

Bishop City Council Modifies Ordinance But Allows Cultivation of Medical Marijuana

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Bishop's City Council accepted the tone of the Planning Commission's medical marijuana cultivation ordinance, added a few tweaks of its own and appears to have a consensus, minus one, on allowing the cultivation of medical marijuana within city limits.

The final ordinance will have its first reading at the Council's January 11 meeting in enough time to get the land use regulation on the books by the March 1, 2016 deadline. The Council opted not to take a chance on losing its ability to regulate cultivation by missing that deadline.

Just last week, Inyo County Board of Supervisors chose to hold off on a county regulation on the advice of Rural County Representatives of California legislative analyst Paul Smith who maintained the deadline may be legislatively removed. Council members ran the gamut from Joe Pecs's "it's a gateway drug" to Karen Schwartz' desire to remove layers of regulation.

After more than an hour of discussion, City Administrator Jim Tatum went through a checklist to test the consensus waters. The final ordinance, still subject to possible wordsmithing, should look something like this:

- Outdoor cultivation is still banned; indoor is okay within limits.
- Multi-family residences were added to single family homes as approved dwellings.
- The 600-foot buffer zones, the current state regulation, was kept in.
 - Households with occupants under 18 can grow medical marijuana. As Mayor Pat Gardner said "allow parents to be parents."
- The sections defining when cultivation becomes a public nuisance stayed in.
- Permitting will follow the pattern of business licenses, going through department heads.

"Enforcement will be re-active, not pro-active," said Tatum. Complaints would either go through the Bishop Police Department or the Building Department.

Planning Commissioner Hank Truxillo brought up the issue of who would be inspecting grow sites. The Commission had been adamant the BPD would not have the power to inspect a home cultivation operation on 24-hour notice. Tatum said that would depend on the nature of the complaint that triggered an inspection.

The longest debate centered on how much is too much. The sample ordinance presented by City Attorney Ryan Jones at the Commission meeting December 1 restricted the area occupied by the plants to 25 square feet. The Commission enlarged

that to 100 square feet, the size of a small bedroom. The Council compromised, settling on 50 square feet or the state's limit of six mature and 12 immature plants.

The Council avoided getting bogged down in a long debate over the validity of medical marijuana, accepting that opinions on its value were just as split as those on whether it was a gateway to more lethal drug use. As Council member Jim Ellis observed "things are changing."

Currently without an ordinance banning cultivation, grow sites are legal within city limits. Schwartz asked if there were any issues surrounding cultivation. Tatum said no; Interim Police Chief Ted Stec said the big challenge was validating if someone needs medical marijuana. The Planning Commission answered that challenge simply: need is determined by physicians, not the police department.

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