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Planning commission agenda item 23-1514 public comment

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To: Planning Department <planning@edcgov.us>

 1 attachments (38 KB)

Letter to the commission - Bob - Google Docs.pdf;

Please include the attached for the public hearing by the Planning Commission tomorrow August 24th. Thank you for your attention to this matter.

lee

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Commissioners,

Re item 23-154 on your agenda today.

I would like to start by saying that the Alliance is very much in favor of seeing this project move forward with your approval.

I have reviewed each of the letters sent in opposing the project by Sandra Osborn, Steven Tankersly, Steven Ferry and Superintendent Scroggins. The issues listed are oak trees, odor/air quality, water/hydrology, light/energy, crime, health and safety (which is undefined) and noise. These are pretty much every item that has been previously discussed on other applications that have come before this commission. Scientifically, these are also all addressed in the MND which has been written and reviewed by at least 2 scientists for every topic, not local neighbors who have no credentials to the best of my knowledge.

Let's discuss the concerns.

Oak trees - This is an agricultural property and with it comes certain rights. These rights include removing a tree or two to insure crop viability. Would not be an issue for any other agricultural crop.

Odor/air quality - As at least two commissioners can attest to, the issues of odor or air quality are not as bad as rumor would suggest. In addition to this, there are conditions or provisions for the applicant to do odor mitigation should it become a scientifically proven nuisance. So not only is there subjective proof (by the two commissioners who have visited a farm with plants in full flower), but scientifically by the odor report and Helix. Perhaps one of the concerns here is the spraying of pesticides. Be advised that the State of California has very strict laws re pesticide usage on cannabis. All products grown must be lab tested to conform to these standards. But let's put a point on it... Unless organically grown, every vegetable you purchase at the store or glass of wine consumed has more toxic chemicals on it than any legal cannabis grown in this state.

Water/hydrology - The water table is at risk for all people on a well. The growing of cannabis will do less damage to the water table than grapes and a vineyard or apples or cattle. If the applicant wanted to plant grapes, we would not even be having this meeting. So it is a double standard for a plant. Call it agriculture or not, but no one can argue it is a plant. There is scientific proof provided by the state of California that cannabis is one of the least water hungry agricultural crops. So it will not make any kind of real impact to the water table than any other crop will.

Light/energy - Also addressed in the MND. Should supplemental lighting be used in the greenhouses, it must conform to dark skies ordinances and also be curtained to prevent light spillage.

Noise - Since I am the only licensed cannabis cultivator currently operating in the county, I can attest that our farm is using limited noisy equipment. We use a tractor occasionally, weed eaters, and an electric sprayer. The vineyards located near our farm certainly produce much higher levels of noise than we do. Then of course, there is the noise study in the MND which scientifically removes these concerns.

Health and safety - I am going to presume the issues are with crime and smell, but since the letter from Supervisor Scroggins was unspecified as to what these dangers are, I can only presume. With that presumption in mind. Odor and air quality I have addressed above. Crime/public safety is next.

Crime/public safety - First, the applicant has provided a security plan which has been approved by the county and EDSO. Without going into the details of the plan, if our local law enforcement feels it adequate, then that is good enough. Now let's address 'the criminal element'. The fields are quite far away from a public and accessible road and at least two security fences. But to be specific, criminals are folks to seize on an easy opportunity. Legal cannabis farms are not easy opportunities. They have alarms, video cameras, RFID tags and tall fencing with barbed wire. A criminal is much more likely to try to steal from an illegal grow where there is no security, no RFID tags and no way for the illegal grower to call the police/sheriff.

And just a little last minute on a minor topic. One of the letters states that the applicant has his home listed for 5.6M. I would think that anyone with a good business head living in the area would realize that this price point is ridiculously high. But if it does sell for this very high amount, what does it do for the adjoining properties? Seems to me, they'd want it to sell and increase their home values. Maybe I'm wrong, but I think not.

While I appreciate and understand all of the concerns and complaints, the reality is, these are largely based on fear and not facts. At least 2 scientists have addressed each of the above folks' concerns in the MND. And many of this commission have seen a litany of documentation to support my comments.

The variance. Several things need to be pointed out here. One of them being, this should not even be an issue.

- 1) The cannabis setbacks in EDC, as we have previously discussed, are more than any other county in the state, and by 500' more.
- 2) No other county or the state have defined a parcel and a premise as exactly the same thing.
- 3) Most counties do not consider a school bus stop a sensitive site. School bus stops also move, so this further complicates the proposed issue.
- 4) The county has had over 3 years to let the applicant know there were going to be setback issues for a bus stop. Yet they waited until the very end of the process to break the bad news and charge hundreds of thousands of dollars to the applicant over the 3 year application period. This is not the first time this exact thing has happened to a

cannabis applicant in EDC. The previous person could not afford legal assistance to make this happen, so they have withdrawn.

The fact is, the applicant meets all criteria for a CUP issuance by the state and 30 other counties definitions of setbacks and parcel/premises. This county has inserted yet another poison pill into this ordinance. We should not even be discussing this today.

The variance merits a yes vote from each of you. The applicant clearly meets all 4 of the criteria that a variance requires.

Sincerely,

Lee Tannenbaum
President, El Dorado Growers Alliance
CEO, Cybele Holdings, Inc.