

Pot advocates win right to help write cultivation law

By Kathryn Reed

A throng of citizens demonstrated Thursday that getting involved in the government process can bring change.

It took most of the morning session and until 3 that afternoon, but in the end the South Lake Tahoe City Council unanimously agreed to form a committee to help create an ordinance regarding marijuana cultivation for medicinal purposes.

More than two dozen people, mostly against the ordinance that was before the council, gave a range of reasons why the legislation as written was bad. Most called for it to be pulled from the agenda.



It was standing room only, with people listening to the pot discussion on the TV in the lobby on Aug. 19.

Photo/Kathryn

Reed

Representatives of the three medicinal marijuana collectives in town will be on the committee, along with Councilmen Bruce Grego and Bill Crawford; the city attorney; city manager; fire, police and building department reps; homeowner; and planning commissioner. In the coming weeks they will meet to hash out their differences and ideally find consensus so an ordinance is brought back to the current council to vote on.

Health and safety issues are what the council wants to address.

Jan McCarthy, who will be the homeowners' voice on the panel, told the council she has spent more than \$30,000 to rehab a home that has been used as a grow-house. She is going to have a clause written into future rental agreements not allowing pot to be grown.

"Black mold is such a problem for insurance companies they will tear a house down before they remediate it," Fire Marshal Ray Zachau told *Lake Tahoe News*.

It's the high moisture content that causes the nasty mold. One house was so bad a few years ago on Walkup Road that the entire structure was demolished.

Holes are cut in floors and walls to move air around. The aroma of pot plants permeates the night air when the grow-houses use fans to circulate the air in the house – and subsequently push it outdoors.

Another concern of fire officials is if there were a fire at the grow houses with all the air circulating, it unknowingly puts firefighters at risk. Fire loves oxygen.

Several people who spoke wondered why no outdoor plants are allowed. The answer was the Planning Commission proposed that rule.

The city wants to restrict those who are allowed to grow marijuana per rules in the 1996 voter approved Proposition 215 to inside the house or the garage. Zachau said the garage is better for fire prevention reasons.

“It’s responsible growers who are speaking today, not the ones doing damage,” said Matt Lonardo. He works at Mt. Tallac High School and pointed out the students he is around have a lot more serious issues to deal with than medicinal marijuana.

It’s felony vandalism that the District Attorney’s Office has charged people who have recently been arrested with large indoor grows. With the state and federal laws about marijuana being out of alignment, this is a better legal route to pursue with less chance of an appeal or acquittal.

There is disagreement about how much space plants need as well as the wattage, or amps, needed to keep them thriving. Those are some of the issues that will be discussed by the committee.

It was said over and over that experts should be helping write the ordinance.

It’s legal for growers to sell what they don’t use to the collectives. But it’s only supposed to be at the price that it cost them to grow it. This is not supposed to be a revenue source for the growers, per state law.

A concern of city officials is these small growers with medicinal marijuana permits are deriving income from the sale of the end product. That was not the intent of the proposition.

Regulating whatever ordinance is approved is another concern. Pot advocates on Aug. 19 said they didn’t want the police to be the ones knocking on their door to enforce compliance. Medical privacy – HIPPA – was brought up.

Most in the room supported regulating the industry. What they want is for it to be fair, logical, relevant and to have a say in the rules they will have to follow.

“You can’t change the law just because of your personal opinions,” Leanne Aalmo told the council.