Tom Purciel

Associate Planner - Planning Services

tom.purciel@edcgov.us

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PC 8/22/13
#9.a

Time 11:48 AM Date 08/14/2013 Call Reference #:

Name joan darling

Phone 530-626-0450

Address

APN Assign to:

Permit# Division: Planning

- Status
- Sign-off
- Buildable
- Census
- GPD
- Granny Flat / TMA
- Flood Zone
- Proposed Development
- Legal
- Lot Restrictions
- Lot Size
- Rare Plant Fee
- Setbacks
- Splittable
- Uses Allow
- Zoning

Questions / (Answers) just wanted to leave a message saying she will be at the meeting on august 22. and is in favor of keeping title 17, 0001/medical marijuana distribution facilities

Date Taken: 08/14/2013 11:48:26 AM Completed Staff RNS

Activity:

Date	Results	Staff
08/14/2013 11:52:02 AM	Message logged in	RNS

Refresh Return Input NEW Go To Oldest Split this Call Print



Fwd: Medical Marijuana

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>
Cc: Peter Maurer <peter.maurer@edcgov.us>

Wed, Aug 14, 2013 at 4:50 PM

----- Forwarded message -----

From: **gina saunders** <rrsaunders@sbcglobal.net>
Date: Wed, Aug 14, 2013 at 4:34 PM
Subject: Medical Marijuana
To: "planning@edcgov.us" <planning@edcgov.us>

To the Planning Commission,

Unfortunately I cannot attend the meeting scheduled for 8/22/13 concerning the prohibition of medical marijuana dispensaries in El Dorado county. My medical conditions make mornings very difficult.

I have been using Medical Marijuana for years. It has been more effective than the myriad pharmaceutical prescriptions I and my doctors have tried, including but not limited to: Ambien, lunesta, amytriptalyne, and nafazadone, for sleep.

I am very sensitive to medications so the ability to 'dose' myself as needed with MM is very important.

I am also in chronic pain (fibromyalgia an it's accompanying symptoms) with anxiety and depression, and while I do take a low dose of anti depressants and a so called pain medication, (Tramadol) the benefits of relief provided by MM is something I can't fathom being without.

Without the availability of the distribution facilities in El Dorado County my, and MANY other peoples lives would be made so much worse than they already are. You would be sending us back into the dark alleys or unsafe places that we'd have to go to get our medicine, creating more mental/physical problems than we already have. You'd be putting us in a ripe place to be arrested and jailed, or having to travel long distances to obtain medication that we can't get to without the help of others, not to mention the added expense of getting there and back.

I am all for regulation and accountability of these facilities however, to use a cliché, please don't throw the baby out with the bath water!

Thank You for your consideration,
Regina Saunders
530)344-1083

PC 8/22/13

#9.a.

3 pages

**MARIJUANA CAREGIVERS ASSOCIATION
OF EL DORADO COUNTY**

P.O. Box 721
Shingle Springs, CA 95682
530.677.5362

13 AUG 15 AM 10:12
RECEIVED
PLANNING DEPARTMENT

August 15, 2013

El Dorado County Planning Commission
2850 Fairlane Ct., Building C
Placerville, CA 95667

Re: OR13-0001 Medical Marijuana Distribution Facilities

Dear Commissioners;

In this ordinance there are several inaccuracies and omissions in the stated findings. We will challenge the basis that was used as a foundation of this proposed ordinance as listed below:

1) On January First, 2004, Senate Bill 420 went into effect stating "It is the intent of the Legislature, therefore, to promote uniform and consistent application of the act among counties within the state" and "enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects". Despite the reaffirmation of local municipalities land use rights with the *Riverside* decision, the California Legislature will have the last word with bills currently in process. *This ordinance is clearly counter to Legislative intent.*

2) On August 25, 2005, the El Dorado County Planning Commission heard agenda Item 10a, File # Z04-0020 requesting "amending chapters 17.28 and 17.56 of the Zoning Ordinance to delete "dispensaries" as permitted in the R2, RT, TR2, and TRT zone districts". There was no specific mention of "marijuana" in the ordinance. Also, there was no public notice that mentioned "marijuana", despite staff reports that clearly indicated the intent was to ban marijuana dispensing. The deceitful (and probably illegal) nature of enacting this ordinance was evidenced by the fact that there was "no one in the audience wishing to give input".

The reasoning for enacting this ordinance was that if "dispensaries" aren't mentioned in the *Zoning Ordinance*, then they are not allowed. *This reasoning is severely flawed in that "dispensary" is synonymous with "pharmacy" and "drugstore", both of which are also missing from the codes, yet pharmacies and drugstores exist throughout the county.*

During that Planning Commission meeting, Commissioner Tolhurst said he does not know if the county should be using zoning ordinance to enforce federal law. The California Constitution forbids state and county employees and elected officials from using their official position to enforce federal law over state law.

For the record, Medical Marijuana Caregivers Association of El Dorado County (MMCA) received its California State Board of Equalization Seller's Permit on February 1, 2004, and was paying sales taxes to the state and El Dorado County long before El Dorado County's zoning efforts beginning with the "urgency" ordinance No. 4654 of August 24, 2004.

3) On November 28, 2007, the California Fourth Appellate District, in the case of *City of Garden Grove vs. Felix Kha*, found that "the [U.S.] Court's holding in *Raich [Gonzales vs. Raich]* did not address the preemption of the CUA [Compassionate Use Act]". "Consequently, the high court's decision did not sound the death knell of the CUA in state court proceedings". Citing *Gonzales vs. Oregon* that struck down a federal rule aimed at undermining Oregon's physician-assisted suicide law, "the fact is, the structure and limitations of federalism...allow the states great latitude under police powers to legislate as to the protection of lives, limbs, health, comfort, and quiet of all persons". "The CSA [Controlled Substances Act] explicitly contemplates a role for the states in regulating controlled substances". *City of Garden Grove vs. Felix Kha* quotes directly from the CSA, "No provision of the CSA shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any state law on the same subject matter which would otherwise be within the authority of the state, unless there is a positive conflict between that provision...and that state law so that the two cannot consistently stand together". "This express statement by Congress that federal law does not generally preempt state law gives the usual assumption against preemption additional force" and is regarded as the "direct preemption disclaimer".

4) On May 19, 2009, The United States Supreme Court refused to hear the constitutional challenge, lodged in a unified action by San Diego and San Bernadino counties against the CUA and SB420. Both counties sued the state of California over its marijuana laws arguing that they are "preempted under the Supremacy Clause" of the Constitution by the federal drug control laws. The Supreme Court refused to accept the case, without comment, allowing the CUA and SB420 to stand. The High Court, having already allowed "physician-assisted suicide", would not entertain arguments against "physician-assisted marijuana use". Planning staff's assertion of federal preemption has no legal basis.

5) On July 1, 2009 the California Third Appellate District ruling in *Butte County vs. David Williams* reinforces the rights of collectives with regards to arbitrary limits and "provides that individuals have a legal right to medical marijuana that can form the basis for a civil lawsuit against law enforcement officers for money damages". By creating an arbitrary limit to collectives, El Dorado County is creating a significant exposure to litigation by those patients that fail to gain relief from any county appeal process.

Eliminating dispensing collectives of more than three patients would create an undue hardship to the qualified patients of El Dorado County that is counter to California's legislative intent and case law. Siding with federal law over the voters of El Dorado County is unstable ground and tough to reconcile with constituents. The simple solution with this ordinance would be to restore the word "new" and acknowledge the collectives that pre-existed the "urgency" ordinance enacted on November 15, 2011, and wait for forthcoming guidance by the Legislature.

Medical marijuana collectives involve more than growing and distributing marijuana. A collective is a group of like minded qualified patients seeking peer support for their various medical conditions. We ask that El Dorado County not step over the line and limit a group of patient's (no matter the size) their First Amendment right to freely associate.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Vaughn', with a stylized, cursive flourish extending to the right.

Matt Vaughn,
President

PC 8/22/13
9.a

Fwd: Pure Life

Planning Unknown <planning@edcgov.us>
 To: Charlene Tim <charlene.tim@edcgov.us>
 Cc: Peter Maurer <peter.maurer@edcgov.us>

Thu, Aug 15, 2013 at 8:23 AM

----- Forwarded message -----

From: **ruth mccolgan** <brwneyescsy@yahoo.com>
 Date: Wed, Aug 14, 2013 at 7:46 PM
 Subject: Pure Life
 To: "Planning@edcgov.us" <Planning@edcgov.us>

Dear Planning Commission,

I am writing to you because I cannot attend the meeting on August 22, 2013 at 8:30 a.m. to support Medical Marijuana. I deal with pain on a daily basis due to diagnosed Orthio Arthritis, Anxiety and Depression. I have my Medical Marijuana prescription as prescribed by my Doctor. In my experiance, and what works for my overall well being is something as

natural as MM as opposed to prescription drugs, (aka pain killers).

Pure Life is a respectable, safe, and upstanding business which contributes to the revenues and taxes of our county.

I recommend someone from your board come and observe the operation. The members are respectable people in our community and surrounding countys as well.

I hope that you will see that having Pure Life in our community makes it so much safer and easier for those of us who need and believe in the benifits of MM. If I were unable to get my medicine from my local pharmacy (Pure Life) I would have to look to the illegal aspect of finding my medication.....off the grid.

I would like to add that I am a home owner in El Dorado County for over 20 years, and pay my share of taxes and revenues. I am not sure where the thinking is coming from?? Why would you want to close down a LEGAL and HONEST operation that contributes and pays its fair share of taxes??? What happend to Poor Reds?? Was Legal and Honsest going on there for the last several years??

Thank You for your time and Consideration in this very important issue,
 Ruth McColgan

--
 Tom Purciel
 Associate Planner - Planning Services

tom.purciel@edcgov.us

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Thank you.



PC 8/22/13
#9.a
16 pages

Fwd: Pure Life Collective - Response/Objection to Draft Medical Marijuana Distribution Facility Ordinance

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>
Cc: Peter Maurer <peter.maurer@edcgov.us>

Thu, Aug 15, 2013 at 8:24 AM

----- Forwarded message -----

From: **kelly chiusano** <kellychiusano@gmail.com>

Date: Wed, Aug 14, 2013 at 10:47 PM

Subject: Pure Life Collective - Response/Objection to Draft Medical Marijuana Distribution Facility Ordinance

To: rich.stewart@edcgov.us, tom.heffin@edcgov.us, walter.mathew@edcgov.us, dave.pratt@edcgov.us, planning@edcgov.us

Hello Planning Commission,

Kelly Chiusano here from the Diamond Springs Pure Life Collective. I would like to submit my official response to your proposed ordinance in regards to El Dorado County Medical Marijuana facilities and the public hearing set for next Thursday August 22nd.

Please see my attached response letter and a revised proposed ordinance for you to consider.

Thank you for your time!

Sincerely,

Kelly Chiusano
President, Pure Life Collective

Tom Purciel
Associate Planner - Planning Services
tom.purciel@edcgov.us

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Thank you.

2 attachments

kellychiusano_edcresponsletter.pdf

1336K

EDC.RevisedProposedOrdinance.pdf

227K

August 14, 2013

VIA E-MAIL

Planning Services (planning@edcgov.us)
Commissioner Rich Stewart (rich.stewart@edcgov.us)
Commissioner Tom Heflin (tom.heflin@edcgov.us)
Commissioner Dave Pratt (dave.pratt@edcgov.us)
Commissioner Walter Mathew (walter.mathew@edcgov.us)
El Dorado County Planning Commission
Planning Services
2850 Fairlane Court, Building C
Placerville, CA 95667

**Re: *Pure Life Collective*
Response/Objection to Draft Medical Marijuana Distribution
Facility Ordinance**

Dear Commissioners:

This letter is to introduce you to the Pure Life Collective and to propose some amended language to the El Dorado County's Draft Medical Marijuana Distribution Facility Ordinance ("ordinance"). I also wanted to thank Commissioner Pratt from visiting our facility this morning.

Background of Pure Life Collective

My wife Summer Chiusano and I established the Pure Life Collective in July 2011 in Diamond Springs, CA. We both grew up in El Dorado County and Summer currently owns her own home business as a local marketing consultant. Her family was involved in local politics while her father was an acting El Dorado County Supervisor in the 90's.

Summer and I are both active members of the El Dorado County, have a young son, and own a house in Placerville. We are well rounded and educated individuals who have great concern for our local government and fellow county residents. We pay our taxes and have never had any legal issues in our lives.

We opened Pure Life in 2011, after educating ourselves in all aspects of the industry by taking formal coursework. Pure Life currently employs 8-9 full and part time employees who assist us in serving anywhere from 80 to 100 clients/patients per day who require medical cannabis.

Since Pure Life has been in operation, we have had ZERO issues with theft, violence, loitering, non-payment of taxes, reported crime, or any disturbance of any kind. Our clients praise us regarding how strictly we check each member's California IDs each and every time they enter the facility to check for expiration and to make sure that their doctor's recommendation is up to date.¹ We follow current California State guidelines for running a collective and are HIPPA compliant. We pay regular taxes and donate extra proceeds to charities in our community.

Goals of Pure Life Collective

Pure Life Collective offers the community a safe and discreet location in Diamond Springs near public transportation. Like any business, our goal is to serve the needs of our customers who need medical cannabis the best we can. We achieve this by offering only high quality and regularly tested medication/flowers in a clean and professional environment with friendly and knowledgeable staff. In fact, from the county representatives' site visit to our facility this date, they can confirm what many of our clients say—that our facility looks like a medical office.

In addition to supplying our clients' needs, we offer a number of other services such as delivery to our less mobile members and we recently opened an educational center in which members may attend classes in yoga, outdoor cultivation, meditation, how to medicate (vaporizer versus tinctures, edibles, topical treatments, etc.) Our goal is to keep our members informed on their option to provide for themselves and other means of overall wellness.²

Clientele of Pure Life Collective

Pure Life's clientele comes from all walks of life with our average members being between the ages of 40-60. We only serve members who are 18+ and see everyone from the younger alternative healing group to 90+ year old cancer patients. Our patients suffer from

¹ We are the highest rated collective in EDC through Weedmaps.com having earned 4.9 out of 5 stars from our reviewers.

² To that end, we also have a monthly newsletter called *Pure Life Press* which is free to all of our members and contains information such as recent medical studies, new products they may be interested in, updates on local county and state laws, upcoming meetings, and some overall fun reading in regards to the industry.

ailments such as HIV, cancer, Glaucoma, Fibromyalgia, arthritis, anxiety, scoliosis, post-surgery, depression, GI issues, nausea, Psoriasis, sleep problems, pain management, and eating disorders, to name a few. Some of our clients just access cannabis infused topical ointments for their pain.

Summer and I have been fortunate to help so many local residents' serious health conditions -- we see it every day and love to hear of our members accounts when what they tried, worked! And we have also raised and donated money for some of our more severely affected members as to help them pay for medical bills and/or overall needs.

The Risks Created by Closing the Collective

If Pure Life and the other two local collectives are unable to continue to operate, the negative repercussions to El Dorado County are severe:

- Our clients would be forced to find alternatives ways to access their medicine, including the "black market";
- Black market "flowers" or medicine are not tested for their THC³ and CDB⁴ content (the part of the plant that is the most medically beneficial) to see if they are free of molds, mildews, and pesticides;
- Some of our clients that are extremely sick (such as a 94 year-old cancer patient) would simply suffer with pain and be unable to travel somewhere else to get her medicine; and
- There would be an increase crime, theft, and illegal cannabis sales in El Dorado County.

Crime Issues

Paragraph H of the proposed ordinance provides:

Citizens and law enforcement officers have reported an increase in crimes, such as loitering, and an increase in traffic, odor and noise in the vicinity of dispensaries, and the sale of illegal drugs, including the illegal resale of marijuana

³ Tetrahydrocannabinol.

⁴ Cannabidiol.

from dispensaries, in the areas immediately surrounding such medical marijuana dispensaries.

Pure Life has had none of these issues occur in or around the facility. Other than a thwarted break-in on June 18th 2012, Pure Life has literally had no crime at the facility, and very little surrounding it according to CrimeReports.com which gets its information from the El Dorado County Sherriff's Department.

Not only is this statement untrue and unsupported as applied to Pure Life, if this increase-in-crime issue was a basis for shutting down a business, El Dorado County would have to shut down two different Starbuck's in Cameron Park!

Starbuck's -- 3004 Green Valley Road, Cameron Park – At this location, CrimeReports.com reports a "Breaking and Entering" on 7-26-2013 and 7-29, 2013, and a property crime and theft crime on July 24, and July 26, 2013, within a couple of blocks. These four crimes took place within 5 days.

Starbuck's -- 3317 Coach Lane, Cameron Park – This Starbuck's is sandwiched between all kinds of crimes committed in the last three weeks, including a *violent* crime of assault:

- Family dispute on 7-24-13
- Theft on 7-28-2013
- Breaking and entering on 7-31-13
- Theft on 8-01-13
- Breaking and entering on 8-03-13
- Theft from vehicle on 8-03-13
- Assault on 8-06-13
- Theft on 8-10-13

These areas have far more crime in the past few weeks, than Pure Life has ever seen or ever had. For this reason, the alleged basis for the ordinance closing down Pure Life and other dispensaries is unfounded and certainly does not apply to Pure Life.

Proposed Amended Ordinance

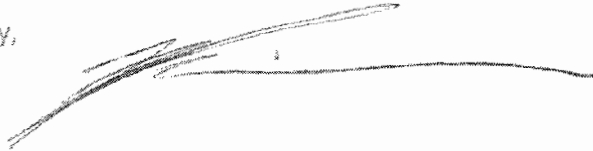
As the result of the adverse consequences discussed above and the concerns expressed by our members, Pure Life objects to the current draft ordinance and that it closes down the

collectives in El Dorado County. There is simply no basis to close Pure Life for criminal activity when more crime is committed near Starbuck's.

Instead we propose the attached amended ordinance which would allow the existing, law-abiding collectives to maintain, but prevents new inexperienced collectives from popping up throughout the county. In addition, as many other county and city ordinances provide, the permitting process of the dispensaries will allow the county to have more review, oversight and involvement, every two years when the facilities reapply for permitting. In this way, the county could achieve its objective of having only compliant, professional dispensaries which place the care of clients as their top priority.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Chiusano', written over a horizontal line.

Kelly Chiusano
President, Pure Life Collective

REVISED PROPOSED ORDINANCE

ORDINANCE NO. _____

**ORDINANCE ADDING SECTION 17.14.250 TO THE EL DORADO COUNTY CODE
REGULATING MEDICAL CANNABIS DISPENSARIES**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN
AS FOLLOWS:**

Section 1. Findings

- A. In 1996, the voters of the State of California approved Proposition 215 which was codified as Health and Safety Code section 11362.5 et. seq. and entitled “The Compassionate Use Act of 1996” (“CUA”).
- B. The intent of the CUA was to enable seriously ill persons who need medical cannabis for medical purposes to obtain and use cannabis under limited, specified circumstances. The CUA provides a limited exception from criminal prosecution under state law for specific crimes involving the cultivation, possession and use of cannabis for specified medical purposes. The CUA does not address land use, zoning or building code impacts or issues that arise from the proliferation of medical cannabis dispensaries and large scale cultivation within local jurisdictions.
- C. On January 1, 2004, SB 420, the Medical Marijuana Program Act (“MMPA”), went into effect. The MMPA was enacted by the State Legislature to clarify the scope of the Compassionate Use Act of 1996. The MMPA allows cities, counties, and other governing bodies to adopt and enforce rules and regulations consistent with the MMPA.
- D. In August 2008, the California Attorney General issued guidelines that clarify the state’s laws governing medical cannabis and provided guidelines for patients and law enforcement to ensure that medical cannabis is not diverted to illicit markets.
- E. In August 2011, the State Legislature adopted AB 1300, which amended California Health and Safety Code section 11362.83 to read “Nothing in this article shall prevent a city or other local governing body from adopting and enforcing any of the following:
 - (a) Adopting local ordinances that regulate the location, operation or establishment of a medical marijuana cooperative or collective.
 - (b) The civil and criminal enforcement of local ordinance described in subdivision (a).
 - (c) Enacting other laws consistent with this article.”
- F. This ordinance is enacted, pursuant to and consistent with the CUA, the MMPA, guidelines issued by the California Attorney General, AB 1300, and the County’s constitutional police power to protect the health, safety, and welfare of the residents of the County of El Dorado. It is not intended to and does not criminalize activity which is otherwise permitted under state law, and it is not intended to and does not authorize conduct that is otherwise prohibited by state law, or to prohibit conduct that is authorized by state law.

Section 17.14.250 of Chapter 14 of Title 17 of the El Dorado County Ordinance Code is hereby added as follows:

17.14.250 Medical Cannabis Dispensaries

A. Definitions. The following words and phrases will have the following meanings when used in this ordinance:

1. “Applicant” means a person who seeks a permit to operate a medical cannabis dispensary under this ordinance by filing an application for such as provided within this ordinance. If the applicant is not a human being, the owner, managing partner, or officer of the business entity who will have primary responsibility for operating and overseeing the dispensary.
2. “Application” means a document submitted by an applicant for purposes of seeking a permit to operate a medical cannabis dispensary under this ordinance.
3. “County” means the County of El Dorado; “State” means the State of California.
4. “Eligible (renewal) application” means a document submitted by an applicant or permittee in conformity with this ordinance for purposes of seeking a permit to operate a medical cannabis dispensary under this ordinance.
5. “Identification card” has the same definition as in California Health & Safety Code section 11362.7, as it may be amended.
6. “Medical Cannabis Dispensary” or “Dispensary” means any facility where medical cannabis is made available and/or distributed under the authority and regulations of this ordinance; provided however that the following are exempt from a permit:
 - i. a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
 - ii. a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
 - iii. a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
 - iv. a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
 - v. a residential hospice licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code; or
 - vi. a home health agency licensed pursuant to Chapter 8 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et. seq.
7. “Permit” means a permit issued by the County for operation of a medical cannabis dispensary under this ordinance.

8. "Permittee" means a person who holds an effective and current permit under this ordinance.
9. "Person" means any human being or an incorporated or unincorporated business entity or association established under the laws of the State.
10. "Person with Identification Card" has the same definition as in California Health & Safety Code section 11362.7, as it may be amended.
11. "Premises" means the building in which a medical cannabis dispensary is operated and, in addition, any accessory structures and appurtenant areas.
12. "Primary caregiver" has the same definition as in California Health & Safety Code section 11362.5, as it may be amended.
13. "Qualified patient" has the same definition as in California Health & Safety Code section 11362.5, as it may be amended.
14. "Renewal application" means an application submitted by a permittee for purposes of seeking to retain a permit to operate a medical cannabis dispensary under this ordinance.
15. "School" means an institution of learning for minors, whether public or private, that offers a regular course of instruction and any child or day care facility.
16. "Sheriff" means the Sheriff of the County of El Dorado and his or her authorized representatives.

B. Permit Required.

1. It will be unlawful for any person to conduct, engage in, or allow to be conducted or engaged in the operation of a medical cannabis dispensary in the County, unless such medical cannabis dispensary is authorized by a legally effective permit issued under this ordinance.
2. The owner, managing partner, officer of a corporation, or any other such person who will be primarily responsible for the operation and oversight of a proposed medical cannabis dispensary will apply for a permit under this ordinance and, if granted, will maintain and oversee operations to ensure that the medical cannabis dispensary is conforming with the terms of this ordinance and of the permit.
3. The fact that an applicant possesses other types of State or County permits or licenses does not exempt the applicant from obtaining a permit, nor shall the terms of any such permit or license modify the requirements of a permit granted under this ordinance.

C. Standard Conditions of Permittees. Throughout the term of the permit each permittee must comply with the following standard conditions:

1. No dispensary may be closer than one thousand (1000) feet from any other dispensary.

2. No dispensary may be closer than approximately five hundred (500) feet from any school, public park, playground, or drug recovery or rehabilitation facility.
3. Each dispensary must be located in a commercial or industrial zone, or their equivalent.
4. A dispensary may only distribute, provide, or allow to be provided cannabis to those persons who are primary caregivers or qualified patients in possession of an identification card and/or doctor's recommendation that complies with the regulations established by the State.
5. A dispensary must engage in a good faith effort to verify the validity of any identification card provided to the dispensary.
6. Each dispensary must maintain records of persons who have received cannabis from the dispensary, by way of their identification number issued on the identification card or patient number assigned to them. In no way will this recordkeeping violate or be construed to violate federal or state privacy laws regarding medical records, such as HIPAA.
7. A dispensary may be open for business only between the hours of 8:00 AM and 9:00 PM.
8. The maximum amount of cannabis that may be on the premises at any one time is twenty (20) pounds.
9. No cannabis or cannabis product may be visible from the building exterior.
10. No cannabis may be smoked, ingested, applied, or otherwise used on the premises of the dispensary.
11. No alcohol may be stored, sold, dispensed, or used on the premises.
12. The dispensary must label its products by stating the name of the dispensary and the weight of cannabis in the products. Any food products made with cannabis must be contained in a package that is labeled to indicate its ingredients, including the amount of cannabis contained therein, as well as any other such information required by State or federal law.
13. No person less than eighteen (18) years of age may be employed, contracted, or otherwise engaged in the operation or oversight of the dispensary. A dispensary must engage in a good faith effort to verify the age of its employees.
14. No person less than eighteen (18) years of age may be permitted on the premises. A dispensary must engage in a good faith effort to verify the age of the individuals on its premises.
15. The entrance to a dispensary must be posted with a notice that state the restrictions of persons under the age of eighteen (18), that smoking, ingesting, applying, or otherwise using cannabis on the premises is prohibited, and that the use of alcohol

on the premises is prohibited.

16. The dispensary must conspicuously display the permit issued by the County inside of the premises. This display should be visible and legible by those who enter the premises.
17. No dispensary may hold a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, nor may its premises be located in a structure that includes a business with such a license.
18. The dispensary must contain a current registry of all persons affiliated with the dispensary. This includes but is not limited to owners, shareholders, directors, officers of the company owning the dispensary, its employees and contractors, and its vendors.
19. The dispensary must provide adequate security on the premises, including lighting, locks, and a centrally monitored alarm system, to ensure the safety of persons within the premises. In addition, exterior building lighting and parking area lighting must be of sufficient foot-candles and color rendition to allow the ready identification of any human being committing a crime on the premises from a distance of no less than forty (40) feet.
20. The dispensary must clear the public walkways in front of the premises of all litter, debris, and snow on a daily basis, during business hours.
21. The dispensary must comply with all other County Health and Safety, Public Peace Morals and Welfare, Buildings and Construction, and Zoning ordinances.
22. The dispensary must timely pay any and all fees and taxes assessed by the County against it.

D. Application.

1. An application for a permit under this ordinance must be submitted to the County or its designated agents or employees.
2. Each application must set forth or incorporate the following items by reference within a document purporting to be an application:
 - i. Address of the proposed premises for the dispensary.
 - ii. Name, telephone number, and home address of the owner of the proposed premises for the dispensary.
 - iii. The full name, telephone number, and present address of the applicant. Address to which the notice of the application is to be mailed.
 - iv. Photographic identification of applicant, which designates the applicant's sex, height, weight, color of eyes and hair, and including proof the applicant is over the age of eighteen (18).
 - v. Names and addresses of all businesses operated by or that employed the applicant for the five (5) years immediately preceding the date of the application.
 - vi. Names and addresses of any previous dispensaries operated by applicant,

whether in this County or State, and a statement whether the authorization for any such dispensary had been suspended, revoked, or surrendered for each prior dispensary. If suspended, revoked, or surrendered, provide an explanation and reason thereof.

- vii. Names and addresses of the human beings who will be regularly engaged with the operation of the dispensary, whether employed or contracted.
 - viii. Description of proposed security arrangements for ensuring the safety of human beings within the premises.
 - ix. Description of methods by which the applicant will mitigate any possible noise or loitering complaints of surrounding neighbors.
 - x. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the dispensary. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus twelve (12) inches.
 - xi. Description of the external appearance of the dispensary, including a precise depiction of any signage.
 - xii. Description of all products to be sold and services to be provided within the dispensary. Include proof of seller's permit application, if applicable.
 - xiii. Mission statement of the dispensary.
 - xiv. Authorization for the County and Sheriff, and their respective agents and employees, to seek verification of the information contained within the application.
 - xv. Applicant's waiver and release of the County from any and all legal liability related to or arising from the application for a permit, the issuance of the permit, or the enforcement of the conditions of the permit.
 - xvi. Certification, under penalty of perjury, by the applicant that it has the ability to comply with all laws regulating businesses in the State and County and that all information contained in the application is true and correct.
3. Each application for a permit must be accompanied by a nonrefundable fee, as established by the County.
 4. An application may be reviewed and copied by any member of the public in accordance with the California Public Records Act.

E. Application Review.

1. The County, or its agents or employees, will conduct an initial review that the application meets the requirements of the ordinance.
 - i. If the application does not, it will be rejected and returned to the applicant by the County, or its agents or employees.
 - ii. If the application does, it will be deemed an eligible application and the applicant will be so informed by the County, or its agents or employees.
2. All eligible applications will be forwarded by the County to the Sheriff to conduct a review.
 - i. The Sheriff will commence review the eligible applications immediately

- upon receipt and will complete it within thirty (30) days.
- ii. The review will consist of:
 1. Verifying the factual information contained within the application;
 2. Ensuring that standard conditions of permittees is met;
 3. Conducting a premises visit; and
 4. Reviewing the security and mitigation methods proposed by the applicant.
 - iii. The Sheriff will use its discretion in working with the applicant to modify the application to resolve any issues of concern.
 - iv. After completing its initial review, the Sheriff will then designate the application as either “acceptable” or “unacceptable”, and return the eligible application back to the County, or its designated agents or employees.
 1. Acceptable eligible applications indicate that the Sheriff has found no discrepancies in the application or issues of concern in conducting the review. Or that the Sheriff, in exercising its discretion, was able to modify any portion of the application that was concerning or an issue of concern.
 2. Unacceptable eligible applications indicate that the Sheriff has found discrepancies in the application or issues of concern, and was not able to exercise its discretion to work with the applicant to modify the application.
 3. The Sheriff must designate an application as “unacceptable” if it meets any of the following criteria:
 - a. The proposed dispensary does not comply with California or County law, including this ordinance;
 - b. The applicant made a knowingly false statement of material fact or has omitted a material fact from the application;
 - c. The applicant has been convicted of a felony within the past ten (10) years in this State or any other state of the United States. Conviction includes the plea or verdict of guilty or a conviction following a plea of *nolo contendere*.
 - d. The applicant is under the age of eighteen (18).
 - e. The applicant engages in an act or oversees an act by one of its employees or agents, which, if done by a permittee, would be grounds for suspension or revocation of the permit.
3. Upon the return of the eligible application and designation from the Sheriff, the County will then make a final decision on the eligible application.
 - i. If the final decision is to deny the eligible application, the County will let the applicant know the reason(s) why the application was denied.
 - ii. If the final decision is to approve the eligible application, the County will grant the permit.
 4. The decision to deny or grant the application must be made within thirty (30) days of receipt of the return of the eligible application with designation from the Sheriff.
 5. The applicant may appeal any decision to deny their eligible application, pursuant to Chapter 2.09 of these ordinances.
 6. Any appeal of the decision to deny the eligible application must be filed within ten

(10) days of notice of the decision to deny.

7. Judicial review of an appeal may be had by filing a petition for writ of mandate with the Superior Court in accordance with the provisions of California Code of Civil Procedure section 1094.5. Any such petition or any other action seeking judicial review must be filed within ninety (90) days after the day the decision becomes final.

F. Selection of Permittees.

1. Each of pre-existing medical cannabis dispensaries already operating in the County and identified in Exhibit A to this ordinance will have the exclusive right to file an application within thirty (30) days of the effective date of this ordinance.
2. The pre-existing medical cannabis dispensaries that timely submit an application, will be allowed to continue to operate until failure to timely submit an application within the exclusive thirty (30) day application window.
3. After the expiration of the pre-existing medical cannabis dispensaries' exclusive thirty (30) day period to apply, any other applicant may submit an application.

G. Limited Permits. At no time will the County have in effect more than three (3) permits. If three (3) permits have been issued, any application or eligible application received or in review will be immediately rejected or denied.

H. Term of Permit and Renewal.

1. Each permit will expire two (2) years after the date of its issuance.
2. Any permit may be renewed for successive two (2) year periods upon the submission of a renewal application by the permittee.
3. A renewal application must be filed at least sixty (60) days before the expiration of the permit.
4. A renewal application will be rejected if:
 - i. The renewal application is filed less than sixty (60) days before the expiration of the permit.
 - ii. The permit has been suspended or revoked.
 - iii. The dispensary authorized by the permit has not been in operation for the one-hundred twenty (120) days prior to the renewal application.
 - iv. The dispensary fails to conform to the requirements set forth in subsection E of the ordinance.

I. Transfer of Permit Prohibited. No permittee may transfer a permit without prior approval of the County. Rather, a permittee may effectively transfer a permit by submitting a conditional surrender of the permit and an application for a permit from the intended transferee ("new applicant"). The surrender would be conditional upon the granting of a permit to the new applicant.

- J. Prohibited Operation. The permittee and or his or her agents must at all times comply with Health and Safety Code section 11326.5 et seq. and this Chapter in the operation of the medical cannabis dispensary.
- K. Suspension, and Revocation Procedures. The Sheriff has the duty and responsibility to investigate and enforce any violations of this ordinance. The Sheriff will provide a report of all violations to the County, or its designated agents or employees, for possible suspension or revocation of the permit. The Sheriff may use its discretion in communicating with permittees about violations and giving an opportunity to resolve the violation informally. Otherwise, the Sheriff must report any uncured violation to the County.
1. Suspension of the permit is appropriate where the violation can be easily cured by the permittee. It serves as a notice to cure and may last no more than thirty (30) days. In the event the permittee cures the violation and submits a signed declaration from the Sheriff that the violation has been cured, the County will terminate the suspension.
 2. Revocation of the permit is appropriate where the violation cannot be easily cured. It serves as a complete termination of the permit. The violation, if cured, results in the former permittee having to submit a new application for a permit.
 3. The permittee may appeal any decision to suspend or revoke their permit, pursuant to Chapter 2.09 of these ordinances.
 4. Any appeal of the decision to suspend or revoke the permit must be filed within ten (10) days of notice of the decision to suspend or revoke.
 5. Judicial review of an appeal may be had by filing a petition for writ of mandate with the Superior Court in accordance with the provisions of California Code of Civil Procedure section 1094.5. Any such petition or any other action seeking judicial review must be filed within ninety (90) days after the day the decision becomes final.
- L. Violation and Penalties. Any violation of this ordinance will be deemed a public nuisance and will be enforced by any remedy available to the County for the abatement of public nuisances. This includes, but is not limited to, a cause of action for injunctive relief.

Section 3. Compliance with California Environmental Quality Act

The Board of Supervisors finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) since it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 4. Severability

If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision

Ord. No. _____

Page 10

to other persons or circumstances, will not be affected thereby and will continue to be in full force and effect. To this end, provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date

This ordinance will become effective sixty (60) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____ 2013, by the following vote:

Ayes: _____

Noes: _____

Absent: _____

By: _____
 , Deputy Clerk

 Chair, Board of Supervisors

PC 8/22/13
#9.a

Fwd: Public Hearing August 22 - Ordinance OR13-0001

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>
Cc: Peter Maurer <peter.maurer@edcgov.us>

Thu, Aug 15, 2013 at 9:12 AM

----- Forwarded message -----

From: **tracy stypa** <4stypas@wildblue.net>
Date: Thu, Aug 15, 2013 at 9:01 AM
Subject: Public Hearing August 22 - Ordinance OR13-0001
To: planning@edcgov.us

To Whom It May Concern:

I am a 25 year El Dorado County resident and would like to request that you not prohibit existing medical marijuana dispensaries in our county. Prohibiting these dispensaries takes away my right to obtain medical marijuana in a safe and legal manner in my own county. The dispensary I have used in Diamond Springs runs a clean, safe and accessible facility for patients like me and others in this county. Your ordinance states that facilities for medical marijuana has brought in crime and loitering. I have never seen anyone loitering or committing a crime at that facility. The parking lot is always clean, the facility is low key, professionally managed and run with the right intentions of the medical marijuana act. If you prohibit these facilities in our county you take away local sales tax and additional income for our county. Eliminating these facilities in our county will make it more difficult for those of us who want to be able to obtain our medication legally and safely. I would like to think that the planning commission in my county could put together a viable plan that would make it so facilities such as Pure Life can continue to service those in the community in need. Those in need include patients suffering from MS, seizures, Parkinson's disease, cancer treatment complications, PTSD and many more ailments that respond better to medical marijuana than traditional prescription medications. I ask you to think about those patients and allow them an opportunity to obtain the medication of their choice safely and legally in the county they live in. Thank you for your time and consideration,
Tracy Stypa
Placerville resident

—
Tom Purciel
Associate Planner - Planning Services
tom.purciel@edcgov.us

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PC 8/22/13
#9.9**Fwd: Ordinance OR13-0001/Medical Marijuana Distribution Facilities**

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>
Cc: Peter Maurer <peter.maurer@edcgov.us>

Fri, Aug 16, 2013 at 8:12 AM

----- Forwarded message -----

From: **Haley Woodward** <haley.n.woodward@gmail.com>
Date: Thu, Aug 15, 2013 at 2:26 PM
Subject: Ordinance OR13-0001/Medical Marijuana Distribution Facilities
To: planning@edcgov.us

My name is Haley Woodward and I am a voter in El Dorado County. This email is in regards to the new ordinance proposing to prohibit all collectives in the county. I am very against the idea and concerned as to what the outcome may be. We deserve safe access and many people depend on it daily. Please reconsider this proposal, there is much room for compromise.
Thank you.

--
Tom Purciel
Associate Planner - Planning Services
tom.purciel@edcgov.us

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Thank you.

PC 8/22/13
#9.a

Fwd: Medical Marijuana Ordinances

Peter Maurer <peter.maurer@edcgov.us>
To: Charlene M Tim <charlene.tim@edcgov.us>

Tue, Aug 20, 2013 at 5:01 PM

Please forward to PC members. Thanks. - Peter

----- Forwarded message -----

From: **Cool Medical Clinic** <coolmedicalclinic@gmail.com>

Date: Tue, Aug 20, 2013 at 4:36 PM

Subject: Medical Marijuana Ordinances

To: peter.maurer@edcgov.us, david.livingston@edcgov.us, john.dagostini@edcgov.us, Vern Pierson <nancy.anderson@edcgov.us>

Cc: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us

Dear All,

We first would like to thank you for inviting us to be a part of the Board's advisory committee organized to discuss these medical marijuana ordinances. Overall we think that the Planning Commission has done a good job. We would however like to address a few concerns.

To begin with, the reasons for initializing this process were to give the Sheriff some necessary tools to deal with the "bad guys" and the resultant bad behavior that was having a negative impact on some of our neighbors. We don't believe that it was anyone's intention that these ordinances be punitive with regard to legal medical marijuana patient's in El Dorado County.

In light of the fact that the County is going to ban all dispensary's that don't have legal standing, we would like all involved to consider amending the guidelines that have been put forth with regard to the size of the membership and the square footage of a collective garden. In other words, a five acre parcel (217,800 sq.ft.) or a ten acre parcel (435,600 sq. ft.) should be able to sustain a 600 sq. ft. garden provided it is compliant with all other provisions of the cultivation ordinance. There are a large number of five and ten acre parcel owners who have never caused any problems for their neighbors or the Sheriff who will be negatively impacted should the ordinance go through as presently written.

With the closing of the dispensaries, there will be a greater need to accommodate patient's to collectively cultivate. We feel that the number of patients allowed to collectively cultivate should be increased to 10 as we are still limiting the size of the garden to 600 sq. ft. This allows the Sheriff the tools he had requested to go after the big illegal grows. There are some patients who require more than others. A 600 sq. ft. garden may only accommodate 3 patients based on condition but there are many patients who use much less, so it is easily conceivable that more than three people could be provided for without increasing the size of the garden.

Restricting legitimate patients, taxpayers and property owners the right to grow their medicine in the privacy of their own property, if compliant with the visual restraints, is going too far and not what we feel the original intent of the Board was when this process began. If patients own property they should be protected by these ordinances and not merely penalized.

Please take these changes into consideration and amend the ordinances to allow for these changes. They will greatly benefit the patients, property owners and taxpayers who still support Proposition 215 and the rights of Californian's to use medical marijuana while preserving public safety and welfare in El Dorado County.

Sincerely,

Bobby Eisenberg, Dave Bishop and Mitch Fadel

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Thank you.



Charlene Tim <charlene.tim@edcgov.us>

PC 8/22/13
#9.a
9 pages

Fwd: Opposition to Proposed Ordinance OR13-0001 / Medical Marijuana Distribution Facility

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>
Cc: Peter Maurer <peter.maurer@edcgov.us>

Wed, Aug 21, 2013 at 8:21 AM

----- Forwarded message -----

From: **Edward Ober** <sovereign797@gmail.com>
Date: Tue, Aug 20, 2013 at 6:51 PM
Subject: Opposition to Proposed Ordinance OR13-0001 / Medical Marijuana Distribution Facility
To: planning@edcgov.us

To Whom It May Concern:

Attached please find my opposition to proposed ordinance OR13-0001 / Medical Marijuana Distribution Facility. Pursuant to the public notice, I demand that that this opposition document be distributed to the Planning Commission and be considered prior to any vote on the proposed ordinance. I reserve my right to raise any and all of the points contained in the attached opposition document in a court proceeding to challenge the proposed ordinance.

Regards,

Ed Ober

—
Edward D. Ober, BA, CCH
Grant and Business Consulting
Northern California
530-303-3344 Home / Office
916-342-4333 Cell / Text
Website: www.EdwardOberConsulting.com
Email: Ed@EdwardOberConsulting.com

"Real eyes realize real lies"

—
Tom Purciel
Associate Planner - Planning Services
tom.purciel@edcgov.us

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Thank you.



Regarding El Dorado County proposed ordinance OR13.docx
27K

**Regarding El Dorado County proposed ordinance OR13-0001/Marijuana Distribution Facility
initiated by El Dorado County:**

To: County of El Dorado Planning Services
2850 Fairlane Court
Placerville, CA 95667

Via email to: planning@edcgov.us

Date: August 20, 2013

IN OPPOSITION TO THE PROPOSED ORDINANCE

I, Edward Ober, a citizen of California residing in El Dorado County, oppose the proposed ordinance on the following grounds:

LEGAL GROUNDS OPPOSING THE PROPOSED ORDINANCE

1. **Violation of Prop 215.** The proposed ordinance improperly attempts to contravene a superior law, specifically Proposition 215, a state law passed directly by the voters in 1996.
 - a. The legislature's attempt to curtail and limit the rights established by Prop 215 is, in part, an improper and unauthorized narrowing of the intent and meaning of the voters.
 - i. Prop 215 clearly intended that the term "primary caregiver" refer to anyone caring for an individual for whom medical cannabis has been recommended by a physician in accordance with Prop 215. To wit: *"For the purposes of this section, "primary caregiver" means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person.."*
 - ii. SB420 improperly limited the scope of the term "primary caregiver" to mean institutions, not individuals, in clear contravention to the specific language of "individual" used in Prop 215.
 - iii. The proposed county ordinance utilizes the improper concept of "primary caregiver" from SB420 which contradicts the language and intent of Prop 215. By so doing, the county believes it can prohibit dispensaries and collectives in the county. This is an extreme and radical departure from the clear intent of Prop 215.
 - b. Regulation does not include prohibition. Authority to regulate a thing does not grant permission to prohibit it altogether. The county exceeds its authority to regulate by attempting to prohibit cannabis dispensaries and collectives.
 - c. Prop 215 creates specific protections for the rights of patients to access and use medical cannabis. The proposed prohibition of dispensaries and collectives in El

Dorado County impedes, hampers and limits the ability of patients to access and use cannabis as is their right under the law. Prohibition of dispensaries and collectives violates the rights of citizens established by Prop 215.

2. **Violation of First Amendment to the US Constitution.** Any collective is, by definition, a group of individuals who choose to associate for their mutual benefit and interest. A cannabis collective is a group of individuals who choose to associate for the purpose of exercising their right to cultivate and exchange cannabis protected by Prop 215. The county's attempt by this proposed ordinance to prohibit a collective violates the First Amendment to the US Constitution's protection for freedom of association and violates Prop 215's guarantee to access to medical cannabis in all of California.
3. **Federal law is Wrong.** Recent evidence presented on CNN by Dr. Sanjay Gupta contradicts the federal government's claim that cannabis has no medicinal value. It is only a matter of time until federal law changes on the subject of medical cannabis to bring it in line with Prop 215. The Attorney General has already issued orders relaxing the mandatory minimum sentencing for nonviolent drug offenders (dispensaries and collectives are nonviolent, noncriminal enterprises attempting to conduct business to supply necessary medicine to patients). Reliance upon improper and outdated federal law as a justification for county-level draconian prohibitions which are in contravention of current state law is a mistake.
4. **Legislative Creation of a Problem where None Exists.** The county claims that dispensaries and collectives have negative effects upon the communities in which they are located, yet the county provides no evidence to substantiate that claim. At the same time, the county fails to account for the growing demand for the medical cannabis. If patients cannot obtain their medicine from legal dispensaries and collectives, they will be forced to seek it within the county from illegal sources as they did prior to Prop 215, or outside the county. Prohibiting dispensaries and collectives does nothing to reduce the demand for medical cannabis, it merely forces legitimate patients with a protected right to seek illegal sources for their legal medicine. In effect, the prohibition will enhance criminal activity and/or forces patients to travel inordinate distances to obtain their medicine.
5. **Unnecessary and Overbroad, Unnecessarily Restrictive.** The proposed regulation to prohibit dispensaries and collectives is unnecessary and overbroad, and does not attempt to achieve the goals of the legislation by the least invasive and restrictive means possible.
 - a. The county has made no attempt to reduce the alleged harms of dispensaries by other less restrictive means.
 - i. **Crime.** The county alleges that crime has increased in and around dispensaries and collectives. The county appears to believe that prohibition of dispensaries and collectives is the only reasonable solution. Prohibition is neither reasonable or a solution to this alleged problem.
 1. The county could have required that collectives and dispensaries maintain secure premises and protocols for security.
 2. The county could have limited the location of dispensaries and collectives to areas away from residential areas or sensitive areas.

3. The county could have required dispensaries and collectives utilize a security guard or security system, fencing or other security measures.
 4. The county could have created a “no loitering” policy around dispensaries and collectives.
- ii. Odor. The county alleges that the odor from collectives and dispensaries bothers neighbors.
1. The county has failed to bring any actual citizen complaints about odor.
 2. The county has failed to attempt ameliorating actions short of prohibition that could resolve odor issues. Such actions could potentially include:
 - a. Requiring collectives and dispensaries utilize odor-elimination technology, which could potentially include:
 - i. Ozone generators;
 - ii. Carbon filters;
 - iii. Directed exhaust;
 - iv. Sealed storage rooms;
 - v. Air-lock entrances and air-tight windows.
 - vi. Use of other fragrances to mask odor
 - vii. Recommending location of dispensaries and collectives near other industrial sites that already produce undesirable odors and are away from residential areas.
 - b. Limiting the location of dispensaries and collectives to be a minimum distance from residential neighborhoods or business thoroughfares.
 3. Selective Enforcement. The county has unfairly singled out cannabis dispensaries and collectives for unusually harsh regulation (complete prohibition) where other businesses and organizations are equally problematic but are not prohibited.
 - a. Other businesses, organizations and locations within the county are equal if not greater contributors to crime and odor as cannabis dispensaries, yet these businesses, organizations and locations are not being regulated out of existence within the county as the county is improperly attempting to do to cannabis dispensaries and collectives. Some examples of such businesses, organizations and locations that contribute to crime and odor include:
 - i. Garbage dumps (odor)
 - ii. Chemical manufacturing and processing facilities (odor)
 - iii. Gas stations (odor)
 - iv. Sewage treatment plants (odor)

- v. Low-income neighborhoods (odor and crime)
- vi. High-income neighborhoods (crime)
- vii. Abandoned buildings (crime)
- viii. Public parks and recreation areas (crime, loitering, etc.)
- ix. Banks (crime)
- x. Liquor stores (crime)
- xi. Jewelry stores (crime)
- xii. Pharmacies (crime)
- xiii. Perfume stores (odor)
- xiv. Nurseries (odor)

To enforce the laws fairly and without discrimination, the county would need to prohibit all of the businesses, organizations and locations listed above because they all create similar problems to those alleged to be created by the cannabis distribution facilities.

- b. Increased Crime. This proposed ordinance would increase criminal activity in the county and harm residents and businesses.
 - i. By eliminating lawful and safe dispensaries, many patients will be forced to the black market to access their medicine.
 - ii. Dispensaries and collectives are far safer than the black market for any transaction. Dispensaries and collectives employ secure facilities with security cameras, locked doors, law-abiding proprietors and managers, and employees who are trained to maintain the safety of the facility and the patients who use it, as well as the surrounding area.
 - iii. Eliminating dispensaries and collectives forces illegal distributors to operate, and they will operate regardless of the law, and they will not consider the needs of the community to protect health and safety.

FACTUAL GROUNDS FOR OPPOSING THE PROPOSED ORDINANCE

1. **Prop 215 is the controlling law.** Prop 215 is the controlling law in this matter and was passed by the voters through direct democracy in 1996 in Proposition 215. It reads as follows:

“SECTION 1. Section 11362.5 is added to the Health and Safety Code, to read:

11362.5. (a) This section shall be known and may be cited as the Compassionate Use Act of 1996.

(b)(1) The people of the State of California hereby find and declare that the purposes of the Compassionate Use Act of 1996 are as follows:

(A) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain,

spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.

(B) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.

(C) To encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.

(2) Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.

(c) Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

(d) Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

(e) For the purposes of this section, "primary caregiver" means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person.

SEC. 2. If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable."

2. **County Lacks Authority to Prohibit.** The county has accepted by virtue of the proposed regulations that personal use, possession and cultivation of medical cannabis is protected by Prop 215, and the county proposes regulations that continues to permit those activities. However, by proposing this ordinance, the county apparently believes it has the right to prohibit dispensaries and collectives from existing anywhere in the county despite a clear lack of authority to do so in any other legislation on this subject. This is an incorrect interpretation of its authority to regulate, and moreover, it is an impractical and impossible solution for many individuals who need medical cannabis. By permitting cannabis possession, use and cultivation but prohibiting distribution facilities, the county is requiring all medical cannabis patients to cultivate their own cannabis or travel outside the county.
3. **Cultivating their own cannabis or traveling outside the county impractical and impossible for many patients.**
 - a. Growing medical marijuana to the specific needs of a patient is a difficult and time consuming practice. Individual consumers of medical marijuana cannot be reasonably be expected to create their own medicine any more than a consumer

of antibiotics or HIV vaccine should be expected to create their own medicine. Cultivating medical cannabis requires a professional capable of cultivating to specific specifications to treat specific conditions. These abilities are beyond the typical home cultivator.

- b. Growing medical cannabis requires expertise, money, space and time that medical cannabis patients may not have. By prohibiting cannabis dispensaries and collectives, the county legislators propose that residents of this county must all grow their own medicine or travel outside the county to obtain their medicine.
- c. Even if a patient had the money, space and knowledge to grow their own medicine, the amount of time it takes from initial seed to harvest to obtain their medicine would be many months. It is unreasonable for the county to believe it has the power to essentially condemn its residents to pain and suffering in this way.
- d. Not all residents of this county have the ability to travel outside the county to obtain their medicine for many reasons, including:
 - i. They don't know where to go in another county;
 - ii. They do not have a driver's license;
 - iii. They do not have a vehicle;
 - iv. They do not have someone capable of transporting them to another county and back to obtain their medicine;
 - v. They do not have the funds to pay for travel outside the county to obtain their medicine;
 - vi. They are disabled or ill and incapable of traveling.
- e. Not all patients can or want to smoke cannabis. Many patients prefer extracts, oils or edible forms that are more suitable for their condition(s) and preferences. Even if patients were capable of growing their own cannabis plant, it is impractical and unreasonable to expect all patients to become proficient in manufacturing the variety of products that they may reasonably need in the course of their treatment.
- f. Many patients need access to specific or multiple strains of cannabis for the treatment of specific conditions. It is impractical and unreasonable for the county to expect that individual patients can successfully grow and maintain such a variety of cannabis strains and in such potencies as to meet their ongoing needs. This possibility is prohibited by other (questionable) state law limiting the number of plants individual patients can cultivate. These limits on the number of plants that can be grown guarantee that most patients cannot successfully meet their own medical cannabis needs and will have to seek other strains of cannabis outside their own garden. The prohibition on dispensaries and collectives would give patients no alternative source of their medicine within the county.
- g. A large population of this county rents their accommodations. Most patients do not have the space and money required to grow indoors. The proposed outdoor cultivation regulations require that patients who wish to cultivate cannabis outdoors and who rent their home must have the permission of the landlord. If

approved, those regulations will result in many landlords refusing permission, and the result of this is that patients will then be forced to seek their medicine from a dispensary. The proposed prohibition of dispensaries and collectives by this ordinance would guarantee that patients are forced to travel outside the county to obtain a medicine to which they were guaranteed a right by state law.

- h. These facts give rise to the following conclusions:
 - i. Most medical cannabis patients will have needs for medical cannabis that will exceed their ability to cultivate and manufacture themselves. Accordingly, most medical cannabis patients need to obtain their medicine from a business or organization that specializes in growing and manufacturing this medicine and also offers a variety of products to meet the often diverse needs of patients.
 - ii. Without the existence and protection of cannabis dispensaries as a safe and secure location to obtain medical cannabis, patients will be forced to use illegal distributors within the county or travel outside the county, or be deprived of their right to access this medicine.
 - iii. If this ordinance becomes law, many individuals who have a right to obtain, possess and use marijuana under state law will be deprived of that right by this proposed county ordinance by the imposition of unreasonable regulations that make the enjoyment of this right impossible for many to exercise.
 - iv. This proposed ordinance violates the rights of the People of El Dorado County as protected by Prop 215.

- 4. **Unnecessary Loss of Revenue.** Cannabis dispensaries and collectives are taxable businesses that generate substantial tax revenue for the county and the state. Prohibition of these businesses would create a loss of ALL that revenue to the county and the state, and instead move all the transactions outside the county or onto the black market. This is a clear case of cutting off one's nose to spite their face. The county and state needs this revenue.

I have presented both legal and factual grounds to oppose this proposed ordinance. If the county continues and enacts this problematic ordinance, I and my fellow citizens/patients will have no alternative but to challenge this ordinance in court and seek not only an injunction against or suspension of the ordinance, but also damages for the harm caused by the county's intentional violation of our rights, the pain and suffering caused by denial to access to legal medication, and any other claims permissible under the law.

In addition, it should be noted that currently public support for dispensaries and collectives is high. Should the county continue to attempt prohibition despite the grounds presented here and the complaints of citizens about this proposed ordinance, the political consequences in the next election cycle will be substantial. The citizens of this county are unwilling to allow elected representatives to usurp their power and contravene their direct orders.

Sincerely,

Edward Ober, County Resident and Citizen / Patient
6211 Shad Way
Pollock Pines, CA 95726
Email: Ed@EdwardOberConsulting.com
Phone: 530-303-3344

PC 8/22/13
#9.a

C...le Tim <

Fwd: Medical Marijuana Dispensaries . . .

Roger Trout <roger.trout@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Wed, Aug 21, 2013 at 12:55 PM

----- Forwarded message -----

From: **Bob Moore** <gta351c@sbcglobal.net>
Date: Wed, Aug 21, 2013 at 12:54 PM
Subject: Medical Marijuana Dispensaries . . .
To: "roger.trout@edcgov.us" <roger.trout@edcgov.us>

To: El Dorado County Planning

From: Robert Moore

Shingle Springs, CA 95682

Date: August 21, 2013

Subject: Ordinance Section **17.14.250**

I am of the opinion that El Dorado County is proposing unnecessary and unreasonable restrictions on the Medical Dispensaries in opposition to the California Prop 215, the will of the voters and the needs of the patients.

I have found that Marijuana has provided relief for the last ~46 years from my injuries remaining after a skull fracture encountered in a motor vehicle accident suffered in 1967 including nerve and brain damage, earaches, headaches, neck pain and other neurological trauma while still allowing me to lead a productive life.

Closing these dispensaries will only result in an increase in related crimes and force patients to resort to risky negotiations from unscrupulous dealers.

Sincerely,

Robert Moore

(530) 306-9182
GTA351C@sbcglobal.net

—
Roger Trout
Development Services Division Director
Community Development Agency
El Dorado County