

PC 7/13/2023
Item #4
4 pages

Re: Item #23-1032 - Planning Commission Meeting 7/13/2023

Michael Pinette <michaelpca@gmail.com>

Wed 7/12/2023 5:10 PM

To: Planning Department <planning@edcgov.us>

Cc: Jon X. Vegna <JVegna@edcgov.us>; Kris X. Payne <KPayne@edcgov.us>; Lexi Boeger <Lexi.Boeger@edcgov.us>; Andy Nevis <Andy.Nevis@edcgov.us>; Daniel Harkin <Daniel.Harkin@edcgov.us>; PL-Ombudsman <ombudsman@edcgov.us>

📎 1 attachments (4 MB)

sss-jul13- Public Comment - Planning Commission Agenda Item 23-1032 - 07.07.2023 - Signed copy copy.pdf;

ATTN: El Dorado County, Planning Commission Staff:

Attached is a letter submitted as a public comment on Agenda Item #4, file #23-1032, regarding the continued cannabis ordinance workshop to consider recommendations to the Board of Supervisors.

Please ensure this public comment is added to the record and included for consideration during the Planning Commission meeting set for next Thursday, July 13th, 2023.

Regards,

Michael Pinette

VP/Treasurer El Dorado Growers Advocacy Alliance and Member
Co owner Single Source Solutions, CCUP 21-004
AFFSC Vice Chair, Cal Fire Grant administrator South County
michaelpca@gmail.com
650-269-0063

Single Source Solutions Inc.
Owner Michael Pinette
5301 Ecommerce Way Sacramento, CA 95835
CCUP 21-004

July 12, 2023

El Dorado County
Planning Commission
2850 Fairlane Court, Building C
Placerville, CA 95667

ATTN: El Dorado County, Planning Commissioners:

This message is regarding Agenda Item #23-1032 related to the Planning Commission workshop to consider the County's cannabis ordinance and recommend improvements to the Board of Supervisors.

We commend the Commission on facilitating the June 8th public workshop and for engaging in thoughtful and constructive dialogue with members of the local cannabis community. We expect that the continuation and natural progression of this dialogue will result in changes to the current ordinance to dramatically improve the position of legal cannabis operators and the residents of El Dorado County.

At this time I would like to wholeheartedly endorse the editorial comments and recommendations made by Mr Kevin McCarty of Achon systems in his letter to the commission dated July 7, already posted in the legistar page. It is so well written and reasoned there is no reason to resubmit. I know others feel the same way. In committee parlance I would like to second, third, fourth, fifth and nauseum for Kevin's comments. They are rationale, reasoned, objective, and most certainly point several times to use examples where other counties have already improved their cannabis licensing process as a means to improve EDC.

However, I would be remiss if I did not represent some of the specific items that have perplexed my SSS team. The topics are EDSO involvement, background checks, definition of owner, parcel vs premise, cannabis as an ag crop, and a few other historical experiences. It has been a four year slog....

EDSO Involvement: Several times at the June 8 meeting Commissioner Vegman commented on the lack of support from any EDSO agent. None. Mr Billingsley's letter states a letter may be submitted for tomorrow's study session. As of earlier today I have seen no letter. I look forward to their participation. However, while it would be a "nice to have" for EDSO support, it is not required. It is the purview of the Board of Supervisors to legislate and drive fiscal needs of the county. EDSO merely has to uphold those legislative commitments and perform as required. Their opinion while perhaps of value if they want to truly advance legal compliance with cannabis ordinance is not required, it is the sole responsibility of the BoS. Same the definition of "owner" and the background check process. Only one of the 31 counties in California with legal cannabis laws so broadly define owner - EDC. Pretty much anyone that walks on the property. When Commissioner Vegman challenged the planning dept team on why it was set up that way, the response Aaron Mount gave was "the sheriff wanted it that way." This in large part and the broad reach of the background check process is why the county was sued, lost, and is now in fix it mode with the alliance and the voters that by a large margin wanted cannabis legal in the county.

Background checks: As a licensed insurance agent I have had to undergo three financial and criminal background checks in the last four years. Live Scan, takes about 30 minutes, results in a day, cost under \$100. EDSO process is time consuming, the forms still need to be changed so as to not deny our rights, and adds HDL process which not only adds considerable time, 60 days, huge cost at \$400 per "owner", but is mostly duplicative. I will add that EDSO Deputy Casper is doing a fine job processing the applicants. As of our May 24th meeting I believe he said he completed over 75 checks, with not one failing. Why? We are business people trying to achieve success in small business to add value to the EDC community, obey the laws and proceed to add value to the counties we represent.

Cannabis as Ag product. As a nonAg product currently, we have to endure the CEQA process with a vendor that is unreachable and if ever only through planning dept staff. Moving it to ag would remove CEQA, Helix process, improve and scale the licensing process, and reduce cost to small business owners trying to comply with laws. Currently a "fetch rock" exercise has delayed my application by possibly a year or more. I only found out when I forced a meeting with planning dept staff on May 24th of this year after repeated requests over a 8 month period for response. Delay after delay, no responses, and misleading efforts. It is either a complete lack of management oversight, process or lack thereof, incompetence or at worst specific intent and willful negligence.

The consultants we hired to perform the Biological and Odor studies, who have performed countless other similar studies in surrounding counties like Nevada, Calaveras, Sonoma and others tell me they are seeing a "pattern" in EDC. Make work, additional questions which do not materially change the outcome of the CEQA report, and a waste of time by Helix and county staff. This needs to change. Helix and CEQA is now the critical path to any applicant and we have no recourse with Helix, or access. Our only access is through planning dept staff who remain unresponsive or as I say above, negligent. A black hole.

Often at the June 8 meeting when planning commissioners asked the staff why things were done in certain ways historically to gain perspective. Often times the response was the following:

- "that's the way the sheriff wanted it."
- "we copied what the state of CA did five years ago in their planning"
- "that's the way we have to classify cannabis as it remains on the Schedule 1 class drugs by the feds and I can only report on it as an amendment to my ag reports."

The sheriff and county were sued and lost, so change and new critical thinking is required to fix. Also, EDSO does not own the making of legislation, but supports it.

The State of Ca rules, process and oversight for cannabis has changed considerably since five years ago while EDC Planning etc have stayed flat footed. The results are evident; lawsuits, frustration, obfuscation, and very few licensees to show while other counties have processed hundreds and reap the reward — tax revenue and obliging the will of the voters to act.

The Federal Rules as we know for cannabis are changing rapidly. How long are the EDC Planning and BoSupervisors going to hide behind what is nauseatingly a childish response. Suits will continue until real change is demonstrated. Perhaps follow the 10 of the 31 other counties that consider cannabis an Agriculture crop, streamline the process, give cultivators their rights to drive small businesses into the community, invest the one dollar it takes to improve the process to get a 27-28 dollar return and be heroes to your constituents.

And finally — I enclose the closing statements from Kevin McCarty's letter of July 7, 2023. He has a way with words, and I and my team feel the same way. Let's make it work.

final excerpt from Kevin's letter:

As a final thought to close out this public comment letter, I believe El Dorado County is one of the best and most beautiful places in California, and the country. The people of our community affirmed in 2018 that the benefits of commercial cannabis legalization outweigh the potential costs and directed the County government to manifest these benefits by enacting Ordinance 5109 and 5110 and establishing a reasonable permitting system.

The June 8th workshop was the first opportunity for community feedback on the cannabis ordinance since it was enacted and offered a glimpse into the dysfunction embedded in the current permitting system. It is imperative that the Commission take the suggestions above to heart and do everything in its power to remedy the failures which continue to accumulate under the present ordinance and permitting regime.

We hope and trust that the Commission will continue to engage with us as good-faith cannabis entrepreneurs to improve our government system and ensure beneficial outcomes for everyone involved. Toward that end, we appreciate your assistance.

Regards,

Michael Pinette
VP/Treasurer El Dorado Growers Advocacy Alliance
Co Owner SSS inc, CCUP21-004
Member, El Dorado County Growers Alliance
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(650)269-0063

Fw: Cannabis Ordinance Community Letter

Aurora M. Osbual <Aurora.Osbual@edcgov.us>

Thu 7/13/2023 8:13 AM

To: Debra R. Ercolini <debra.ercolini@edcgov.us>

PC 7-13-2023
Item #4
3 pages

📎 1 attachments (305 KB)

EDC Cannabis Ordinance 7-13-2023.pdf;

Pls print and make copies.

Sincerely,

Aurora Osbual

Clerk of the Planning Commission

Planning Division

County of El Dorado

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

Direct Line: (530) 621-5351

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aurora.osbual@edcgov.us

From: Sarah R <edu.freedomedc@gmail.com>

Sent: Thursday, July 13, 2023 8:11 AM

To: Aurora M. Osbual <Aurora.Osbual@edcgov.us>; Jon X. Vegna <JVegna@edcgov.us>

Subject: Cannabis Ordinance Community Letter

Please add the attached letter to the hearing by the Planning Commission on the Cannabis Ordinance.

Sincerely,

Sarah Renner

Education Specialist and Teacher

Education Impact EDC Coordinator

EducationImpact.us

[EDC Education Resources](#)

[EDC Education Impact Videos](#)

July 13, 2023

I am writing to request to maintain significant controls and increase the restrictions on the sale of cannabis in the El Dorado County. As a teacher of 25 years, whose work included youth drug rehabilitation facilities, I have seen firsthand the adverse effects on students and danger to school staff that cannabis use and distributions brings to a community.

Schools suffered direct negative impact from the folly of increasing cannabis use through legalization and increased potency. Below are some of the adverse effects of increasing cannabis use and potency within our community.

- “The National Academy of Medicine found in 2017 that “cannabis use is likely to increase the risk of developing schizophrenia and other psychoses; the higher the use, the greater the risk.” Also that “regular cannabis use is likely to increase the risk for developing social anxiety disorder.”
- “Cannabis is associated with a disturbing number of child deaths from abuse and neglect—many more than alcohol, and more than cocaine, methamphetamines, and opioids combined.”
- “Psychosis-induced violence takes particularly ugly forms and is frequently directed at helpless family members” and classmates.
- Increase potency of THC, as high as 90% in concentrates compared to 2-5% in cannabis from 1980-2001, has increased physical dependence, psychoses, and anxiety.
- The commercialization of edibles that are marketed toward children like candy and desserts (i.e. lollipops, gummy bears) has increase the incident of THC accidental poisonings.

The adverse community effects of cannabis sales is putting an increased financial burden on schools who are forced to allocate educational funds to increase drug detection, mental health staffing for anxiety and psychoses, special education staffing to address increase emotional disturbance in children, child abuse detection and reporting, and violence preventions and intervention. Cannabis is making it more difficult to have classrooms that are focused on learning and enrichment. The whole educational system is beginning to look more like the classrooms operating in drug treatment facilities with more classroom disruption and violence and less engagement and enrichment opportunities. The increase distribution of cannabis to parents and increase easy of obtaining cannabis by students is transforming our schools and decreasing the educational benefit to the average student in EDC.

I am requesting the following regulations to mitigate the negative effects of cannabis sales in EDC:

- 1.) Distribution facilities to be prohibited within 1,500 feet around areas where children congregate (i.e. school, bus stops, daycare facilities, parks), churches, and drug treatment facilities, etc.
- 2.) Prohibiting cannabis products that are marketed to children like candy and dessert edibles and vape pens that look like school highlighters.
- 3.) Prohibiting the sale of cannabis products that are 20% THC in plant form and 60% in non plant form.

Thank you for considering the needs of students within El Dorado County.

Sincerely,

Sarah Renner
Educational Specialist
Educational Impact Coordinator EDC

Sources:

- <https://imprimis.hillsdale.edu/marijuana-mental-illness-violence/>
- Dangers Of High Potency Cannabis For Teens
https://www.youtube.com/watch?v=PklZ_InpgPQ&t=160s&ab_channel=NBCNews
- <https://www.theepochtimes.com/rise-in-young-children-poisoned-by-cannabis-is-troubling-virginia-poison-center-chief>

Commissioners,

Thank you for your time once again to consider this very important matter. Commissioner Vegna, thank you for your service to EDC.

I have a few points I'd like to bring to your attention from my public comments submitted for today..

- 1) The EDSO has strangely been absent from these hearings, and I'd like to suggest that their comments are welcomed to this process, but if EDSO continues to say nothing, all we can do is presume EDSO is fine with what the county Commission and Supervisors decide.
- 2) There are 3 incorrect comments in the Staff letter which was submitted to you.
 - a) Complete cannabis vertical integration is absolutely allowed by the state under a Microbusiness license. - Happy to elaborate.
 - b) The State of California does in fact consider cannabis an agricultural crop - Code quoted in public comments for today.
 - c) Other counties have created a countywide EIR for Cannabis - noted in other public comments for today.
- 3) The setback issue is on the Staff summary, but I would like to stress the importance of lowering setbacks, as well as discussing parcel vs. premise. To this point, I offer our farm as a real world example of how little the odor of cannabis is an issue. Come out to my farm. We have plants in flower as well as some that are just growing. The smell is minimal and most certainly cannot be smelled from even 100 feet. I'm not suggesting 100 feet for setbacks, but we should really try to be on par with our sister counties.
- 4) I think it is important that today we focus on a broad message that we will deliver to the BoS should this commission decide to move forward. We previously went through all agenda items and suggested changes and now need to summarize this in a clear and concise message to the BoS. It is my opinion we do not revisit all individual items again.

In closing, and as the discussions happen today, please continue to try and think of a cannabis farm as a winery. They are much closer to being the same than not.

Lee Tannenbaum
President - El Dorado Growers Alliance.