

**FROM THE PLANNING COMMISSION MINUTES OF AUGUST 8, 2013**

**10. ORDINANCE (Public Hearing)**

**OR13-0002/Medical Marijuana Outdoor Cultivation** initiated by EL DORADO COUNTY. The proposed amendment to County Ordinance, Title 17, will regulate the outdoor cultivation of medical marijuana in all zone districts in the unincorporated areas of the County of El Dorado. The Ordinance proposes to regulate the outdoor cultivation of medical marijuana by setting standards and regulations for: the maximum size area for cultivation; fencing; separation from youth oriented facilities; setbacks from property lines; limitations on smoke and odor; residency requirements or owner authorization; environmental requirements (water quality, sewage disposal, and use of chemicals); disposal of waste material; collective cultivation on larger lots; abatement and code enforcement; administrative relief provisions and appeal process, including providing for public notice of administrative relief and appeal requests. The Planning Commission proposes to find that adoption of the ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). *[Project Planner: Peter Maurer]*

Chair Pratt questioned County Counsel regarding boundaries. David Livingston-County Counsel did not feel closed session would be necessary.

Peter Maurer presented the item to the Commission and referenced Staff Memo dated August 2, 2013.

Charlene Carveth-Agricultural Commissioner commented that there is not a pesticide for marijuana and that any pesticide use is illegal. Pesticide labels are considered law.

Commissioner Stewart commented on key issues of crime and odor. He would like to see encouragement for odorless plants. Will there be an application process to determine when cultivation starts?

Chair Pratt commented on the Ordinance definitions - church, childcare youth facilities, locations of school bus stops.

Mary Ann Broderick-residence of El Dorado County showed pictures of the view from her deck of her neighbor's crop and commented that it is very close to her sliding glass door. She is concerned about odor and her asthma.

Casey Hayhurst-grower-read an article to the Commission.

Debbie Deboard-grower-needs to have workers helping her with heavy work.

Kevai Floyd-collective-concerned with limit grows. Has patients that cannot physically grow themselves. She invited the Commission to her collective. All of her product is collected in this County and if she has to collect outside of County, cartels can become a problem.

Ben Anderson-Concerned about the number of plants grown, criminal activity, gangs.

Adam Anderson-President of Rising Hill Community Services District is concerned Ordinance not going far enough. Concerned with the odor and hostile growers, setbacks, abuse, school bus stops, reduced property value.

Valerie Zentner - EDC Farm Bureau- Thanked staff for the efforts and concerns with illegal grows. She spoke on negative impacts of drifting pesticides, setbacks, zoning, water issues, sedimentation and erosion.

Drew (?) -Black Oak Mine School District – concerned with schools, bus stops, youth exposure.

Richard Ross-resident of El Dorado Hills and retired law enforcement – concerned with how prepared the Sheriff is. This will attract criminals with will impact the Sheriff’s Department. He recommended that a sign be posted to identify and let the Sheriff know property is an outdoor cultivation.

Pamela (?) -resident-has done research and juices with the plant as it helps with her pain and suggested that everyone should grow a plant and is concerned with setbacks.

Casey Murdoc-resident-concerned with the high amount of traffic, safety of his children, abuse and criminal activity.

Angela Emmerson-concerned with setbacks, odor, traffic.

Lynette Davies-Pollock Pines Center for Patient Rights-spoke about state law, setbacks, pesticides, bus stops, gates. Suggested Code Enforcement take care of issues not the Police Department. Police Department should focus on criminal activity.

Wendy Williams-Realtor and Notary Public for State of California-Spoke on the state law regarding schools and youth facilities, bus stops, property value, setbacks, odors from foods, personal rights, leasing, residency, definitions, wants the County to go forward with the “Can Do” attitude.

Kent Davis-resident-appreciates the civil conversations-spoke about crime, value, definitions, school bus stops, number of plants, household, setbacks, fencing, plants, visibility, replanting, disposal of waste, composting.

Rich Miller-stated growing is very important-commented that he is standing without a cane today, explained how medical marijuana has helped him and yes marijuana does have an odor as well as jasmine and pines trees. Every strain has its own potency. Also spoke about disposal of

materials, and composting back into the soil, criminal activity. Would like to see zoning department regulate activity and not the police department.

Michael Hobnet-Mt Aukum resident and real estate attorney-impressed by proposed ordinance. Spoke about school bus stops, youth oriented facilities, waste disposal and the effect on kids, administrative relief.

Mitch Fidell-resident of Garden Valley-stated Ordinance is good but could be refined, fencing heights, plant height, setbacks, administrative relief and HEPPA law.

Kelly Tusano-resident-spoke on limit of growing size, setbacks, pesticides, collectives grow and distribution level, tax.

Melissa Philips-a patient-she relies on a collective. She cannot grow her husband works for federal government.

Ken Greenwood-Straight Shot Consulting-Spoke on land issues, guns, criminal activity, zoning, odor, visual concerns, setbacks, code enforcement should take care of any complaints, fences, administrative relief, bus stops.

Darren Fergusson-Applauded the Planning Commission and encouraged them to visit the collectives.

Chair Pratt closed public comment.

Significant discussion ensued between Staff and Planning Commission.

There was no further discussion.

**Motion: Commissioner Mathews moved, seconded by Commissioner Stewart, and carried (4-0), to continue the item to the August 22, 2013 meeting.**

**AYES: Mathews, Stewart, Heflin, Pratt**  
**NOES: None**  
**ABSENT: Shinault**