



Minutes – March 22, 2016
Horseshoe Bar/Penryn Municipal Advisory Council

Members Present:

Wayne Russell
Mike Bishop
Randy Maggert
Patricia Niefer
Anita Yoder
Susan Mahoney
Gabriele Windgasse

County Staff Present:

Leah Rosasco

Board of Supervisors:

Supervisor Jim Holmes

Members Absent:

1. Call to Order and Pledge of Allegiance

The regular meeting of the Council was called to order at 7:00 p.m.

2. Introduction of MAC Members

3. The Agenda was approved

The March 22, 2016 Agenda was approved as written. Motion made by Wayne Russell, 2nd by Randy Maggert, motion carried.

4. Approval of Minutes

The Minutes of October 20, 2015 were approved with corrected last name of MAC Member Anita Yoder instead of Anita Yoda, in last page of the minutes: Motion made by Wayne Russell, 2nd by Mike Bishop, motion carried.

The Minutes of January 26, 2016 were approved as amended: Brian Meyers, Penryn Fire District Attorney, to be replaced with Brian Meyer, Penryn community member. Motion made by Mike Bishop, 2nd by Wayne Russell, motion carried.

5. Council Action Taken:

A. Selection of 2016 MAC Chair and Vice Chair. At the beginning of each year, the MAC members move to select a new chair and vice chair to lead the monthly MAC discussion. The MAC made these selections at this meeting with new leadership effective as of the next meeting.

Motion made by Mike Bishop, 2nd by Anita Yoder to nominate Patty Niefer to Chair, All Ayes

Wayne Russell volunteered to serve as Vice Chair, 2nd by Mike Bishop, All Ayes

B. Selection of Parks, Recreation, and Service Committee Member:

A member of the MAC may volunteer to serve as the Parks, Recreation, and Service Committee representative.

Leah Rosasco specified there was only one vacancy on the Parks Committee left vacant by former MAC member, Diane Nicholas. Patricia Niefer asked the members if they wanted to volunteer for a different committee other than the one they were on. The following MAC members volunteered to serve as Service Committee representatives:

Patricia Niefer:	Chair Reports/Correspondence
Randy Maggert:	Schools
Mike Bishop:	Land Use and Planning
Anita Yoder:	Parks, Recreation and Service
Susan Mahoney:	Traffic Safety and Fire

Motion made by Anita Yoder to approve, 2nd by Susan Mahoney, All Ayes

6. Public Comment: None for these Agenda items.

Patricia Niefer – Was very impressed by the new Deputy occupying the position of Placer County Community Service and how well he handled complaints re: Clark Tunnel and other issues in the area, and his willingness and energy to do well in his position.

7. Reports:

A. Local Government: Placer County District 3: Leah Rosasco in lieu of Jim Holmes who is attending Placer County Parks Commission meeting at the Penryn Schools. He will be here shortly.

Meeting Location change - For 2016, the HB/Penryn MAC's meeting location will change to the Loomis Library. Meeting dates for 2016 are: May 24th, July 26th, September 27th, and November 15th (not the fourth Tuesday, as to avoid any conflicts with Thanksgiving week)

Secondary Dwelling ZTA – The BOS approved changes to the County's Zoning Ordinance aimed at encouraging the use of secondary dwellings as affordable housing units. Changes to the current ordinance include adding a definition for multi-generational housing, allowable lot size, parking requirements, number of units, location, unit size, and a deed restriction for affordability.

Library Update – County staff from CEO's office and the County's Facility Services department are working together with the Town of Loomis to determine whether or not a framework can be identified and developed for the building to be utilized by the Town for various uses and activities, among them some sort of library-type services. Discussions have been held with the Town Manager to that end, but still no structure of

an agreement is yet ready. All parties involved anticipate a solution soon that both the Town and County can agree to that will be mutually beneficial.

Budget Overview – The BOS received an update on the 2015/2016 revenue and expenditure projections for the County’s main operating funds and five-year strategic budget framework as it relates to the County General Fund and Public Safety Fund. Receive a report on the FY 2016-17 budget development process and provide any necessary direction. So that work is underway and the next budget should be approved in September.

Public Safety: Kelly Moretti, South Placer Fire Representative – His department is providing administrative services for the Penryn Fire District. He reminded the public that, although everything is nice and green now, it is important to start thinking about creating defensible space around homes. A multi-casualty drill will be held in May at the Roseville Railyard re crude oil railcars, since transport of oil by railcars will begin soon.

Placer County Sheriff’s Office: Deputy Greg Hopping working the Loomis beat, out of the Loomis office, reported concerns with the transient population and problems with intoxicated people. New deputy, Chris Carlton - Community Service Division, seems to be a nice addition to the department, aware of issues in the community and willing to stay on top of it.

Patty Niefer asked if mail theft was on the increase.

Answer: Mail theft, mail tampering seems to be an ongoing problem, and a huge issue, not only with our own community but all over Placer County.

Welcome Supervisor Holmes to meeting.

B. MAC Member Reports and Correspondence:

Chair’s report/correspondence: Patty Niefer: None

Schools Report : Randy Maggert: Superintendent of Schools not able to make it to meeting. He is also attending the Placer County Parks Committee meeting at the Penryn Schools. The Bickford agreement has been completed. Two and a half the amount in fees have been received from developer plus 15 acres donated to school district.

Parks, Recreation and Service: Patty Niefer re: Griffin Quarry. Subcommittee discussion and public comments have been submitted to County. County is looking to hiring a consultant to determine how funds can be used for the park’s improvements. There will be a meeting in April, and there will be communication from Andy Fisher regarding dates.

Welcome extended to new MAC Board Member, Gabriele Windgasse.

Traffic, Safety and Fire : Mike Bishop: Concerned with I-80 Raise project manager not intending to install fences on sides of the Newcastle crossing. Fencing will be only on

the side of sidewalk. Please send complaints to the county's website re: lack of fencing. The Newcastle raise will start on March 28th, and the freeway will be closed on March 30th and March 31st.

Land Use and Planning – Anita Yoder: Nothing submitted as of late.

8. Information/Non-Action Items:

A. West Placer Storm Water Design Manual

Placer County is working on the completion of the West Placer Storm Water Design Manual which will require amendments to the Zoning Ordinance. The Design Manual is intended to provide standards that both conform to the mandates of the 2013 NPPDES Municipal Permit and achieve Placer County Conservation Plan Objectives. The Design Manual will aid the design professionals in the design and constructing of effective storm water management strategies to reduce runoff, treat storm water, and provide baseline hydro-modification management. This Design Manual has been a joint effort between Placer County and the Cities of Roseville, Lincoln, Loomis, and Auburn. A copy of the draft Manual can be found at the county's website.

Presented by Jennifer Byous with Planning Services and Rebecca Taber with Engineering Services.

This split presentation discussed why the need for a manual, the process how the manual developed, how to implement and the proposed ZTA to protect storm water drains, compliance with the NPDES – Low Impact Development vs. holding water in ponds.

Background: This multi-jurisdiction effort was set up with a panel of engineers, biologists and architects to develop a manual with the same regulations for all these jurisdictions with the exception of the City of Rocklin. Two public outreach meetings to inform the public were held in December and February and both were well attended. The focus of discussion was:

1. Placer County Conservation Plan
2. Storm Drain Water Protection
3. Clean Water Act Program

The areas affected are the Tahoe Basin and the West Slope area, and 99% of Loomis falls within having to comply with the manual.

Requirements to comply are by category depending on size of project.

Small projects: 2,500 – 5,000 of impervious surface – only LID layout

Regulated projects: over 5,000 sq. ft. of impervious surface – need more requirements

Development project include Site Assessment, Site Design Measures (tree planting), Site Planning and BMP Selection, Hydro-modification and negative effect management (bigger projects)

Draft Code Amendments have to comply with Manual requirements.

Wayne Russell: Any feedback received from developers?

Answer: In general, most would say increased expenses, and this was in 2013. Now the terms of compliance have already been negotiated with the State. Initially there was some grumbling, but now the industry is catching up to speed. Many discussions have been held, and most of the language in these discussions is very technical.

Question: Why is the City of Rocklin not participating?

Answer: The City of Rocklin chose to go a quicker route and adopt a Bay Area manual.

Traditional storm water approach collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility.

The new approach is to infiltrate water on site by installing a lot more storm water features, as curb cut, where water goes into landscaping curbs or planters, or infiltrating porous pavement, as in parking areas of shopping centers, eliminating requirement of storm water basins. It could be something as simple as installing cisterns in the community, or discharging water from downspouts into rain gardens. Lake Tahoe and Auburn have a lot of these storm water features.

The process has been streamlined where developers who come in for permit have to fill standardized forms with the required information about the project, size of project, do calculations to determine amount of runoff, and follow examples in documents.

Developers have to do a site assessment, follow code amendments where applicable, comply with consistent requirements of manual, its design standards, submit development proposal, and show how they comply with manual.

Chapter 16th of Manual deals with the Zoning Code re: set back requirements, comply with fire safety, paving and surfacing – permeable paving where is to be used, and definitions.

Gabriele Windgasse: Would a green roof be an option?

Answer: Not typically done in this area. Have to deal with water usage to keep it green in summer, but it would be an option if somebody chose to do that.

Anita Yoder: It would seem that these rules would apply primarily to people who have a large area of porous surface, industrial kind and would not impact private families.

Answer: Depends – Some owners could be building houses in some areas and have more than 5,000 sq. ft. of porous surface. They still have to show calculations to show amount of water filtration. Single-family is subjected to small project requirement, length of driveway, roof size, how much impervious surface could be reduced and this information is reported to State.

It does apply more to in urbanized areas of West Placer County with large developments. Map shows North American basin watershed impacted by developments and urbanization. County negotiated with the State to narrow it to where urban areas are in Placer County and negotiation is done every five years.

Question: Concerns about mosquitoes vector control especially during mosquito's season.

Answer: It is important to design correctly so the flow is never there long enough for mosquito's issues to take place.

Question: Would standardized features present mosquito's problems with water held in drainage?

Answer: Each project has to be assessed on its own. Improvements are followed up by County.

9. Action Items:

A. Proposed Medical Marijuana Ordinance

In light of the October 9th, 2015 passage of the California Medical Marijuana Regulation and Safety Act (MMRSA) – regarding commercial medical marijuana cultivation, Placer County is in the process of drafting an ordinance that seeks to balance the legal rights of patients and caregivers with those of adjoining neighbors and other community members with regards to the cultivation, production, and distribution of this product in the unincorporated areas of the County. County staff will provide an overview of the recently passed state legislation (MMRSA) and an overview of the proposed Medical Marijuana Ordinance. The proposed ordinance will be presented to the Board of Supervisors for action at a future date.

Presenter: Josh Huntsinger, Placer County Agricultural Commissioner; Bekki Riggan, Deputy County Counsel; George Rosasco, Supervising Planner

Josh Huntsinger: Presented slides and video to elicit feedback. Placer County does not specifically prohibit or allow for cultivation for medicinal use and there are a lot of ambiguities and grey areas.

Video presentation: Negative impacts during last twenty years:

- Increase in drug traffic
- Increase in thefts
- Increase of butane lab explosions
- Increase of nuisance complaints
- Increase of smell complaints
- Increase of illegal diversion of water and impact on surrounding wildlife

Bekki Riggan: Tonight's focus is treating this issue mainly as a Land Use issue and not focusing on the merits or harms of Medical Marijuana, but rather, to provide feedback and general direction to where this issue should be going and to provide information to

BOS as to regulations with regard to cultivation of medical marijuana that would serve the community well, and potential recreational cultivation, should that become the will of the people this November when the proposition to legalize medical marijuana is presented to them.

Medical Marijuana was classified as Schedule One substance, the highest of all five other substances including alcohol.

The 1970 saw millions being spent on prohibition, and millions of people arrested and prosecuted to jail. This prohibition did not see a decline in its use and several states now are re-thinking how to deal with issue and have revised their laws. Now we see several states with laws allowing its use.

California was first state to legalize marijuana with Prop 215, passed 20 years ago with the Compassionate Use Act providing marijuana use. It lacked regulations and its lack of clarity and ambiguity impeded law enforcement and gave them few tools to engage in efforts to deal with issue. The last 20 years have seen more proliferation of use and more negative effects created by it. Senate Bill #420, which further legalized with intent to provide safe availability for use of medical marijuana, cultivation, distribution, etc., created more confusion as to what was legal.

Medical marijuana policy is changing across country with several states adopting comprehensive regulations. Alaska, Colorado, Washington and Oregon elected to regulate use of marijuana same as alcohol. Under Federal Law it is still illegal, and the Feds do not distinguish between medical and recreational use, although there is evidence they are relaxing their rules.

It was anticipated that California was going to measure to legalize Medical Marijuana. In May 2015, county staff made presentation showing lack of regulations to the BOS. Many constituents were very interested and the meeting was well attended.

October 2015, MMRSA – Medical Marijuana Regulation and Safety Act was passed, with an extensive 17 types of licensing structure to obtain from State and with local jurisdiction retaining regulatory authority and also to levy fees and taxes to cover this program's implementation. Voters may also vote for additional taxes.

December 8, 2015 – Presentation of this new legislation and at at such time, BOS directed staff to develop comprehensive regulations and that's where it is now.

January 5, 2016 - First reading of an ordinance asserting Placer County's right to regulate itself. Placer County authorized BOS to identify Josh Huntsinger as Lead Ag Commissioner and he approved plan on how to proceed. Many meetings were and are still held following requests to speak on issue from different groups.

Huntsinger : Here is a list of goals to guide efforts to implement new regulations, work of county staff acknowledging they are building this ordinance from scratch, to come back to annually update it, and for the BOS to address missed issues in the future.

County Staff Approach – Regulations that:

- Promote Public Health and Safety
- Reduce size of illicit market
- Prevent non-medical access by Youth
- Reduce environmental harm to water, habitat and wildlife
- Provide clear criteria for responsible businesses and patients
- Develop a fair system of regulation and taxation
- Provide flexibility and authority for modification or additional measures as needed

Implementation – Example: Conditional Building Permit Use, where permits are issued on an annual basis, followed by review to ensure compliance coupled with annual inspections, pro-actively checking to ensure follow up of regulations. Use comprehensive permit by county – chance to sit down with growers, ensuring they are still in compliance with regulations, pro-actively inspecting not reacting after complaints are received, establishing a partnership between county and growers.

Administrative Penalties – Significant fines, removal of plants, thus jeopardizing future of grower. Prop 215 is law and should be implemented correctly. Not being physicians, it is difficult to engage in this discussion on the reports of harm of Medical Marijuana and reports of its good effects.

Studies of other counties have shown less success due to lack of real enforcement mechanism. There should be swift and forceful mechanism in place. It is not a criminal type of offense any more.

Russell: Where does the line cross into criminal offense?

Answer: It is a violation of county code, not considered criminal

Russell: When does it cross the line and becomes criminal?

Bekki: Decriminalization at the Federal level – misdemeanor with a \$100,000 fine, in California, misdemeanor plus \$100 dollars fine.

Sting operations are very difficult to prove that a grower's cultivation of marijuana is with criminal intent.

Russell: Colorado is replete with unintended consequences. Studies have shown how marijuana falls easily into hands of youth.

Bekki: Colorado implemented regulations right away. Washington took more time before implementation to study consequences.

Maggert: Commercial cultivation regulations?

Huntsinger: State law has 17 licenses defining cultivation. State has defined what. County has to decide where.

Mahoney: Are growers charged fees that would cover staff's expenses?

Huntsinger: There are 15 different ag programs, some have fees, some are exempt, some pay fees that go to the state, etc., it's all over the board.

Niefer: If medical marijuana is legalized, 99 plants will be under the system. Would the ordinance increase or decrease amounts of plants? Under the new ordinance, would it be more restrictive regarding the square footage allowed for personal cultivation?

Windgasse: What other counties have tried to have own ordinance?

Huntsinger: By March 2016, all control will revert to the state. Between now and May it is impossible to develop a comprehensive ordinance, so many counties have placed a ban. Placer County is Placer Holder and the March deadline was removed, so there is no urgency. Talks are going on among with other counties to see what each county is doing.

Public Comments:

Muriel Davis: City of Sacramento is very permissive, it has 30 dispensaries. Nevada County is struggling with the situation at the moment. El Dorado County is very permissive. Concerned about code enforcement and what controls are there to prevent people from buying lots of land and turning it into marijuana fields.

Answer: State has not yet developed regulations for issuance of large licenses. County could not do that till State develops regulations for these. Regarding code enforcement, there are a lot of steps for growers to go through the enforcement process and there is a lot of dedicated staff who would go out there to do the monitoring.

Diana Garcia, farmer in the City of Sacramento. Growers have to follow the laws and regulations which are very stringent. Every product has to be approved by lab.

Member of audience, no name given: Has lived in area for 36 years and has grown marijuana for the terminally ill. Would like to have cultivation of medical marijuana intertwined with other products and have a chance to set the bar.

Mica Heilmann, Placer County Parent, Small Business Owner, and Professional and Ag Scientist: Does not have issues with individual's decisions to use medical marijuana, but objects to commercial production of any kind.

Do we want to do this and have 17 types of licenses? Do we need to be more restrictive than the state? Is concerned the ordinance would promote influx of more investor growers. Our state already has 300% more production than any other state and producing more for dispensaries. Not concerned with local growers, but with folks from Chicago, New York who have own labor force. This proposition would open the door to commercial production and harm our children.

Written letter from Mica Heilmann to Placer County (filed with these minutes)

Kimberly Cargile, Director of dispensary clinic in Sacramento: Dispensaries help hundreds of patients. Products dispensed to public have been tested in lab to identify their compounds. Dispensaries provide a variety of services to help patients who have recommendations from their doctors. It is also important for dispensaries to have heavy security and to work with local governments and follow their regulations.

Dr. Mollie Fry, MD: Formerly, a patient herself. Through regulations, legalized dispensaries and allowance of controlled growth, marijuana is kept out of black markets. Permits allow people to grow it legitimately. There is a tagging product system which allows accountability. It is a safe and effective way to help people, especially the elderly, who often overdose on pharmacological effects of medications that can be counteracted by medical marijuana.

Josh Huntsinger on regulation and accountability:

- Annual permitting
- Annual inspections
- Swift and certain enforcement
- Zoning and setback requirements
- Tract and trace System
 - A. Unique identifier on each plant
 - B. Batch identified – all plants tracked to licensed dispensary (if a plant produces 2 lbs. of plants, these have to be tracked.

There are two options for regulation of medical marijuana and sales: 1) a ban and, 2) allow, but control with regulation.

MAC Action Requested on the Proposed Medical Marijuana Ordinance:

1. Should Placer County have zoning and land use regulations to control the location, amount, and distribution of medical marijuana consistent with the State regulatory framework.

Susan Mahoney:	YES
Wayne Russell:	YES
Gabriele Windgasse	YES
Patty Niefer:	YES
Randy Maggert	YES
Mike Bishop	YES
Anita Yoder	YES

Motion carried unanimously.

2. Should the industry bear the cost of regulation through fees and taxes.

Susan Mahoney:	YES
Wayne Russell:	YES
Gabriele Windgasse	YES
Patty Niefer:	YES
Randy Maggert	YES
Mike Bishop	YES
Anita Anita Yoder	YES

Motion carried unanimously.

3. Do you support a comprehensive framework for regulation of medical marijuana including:

- a. Allow and regulate Outdoor cultivation
- b. Allow and regulate Indoor cultivation
- c. Allow and regulate Dispensaries

Susan Mahoney:	YES
Wayne Russell:	YES
Gabriele Windgasse	YES
Patty Niefer:	NO
Randy Maggert	YES
Mike Bishop	YES
Anita Yoder	NO

Motion carried with 5 YES and 2 NOES.

Adjournment at 9:55P.M. to next regular meeting on May 24, 2016. Meeting will be held at the Loomis Library, 6050 Library Drive, Loomis.