

SLT pot laws may be bad news for existing shop



Cody Bass, owner of Tahoe Wellness Cooperative, listens June 5 to the South Lake Tahoe council talk marijuana. Photo/Kathryn Reed

By Kathryn Reed

It's been a slow, strange trip for South Lake Tahoe officials as they navigate a path toward allowing recreational marijuana to be grown, sold and delivered here.

Enough progress has been made that the recreational marijuana ordinance should be presented to the Planning Commission on June 14. However, time is ticking to get all the paperwork together by July 4 to qualify a tax measure for the November ballot.

Marijuana took up the bulk of the June 5 afternoon session of the South Lake Tahoe City Council meeting. A couple closed session items were related to the topic, with one item labeled as existing litigation with Tahoe Wellness Cooperative and

another titled anticipated litigation, which was also TWC related.

There was no reportable action from either. Councilmember Jason Collin, who was absent for the entire open session part of the meeting, showed up for the midday closed session item that dealt with anticipated litigation.

While it wasn't specifically agendized, the council finally took up the topic of what to do with TWC. The medicinal marijuana dispensary has been in business for more than nine years and is the last survivor of the three that opened about the same time.

The four electeds voted to allow Cody Bass, owner and founder of TWC, to keep operating a medicinal facility, however he will have to comply with any changes to the new ordinance that would affect his business.

This includes meeting zoning regulations. Where TWC is at in the front of the Bijou Center would be OK for selling the medicine going forward. However, cultivation and extraction would no longer be allowed based on how the ordinance looks today. These are two integral components to TWC's business.

Bass did not want to talk with *Lake Tahoe News* about the decisions made on Tuesday.

"You're putting a bullet through my business," he told the council. He equated the actions of the council to being in a Communist country where vested rights are not recognized.

The council as a whole also expressed frustration with unknown variables that exist surrounding Bass and the city. One is the ongoing litigation involving whether Bass has a valid permit to even be open. Another court hearing is slated for later this month, but that doesn't mean a decision will be forthcoming.

The other issue complicating matters is the ballot initiative Bass and his attorneys have brought forward for the November election that would essentially grandfather his business in and tie the city's hands in many ways. A lawsuit to its legality would be likely if it were to pass.

Bass told the council he would withdraw the initiative and drop the lawsuit if the city would sit down with him to come to a resolution that would allow TWC to stay open where it is and allow recreational marijuana sales.

Interim City Attorney Nira Doherty said the most conservative interpretation of election code is that the measure cannot be withdrawn, and therefore advised the council to not go down that path.

"Cody, we are not just thinking about you and Tahoe Wellness Cooperative. We are thinking about what is best for the community," Councilmember Brooke Laine said.

Bass would have the same opportunity to apply for one of the various recreational marijuana permits as anyone else.

The council had previously agreed to allow two adult-use retail businesses, two cultivators up to 5,000-square-feet of grow area, two microbusinesses, and unlimited testing facility/lab licenses.

A point system based on a variety of criteria will be used to determine who gets the permits. It will be a blind assessment, with identifying information redacted so the five-member judging panel doesn't know who the applicant is.

Locals will be given bonus points. However, the council had a hard time deciding what "local" means. They roughly decided on the boundary of Lake Tahoe Unified School District. However, this excludes those living on the South Shore of Douglas County. It was not explained why Nevadans shouldn't be allowed to own this type of business in South Lake Tahoe when they can

operate any other type of business.

When it comes to taxing marijuana – recreational and medicinal – the city didn't make any headway.

“There are a multitude of things that need to be discussed before we determine how much tax to come up with,” Debbie McIntyre, finance director, told the council.

It's possible a special meeting could be called to deal with the tax issue.