

Supervisors Mull New Growth Rules for Pot Ordinance

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Merced County Supervisors continue to explore a single interim cannabis ordinance, which would effectively repeal the current medicinal ordinance and add recreational uses.

Three experts spoke at Tuesdays meeting: Rex Bohn, a Humboldt County supervisor; and Paul Smith and Arthur Wylene of Rural County Representatives of California.

"There are no deadlines legally for the county to adopt an ordinance," Smith pointed out. However, state agencies could begin issuing licenses as soon as Jan. 1, so if Merced County does not want unregulated cannabis uses, it would be important to have an ordinance in place by then. The county's goal to have an ordinance in effect by Dec. 8.

"We are suggesting interim policy," said Jim Brown, county executive officer, before elected leaders discussed the issue. "We are trying to align the medicinal and recreational sides, and limit personal use from 12 plants to six plants. We have tried to draft some language that essentially limits personal use from 12 to six, cultivation would be indoors or in a structure [on the residence's property] fully enclosed and secure. Outdoor cultivation would be prohibited. There would be no commercial cannabis business activities, and no mobile deliveries in unincorporated areas. Enforcement language follows medicinal administrative practices; violations are a misdemeanor. We want to make sure the sheriff has the same abilities to abate."

After public comment, however, the supervisors came to a different understanding on some of the ideas. They decided to explore outdoor versus indoor-only grows of cannabis for personal recreational use, and consider whether there should be mobile delivery of cannabis by licensed providers to consumers in unincorporated areas.

There seemed to be agreement on prohibiting commercial cannabis business activities and on scaling back the 12 plants for personal use to six plants, to be more consistent with Proposition 64, which is state law.

Supervisor Rodrigo Espinoza was concerned with the safety of children in homes where marijuana would be grown indoors. He did not believe the parents would lock up the grows, and said it would be safer for the kids if plants were grown outdoors.

Board Chairman Daron McDaniel said people have brought to him their concerns with being unable to drive to pick up medicinal marijuana, and he was willing to consider mobile deliveries in unincorporated areas by licensed providers.

Supervisor Lee Lor agreed with McDaniel on delivery in unincorporated areas, and said she would be interested in development of a hemp ordinance.

She was not concerned with indoor grows affecting the safety of children because she felt it was up to the adults at a residence to be responsible for what goes on there.

Growing cannabis in an accessory structure to a residence also received support.

Members of the public brought up concerns with safety of the children where there were cannabis plants growing indoors, smoke from personal cannabis use at a residence going into neighbors' houses, and concerns about enforcement of regulations because the sheriff's office is understaffed.

Breanne Ramos, executive director of the Merced County Farm Bureau, said: "We're still opposed to the cultivation and processing of marijuana and hemp."

Under Proposition 64, the county has wide latitude to make choices in its cannabis policy and the county has broad authority to levy taxes; because regulations on cannabis have not been specified and are still evolving. When local governments developed restrictions, such as requiring a permit and the payment of a fee by growers, there have been challenges in court.

Also of note, there have been 9,000 to 10,000 illegal cannabis grows in Humboldt County (primarily by cartels involving Brazilians and Bulgarians) that have caused stream diversions, negatively impacting the environment.

The federal government still considers marijuana an illegal substance, but has decided to make enforcement a low priority if there is compliance with certain conditions. Industrial hemp is a separate issue and its regulation would require a separate county ordinance.

The state's SB 94, the 2017 Cannabis Budget Trailer Bill, provides that there will be a single regulatory structure for both the medicinal and recreational sides and the state will not be able to issue licenses to industry actors unless those applicants have complied with local rules. The State will begin issuing temporary licenses on Jan. 1. SB

94 creates a temporary CEQA exemption on commercial cannabis activity until July 1, 2019.

For The Record:

A hoopla was raised recently with a front page article in the Merced Sun-Star about a local nod for a state commission.

It involved former Supervisor John Pedrozo. A big picture of him appeared above the fold.

A month ago, Supervisor Daron McDaniel floated the idea to nominate Pedrozo for the open seat on the California Transportation Commission, an 11-member board that allocates funding for transportation projects, among other duties. This area has not been represented on the panel in decades. McDaniel noted Pedrozo's more than eight years experience serving on multiple regional transportation committees and panels. Pedrozo's name also got support from a Tulare county supervisor, a Madera supervisor and a state transportation official.

In an interview with the Times, Pedrozo said he appreciated the thoughtfulness and the opportunity, and he was still willing to serve the public.

However, in the initial Sun-Star story in mid-August, Supervisor Rodrigo Espinosa, a former political opponent of Pedrozo, criticized the move (also discussed at the Merced County Association of Governments) as not being open to all, and alluded the move as being part of a good-ol'-boy system. Pedrozo said he was never contacted for a response in that first Sun-Star piece.

In any case, the Board of Supervisors this week ended up approving a recommendation 5-0 to support Pedrozo.

But perhaps it was a little too late.

The Times learned that the Governor's Office meanwhile decided to go with Paul Van Konynenburg of Modesto. Konynenburg has been a partner at a real estate management company since 1993.

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