

16

Supervisors,

Thank you for your time today. The Growers Alliance sent a letter as an attachment referencing several items which we believe should and can be added to this round of the ROI without CEQA or environmental impact. Staff has omitted these items or made reference to not being able to do all of these changes for reasons unknown. In addition, please reference our earlier and present email comments. Also realize that all of the additional suggested items mentioned in our email to you were approved unanimously by the Planning Commission.

The Alliance has concerns about the overall action in front of the Board today and subsequent actions that will follow. We are concerned that the actions proposed may not meet the intent of the original lawsuit that the county settled with the Alliance.

With due respect to staff, the claim staff presented during the September 12th Board of Supervisors meeting – that all the proposed administrative revisions to the cannabis ordinance are subject to exhaustive CEQA review and analysis – is not accurate. Acts by the Board to revise the ordinance in line with items submitted in my email attachment as well as those contained within the draft ROI presented are exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305. Section 15305 exempts actions which consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Public commenter, Mr McCarthy has presented ordinance language in his public comments which are minimal changes to the ordinance and do not require nor are there CEQA implications as staff has suggested.

We respectfully request that

- 1) This Board do what was committed and direct staff to add all of the 'low hanging fruit' items to this round of the ROI.
- 2) Direct Staff to set a firm date for the Planning Commission, which this Board did not do at the September 12th meeting. It is clear the Planning Commission can work on this as two scheduled meetings in the last month have been canceled due to lack of projects and they have very few meetings (2) scheduled between now and end of year..

Thank you for your consideration on this important issue.



Archon Farms, Inc.
701 12th St, Ste 202
Sacramento, CA 95814

October 16, 2023

El Dorado County
Board of Supervisors
330 Fair Lane, Building A
Placerville, CA 95667

ATTN: El Dorado County, Board of Supervisors:

This message is regarding Agenda Item #23-1817 related to the draft Resolution of Intent (ROI) proposing revisions to the County's cannabis ordinance, resulting from the recent Planning Commission workshops.

We commend the Board on bringing this Resolution forward for execution, as well as staff for their participation throughout the process. In addition to the six items listed in the draft ROI, we urge the Board to direct staff to accommodate the following additions, which are categorically exempt under California Environmental Quality Act (CEQA) and have been unanimously affirmed by the Planning Commission:

1. Premises Definition / Setback Measurement

- a. Incorporate the State definition of "premises" per DCC regulations / CCR Title 4 Division 19 §15000.(ccc):
 - i. *"Premises" means the designated structure(s) and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.*
- b. Revise language of Ordinance Section 130.41.200.(5)(b) – Cultivation Standards, so the sentence reads:
 - i. *Distance shall be measured from the nearest point of the ~~property line~~ of the premises that contains the commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement.*

2. Setback Waiver Eligibility

- a. Strike November 6, 2018 parcel acquisition date threshold for setback waiver eligibility by revising language of Ordinance Section 130.41.100.(4)(c) – Commercial Cannabis Use Permit, so the sentence reads:
 - i. *Any setback for a commercial cannabis activity may be reduced in a Commercial Cannabis Use Permit so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback ~~and that the parcel was owned or leased by the applicant before voter approval of the ordinance from which this Section is derived on November 6, 2018.~~*

3. Mixed-Light Cultivation

- a. Revise definition of "mixed-light cultivation" in Ordinance Section 130.41.200.(2) – Definitions, in alignment with DCC regulations, so that it reads:
 - i. *Mixed-light cultivation means the cultivation of mature cannabis in a greenhouse, hoop-house, glass house, conservatory, hothouse, or other similar structure using a combination of natural light ~~or light deprivation~~ and artificial lighting at a rate of less than or equal to six twenty-five watts per square foot or less.*
- b. Revise language of Ordinance Section 130.41.200.(5)(j) – Cultivation Standards, to align with the revised definition above.

4. Indoor Propagation

- a. Incorporate the State definition of "premises" per DCC regulations / CCR Title 4 Division 19 §15000.(xx):
 - i. *"Outdoor cultivation" means the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time.*
- b. If necessary, add language to ordinance specifying that outdoor and mixed-light cultivators may conduct propagation of immature plants in an indoor structure, according to existing County building and fire code, as well as any land use entitlement conditions.

Given the nature of the above items along with those contained in the ROI as-written, critically important to the licensed cannabis operators of El Dorado County yet negligible in terms of potential negative effects to their surrounding communities, we strongly urge the Board to seize the day and use this opportunity to benefit the law-abiding agricultural cannabis entrepreneurs by incorporating the four items listed above, and executing the Resolution of Intent under consideration today.

Second, we believe it is all too appropriate at this stage to set a concrete date for the Planning Commission hearing to consider the remaining ordinance revisions and evaluate the steps needed to analyze their effects and applicability under CEQA regulations.

Third and finally, with due respect to staff, the claim presented during the September 13th Board of Supervisors meeting – that all the proposed administrative revisions to the cannabis ordinance are subject to exhaustive CEQA review and analysis – is not accurate. Acts by the Board to revise the ordinance in line with items #1 through #4 above as well as those contained within the draft ROI are exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305. Section 15305 exempts actions which consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Be bold. Help us improve El Dorado agriculture with common-sense actions today. Let's work together to make our county's cannabis as world-renowned as our wine. Thank you for your time and consideration.

Regards,



Kevin W. McCarty
CEO / President, Archon Farms Inc.
Member, El Dorado County Growers Alliance
kevinwmccarty@pm.me
(775) 240-3055