



Comments Regarding Agenda Item 13-0524

1 message

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Dear Supervisor Veerkamp,

It has come to my attention that the El Dorado County Board of Supervisors will be addressing the issue of regulating outdoor medical marijuana cultivation at the regularly scheduled meeting of June 11, 2013. I wish to submit comments on Resolution of Intent 066-2013, Item # 13-0524.

To this point, medical marijuana advocates have driven the ordinance process, to the disadvantage of those who are not marijuana users but must still bear the burden of the effects of marijuana grows. The development of ordinances that protect residents who have to tolerate the high-risk, offensive odors and general nuisance of marijuana grows is a step in the right direction.

My interest in this matter stems from my personal experience. I have lived next door to a marijuana grow for approximately 7 years. Each year the size of the marijuana grow increases. Each year my family and neighborhood is subject to a greater nuisance and increased risk of criminal activity as a result. This marijuana grow is less than 25 yards from my front door, and less than 10 yards from my property line. The odor from this grow penetrates my house and yard 24 hours a day for months on end. Visitors frequently ask about the dead skunk. No kidding. I have had strangers on my property looking for the marijuana grow next door.

After studying the text of Agenda Item 13-0524, I have developed comments based upon my concerns as a property owner and tax payer in El Dorado County.

Under the section numbered:

2) a)- ~~Setbacks~~-Setbacks for cultivation of marijuana should be greater than that for building setbacks. This measure will have minimal benefit to adjacent neighbors and households, since marijuana cultivation is an attractive nuisance and odors travel, regardless of where plants are located. There are no setbacks which will control odor. My experience is that marijuana odors can be detected as much as 100 yards away, more if air flows carry odors uphill or on prevailing air flow patterns. The only control for these odors is to confine all marijuana growing to indoor facilities.

Also, current requirements for growers to cultivate behind a 6-8 foot fence are inadequate. Marijuana plants easily grow 10-12 feet tall or more, with the flowering parts-read, that which is consumed and contain the highest levels of mind-altering substances- held well above the fence line. For a fence to truly block the view of a marijuana garden it would have to be over 12 feet tall.

13-0524 B 1 of 3

2) b) Greater area for growing on larger lots. I assume this means marijuana grows will be limited to larger parcels, not that current limits on the number of plants will expand. Assuming the former, parcels of 5 acres may still allow odors to invade adjacent households. Ten acres may allow odors to dissipate and be less offensive to surrounding properties. Additionally, the concept of "pooling resources" which would expand the square footage allowed per individual is only beneficial to marijuana growers and is rife with potential for abuse. There are no assurances for adjacent property owners that cultivation is taking place legally under a permit; neighbors have no way of knowing who is allowed to be growing marijuana, who may be a criminal and that the interests of the public are safeguarded. More marijuana plants equal greater risks for neighbors. Just because it is allowed in other jurisdictions doesn't mean it is good or right for El Dorado county.

2)d)- Appeal process-This resolution must address what is a legitimate "special circumstance" , how the appeal process protects adjacent property owners' interests and what type of renewal for exceptions is reasonable. If a grower is granted an exception, it is fair to include adjacent residents in the appeal process. This section should also provide recourse for neighboring property owners in the event that the marijuana grower does not abide by the terms of the special permit process.

2) e) Smoke and odor-What is appropriate handling of waste materials from marijuana growing operations? What are impacts to water and air quality? These are concerns that are strictly regulated for standard agricultural and pharmaceutical operations, and, therefore, medical marijuana cultivation should be required to meet the same minimum standards for impacts to air and water quality that other agricultural producers must meet by state and local laws. Discharge of waste water (from hydroponic growing) can and does impact streams and lakes, as does discharge of fertilizer or pesticide residues which may be used in conventional growing operations. These are heavily regulated for growers of foods like apples, pears, cherries and grapes, and marijuana must not be exempt from water and air quality standards.

2) f) Residency and property owner authorization-Any ordinance which allows cultivation of marijuana on income properties or properties not owner occupied should require the landlord to disclose to the adjacent property owners the intent of tenants to cultivate marijuana. It would be ideal if landlords were required to register marijuana-growing income properties with the sheriff's office. The potential for tenant abuse of marijuana growing on a rental property is huge. Additionally, this ordinance must address the number of marijuana-growing properties held by a landlord. A landlord can create a niche for himself by catering to marijuana growing tenants. Is there a provision to educate landlords on the marijuana growing ordinance? What is the penalty for landlords who fail to exert authority over marijuana-growing tenants who fail to comply with county ordinances? Landlords are not subject to the odors and criminal risks associated with marijuana cultivation as are the adjoining property owners.

I notice that there is no provision that limits access to marijuana growing areas by persons under the age of 21. My personal experience is this: the whole family joins in the growing process and the whole family joins in the consumption process. Kids as young as 8 or 9 are charged with watering and weeding the marijuana plants. Then these kids get to be 12 or 13 and they start sneaking marijuana buds and smoking behind the woodshed. Literally smoking bongos where they think they are hidden, and then going off to the school bus. How does this ordinance limit access to marijuana by minors?

Finally, what are the penalties for failing to comply with the conditions of this ordinance? To this point, the marijuana growers have very vocally demanded their rights, but have not demonstrated any responsibility for the effects on the general public that result from back-yard marijuana grows-specifically, intense odors for months on end and increased risk of criminal activity.

I am asking that the Board of Supervisors recognize the rights of property owners who have to live near or next to marijuana growing operations. To this point the discussion has centered on the rights of medical marijuana users to grow marijuana unimpeded and with no regard for the majority of citizens in El Dorado county who are not medical marijuana users, but are subject to headache- inducing, repulsive and penetrating odors, unwanted visitors looking for marijuana grows and the potential for crime that follows marijuana, be it medical or not. A well-crafted ordinance will protect the rights of adjacent property owners and residents and still allow well-controlled, reasonable cultivation of medical marijuana.

Thank you,

Claire Frost

Resident, Supervisorial District 3