



City of Milpitas Cannabis Community Meetings Summary

*Held June 6 at 6:00pm and
June 12 at 12:00pm*

Community Meeting Objectives

- Provide the attendees with general information on Cannabis state legislation.
- Obtain community input on perspectives regarding potential cultivation and business regulations and a potential tax measure.
- Spread the word of the community survey and gather responses.

Participants: Community meetings were open to the public and had representatives from city staff at each meeting to answer any questions and to hear the feedback.

Facilitator: Nancy Hetrick from Management Partners facilitated the community meetings. Mandy Brown, also from Management Partners, accompanied her to publicly document the comments and ideas shared by the public. The notes were intended to capture perspectives and key themes and were not attributed to individuals or recorded verbatim.

Discussion Categories

The community meetings provided a broad overview of state law and regulation requirements promulgated by Proposition 64 and solicited community feedback on three key components of the Cannabis industry.

- Personal cultivation
- Cannabis businesses and regulations
- Taxation and revenue

Bike Rack

Facilitators used a tool called a “bike rack” to record questions from the public that required additional research or follow up. Two questions were placed on the bike rack to be answered by staff at another time or later in the process.

1. Can the City prohibit the transport of Cannabis within city limits?
2. Does the 600 foot buffer zone apply to personal outdoor cultivation *and* businesses?

Community Input by Topic

Personal Cultivation

The questions and comments from the public regarding personal cultivation are summarized into themes below.

Buffer zones

- Personal growth should be limited to the backyard
- Want to extend buffer zones – if properties allow outdoor grow, minimum fence height limits should be instated (e.g., 8 foot fence required)
- No growth in front yards
- When crafting the ordinance, consider the allowable number of plants as it relates to the buffer zones

Code Enforcement

- Concern around how indoor growth will be regulated – don't know how many plants are really grown inside
- Will code enforcement be reactive based on citizen complaints?
- City should add control measures to verify the six plant growth limit for indoor growing
- Outdoor growing in small quantities would be easier for enforcement
- City should dedicate more resources to police and code enforcement to address the impacts

Cannabis Businesses

The questions and comments from the public regarding cannabis businesses are summarized into themes below.

Business Types

- Allow at least one business type and be cautious of overregulation to not drive out new businesses
- If dispensaries (retail outlets) are allowed, all cannabis business types should be allowed to operate
- No marijuana festivals or events
- Oppose business and recreational uses; will ruin the family-friendly environment

Business Locations

- Should be in commercial districts – publicly accessible areas
- Enforce smoking distance limit from buildings (similar to tobacco use)
- Should be in commercial zones; don't permit home cannabis businesses
- Do not allow recreational use in public areas
- Require security (cameras, on-site security)

- San José has limited businesses to industrial areas which has caused safety issues; would like to see businesses in a commercial or retail area with more visibility and patrol
- Should cap the number of retail outlets
- Put these businesses in areas with high police/patrol traffic
- Should consider office areas

Code Enforcement

- Concerned with enforcement issues and compliance with federal law (banking) – would like to see stronger regulations, larger buffer zones, and public notice to surrounding properties of a cannabis business applying for a permit
- Explore worker-owned co-op requirement to promote compliance
- Follow alcohol sales model – potentially sell in liquor stores?
- Enforce child-proof packaging
- Ordinance should have a provision with the ability to revoke license to sell or distribute when violations have been committed

Taxation and Revenue

The questions and comments from the public regarding taxation and revenue are summarized into themes below.

Taxation Type

- Will tax be a general tax?
- Give the residents a choice
- Look at surrounding cities and their tax rates to understand the environment
- Consider a sunset measure or some way to change or modify the tax
- City should explore licensing fees as part of the program development to capture program costs

Revenue Use

- Cost to implement and run the program should be covered by the revenues generated through taxation and permits
- Revenues should be used to cover law enforcement and code enforcement demands
- Revenues should be used to provide public health education on the effects of cannabis, especially on minors

Next Steps

- Consolidate community survey responses
- Develop zoning and regulatory ordinance