

4/9/2020

Edcgov.us Mail - Comment on Agenda Item #2 for April 9, 2020 Planning Commission Meeting

PC 4-9-20

Item #2

Julie Saylor <julie.saylor@edcgov.us>



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## Comment on Agenda Item #2 for April 9, 2020 Planning Commission Meeting

1 message

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Joe Rodgers <joerodgers05@gmail.com>

Wed, Apr 8, 2020 at 8:31 PM

To: julie.saylor@edcgov.us, jvegna@edcgov.us, gary.miller@edcgov.us, jeff.hansen@edcgov.us, james.williams@edcgov.us, aross@edcgov.us

Comments on Agenda Item No., 2 (Cannabis Ordinance Revisions) for April 9, 2020 Meeting.

Dear Members of the Planning Commission,

I write to comment about Agenda Item No. 2, El Dorado County Legistar File #20-0382

I am a 30-yr. resident and taxpayer in El Dorado County. In my opinion El Dorado County is "going to pot." This is because the laws are not being adequately enforced. Out here in the rural portions of the county, it is "the wild west" in terms of outlaws with illegal grows. We live in fear in our own neighborhoods, while the outlaws just laugh all the way to the bank.

The County has gone way too far to accommodate "legal" pot growing. Illegal grows should not be able to hide behind the skirts of "medicinal" pot patients. Clear rules should apply so that our heroes in law enforcement can do their jobs without losing their lives in the process. Six plants are enough! Deputy Brian Ishmael should not have died in vain! Support the Sheriff and the District Attorney, along with County Code Enforcement staff to do their jobs!!

Vote to recommend the proposed amendments to the Board of Supervisors for speedy adoption as an emergency--which it is! Do not be swayed by the attempts to delay and slow down the process.

Whatever you do, do NOT accede to the spin by Rod Miller and his pitch to make this County into a wide-open pot farm! Voters would NEVER have approved of a TEN FOOT setback for pot grows! Talk about destroying property values in the county! That would surely do it. Once a vigorous enforcement operation is in place, the illegal growers will wise up and either step up (and get permitted) or step out and leave us law-abiding citizens alone!

We don't need or want a \$500 Million pot industry in our county!

Don't let El Dorado. County "go to pot."

Joe Rodgers

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Edcgov.us Mail - Ordinance 5000 comments

PC 4.9.20

Item #2

Julie Saylor <julie.saylor@edcgov.us>



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## Ordinance 5000 comments

1 message

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ombe parisot <ombe11235@gmail.com>  
To: julie.saylor@edcgov.us

Wed, Apr 8, 2020 at 11:58 PM

Hello,

I am writing to share my opinion on the amendment of ordinance 5000/ the ban of the medical cultivation program. I am concerned with the changes in this. I rely on this plant every day. I mainly consume cbd and there is no way that 6 plants of cbd will get me through the year. I am not a fan of cultivating indoors for multiple reasons. I believe it is a waste of power and doesn't produce as clean of a product. I know I am not the only one that relies on this plant to treat a multitude of health issues mentally and physically. I understand there are people taking advantage of the system but why doesn't this county just enforce the current guidelines. Use resources to fine, tear down people that are illegally growing or just not following the current guidelines and ruining it for everyone that is staying with in the guidelines. I understand there is a full spectrum of people that cultivate and it attracts a lot of non beneficial situations and people but there is the other side that it does cultivate a lot of good situations for people that rely on it and can't afford to go to the expensive dispensaries. I really hope there is a middle ground found at the next meeting. Once again I just don't understand why the county just doesn't enforce the current ordinance and be stern with it. I my voice is heard and represented.

Thank you for your time  
Andrew  
El dorado county resident

Sent from my iPhone



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Item #2  
Julie Saylor <julie.saylor@edcgov.us>  
2 pages

## Fwd: April 9 Agenda #2 #20-0382

1 message

**Planning Department** <planning@edcgov.us>  
To: Julie Saylor <julie.saylor@edcgov.us>

Thu, Apr 9, 2020 at 6:56 AM

----- Forwarded message -----

From: **High Family** <high.family@comcast.net>  
Date: Wed, Apr 8, 2020 at 5:43 PM  
Subject: April 9 Agenda #2 #20-0382  
To: <planning@edcgov.us>, <edc.cob@edcgov.us>  
Cc: <bosone@edcgov.us>

Dear Planning Commissioner's and Members of Board,

I am writing to you to express my strong disagreement with the county's effort to remove ordinance (4999 & 5000 originally) and medical patients designation and protections provided to them by the California constitution.

The California people voted to amend the state Constitution in 1996, to preclude restrictions on access to their fellow citizens for medical marijuana use. Prop 215 or CUA, added Section 11362.5 to the California Health and Safety Code. Patients have already fought for, and won the right, to grow and possess enough for their individual medical needs.

Proposition 215 specifically, "exempts medical patients and their defined caregivers, who possess or cultivate cannabis for medical treatment recommended by a physician, from criminal laws which otherwise prohibit possession or cultivation of cannabis."

The Compassionate Use Act also provides for, "the personal use and cultivation of medical marijuana for patients, and primary caregivers who cultivate for them."

It also states the need, "To encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana."

People v. Kelly, decided in January 2010 by the California Supreme Court held the state of California cannot, through the legislative process, impose a state limit on medical cannabis that is more restrictive than what is allowed under Proposition 215.

I don't believe it was the intent of the majority of people in El Dorado county who voted for Prop 64 legalization, that any county agency or local government, do anything that removes a El Dorado county residents constitutionally protected rights or protections.

The majority of of El Dorado county also voted in favor of county measures M, N, P & Q. The wording of Q, specifically spelled out the fact their passage wouldn't change the county's long-standing pre existing medical guidelines. "Passage of Measure Q would not affect Section 130.14.260, which allows for the limited outdoor cultivation of medicinal cannabis for personal use."

You want to combine the totally different usage and needs of medical and recreational users, into one category, for profit and convenience, not for the benefit of the county's medical patients.

The county seems to be suggesting they have no choice but to eliminate medical patients state rights, because land use, planning and code enforcement, wasn't part of Prop 215. However, gardens on private property, don't require the same

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involvement of these government agencies for property owners to grow their own food or medication, as a commercial or retail operation.

Your suggestions would set medical patients back decades, to the time they were treated the same as street criminals and cartel growers. Especially patients whose medical conditions require more medication than a county agency believes should be the limit, regardless of their medical necessity.

By combining medical and recreational you would also be eliminating the counties last allowance for any type of medical compassion. By eliminating, "caregivers" who are able to grow enough for their own medical needs and another patient who can't grow their own.

I am also against any policy that requires the poor and disabled patients to register with their medical status with the county and pay another fee, before they are able to utilize their existing California constitutional rights.

Thank you for taking the time to read my feedback.

Reah High  
Placerville, Ca



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Item #2  
Julie Saylor <julie.saylor@edcgov.us>

2 pages

## Fwd: Comment on Agenda Item #2 for April 9, 2020 Planning Commission Meeting

1 message

Planning Department <planning@edcgov.us>  
To: Julie Saylor <julie.saylor@edcgov.us>

Thu, Apr 9, 2020 at 6:56 AM

----- Forwarded message -----

From: **Joe Rodgers** <joerodgers05@gmail.com>  
Date: Wed, Apr 8, 2020 at 8:40 PM  
Subject: Fwd: Comment on Agenda Item #2 for April 9, 2020 Planning Commission Meeting  
To: <planning@edcgov.us>

----- Forwarded message -----

From: **Joe Rodgers** <joerodgers05@gmail.com>  
Date: Wed, Apr 8, 2020 at 8:31 PM  
Subject: Comment on Agenda Item #2 for April 9, 2020 Planning Commission Meeting  
To: <julie.saylor@edcgov.us>, <jvegna@edcgov.us>, <gary.miller@edcgov.us>, <jeff.hansen@edcgov.us>, <james.williams@edcgov.us>, <aross@edcgov.us>

Comments on Agenda Item No., 2 (Cannabis Ordinance Revisions) for April 9, 2020 Meeting.

Dear Members of the Planning Commission,

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We don't need or want a \$500 Million pot industry in our county!

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Don't let El Dorado. County "go to pot."

Joe Rodgers

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Edcgov.us Mail - Fwd: Item #2 Title 130 Ordinance Cannabis 04/09/20 EDC Planning Commission Agenda



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Julie Saylor <julie.saylor@edcgov.us>  
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**Fwd: Item #2 Title 130 Ordinance Cannabis 04/09/20 EDC Planning Commission Agenda**

1 message

**Planning Department** <planning@edcgov.us>  
To: Julie Saylor <julie.saylor@edcgov.us>

Thu, Apr 9, 2020 at 6:56 AM

----- Forwarded message -----

From: **Todd White** <toddwhite2006@hotmail.com>  
Date: Wed, Apr 8, 2020 at 9:08 PM  
Subject: Item #2 Title 130 Ordinance Cannabis 04/09/20 EDC Planning Commission Agenda  
To: planning@edcgov.us <planning@edcgov.us>  
Cc: TERRY L GHERARDI <liberty\_x@sbcglobal.net>

Dear Planning Commission Clerk,

Please distribute to Chairman Vegna & the Planning Commissioners. This letter is regarding Item #2 on the Planning Commission's 04/09/20 agenda.

Our Party's Executive Director Terry Gherardi is copied on this e-mail.

Thank you,

Todd White  
Chairman, EDC Republican Party  
(530) 417-0807



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**Letter Regarding Cannabis Item #2 for Planning Commission.pdf**  
32K



April 8<sup>th</sup>, 2020

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

Dear Chairman Vegna & Commissioners:

Thank you for your continued leadership during these difficult times. It is noticed and is greatly appreciated.

The El Dorado County Republican Party writes to you today in support of the proposed ordinance regarding Title 130. We believe it is consistent with the voter-approved County General Plan and helps preserve the peaceful and rural lifestyle that El Dorado County citizens have come to expect.

In my 16-year involvement in the local Republican Party and my 3 years of service as the Chairman, I have never seen more vigorous debate on a particular issue, excluding the passage of the County General Plan in 2004. Local citizens were generally supportive of the recent initiatives supporting the cultivation of recreational marijuana and this was reflected in the overwhelming approval of these initiatives in the 2018 election cycle.

The consensus among our membership and citizens in the community has become further refined since the 2018 election cycle. Although the majority of El Dorado County approved the pro-cannabis initiatives in 2018, they did so with the expectation that the cannabis cultivators would abide by regulations set forth in the County General Plan and State law.

Many of your constituents have reached out to our Party to express that the cannabis industry should abide by all rules and regulations consistent with the local agricultural industry, the voter-approved County General Plan, and be consistent with State law.

Most importantly, following the tragic murder of Deputy Brian Ishmael in October 2019, the debate on this particular issue became very fierce and rightfully so. Many citizens who had voted in support of the pro-cannabis initiatives in 2018, did so with the expectation that local landowners and cannabis growers would not be able to lease out land to illegal aliens. It is obvious for all who look, that the illegal aliens who murdered Deputy Ishmael and the man who



leased them the land had no respect for local resources and local law enforcement. These criminals took full advantage of a community that is not currently prepared to deal with the consequences and ramifications of allowing the cultivation of a drug/crop that is not federally legal.

Please do not hesitate to reach out to our Party, should you want to engage in further dialogue.

Sincerely,

Todd White  
Chairman, EDC Republican Party  
P.O. Box 1656  
Shingle Springs, CA 95682  
(530) 417-0807  
toddwhite2006@hotmail.com



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Julie Saylor <julie.saylor@edcgov.us>  
2 pages

## Fwd: Cannabis Ordinance Concerns

1 message

Planning Department <planning@edcgov.us>  
To: Julie Saylor <julie.saylor@edcgov.us>

Thu, Apr 9, 2020 at 6:57 AM

----- Forwarded message -----

From: **Ellen Komp, Cal NORML** <ellen@canorml.org>  
Date: Wed, Apr 8, 2020 at 10:12 PM  
Subject: Cannabis Ordinance Concerns  
To: <planning@edcgov.us>  
Cc: Dale Gieringer <dale@canorml.org>

To the El Dorado County Planning Commission,

On behalf of Cal NORML's members in El Dorado county, I am writing with concerns about the cannabis ordinance you plan to hear at tomorrow's meeting.

- First, to move on this ordinance without the opportunity to make public comment in person will severely hamper citizen involvement. I am told that many citizens of El Dorado county don't have reliable internet or phone access (in fact, when I was speaking to one member tonight, our call dropped).

- While Prop. 64, passed by the voters of California in 2016, required cities and counties to allow six-plant gardens for recreational use, it clearly stated throughout that its intent was not to interfere with patients' rights under Prop. 215, The Compassionate Use Act, which voters passed in 1996. These provisions are codified in part as:

H&SC 11362.45 *Nothing in section 11362.1 [making the growing of 6 plants legal for any reason] shall be construed or interpreted to amend, repeal, affect, restrict, or preempt:*  
(i) *Laws pertaining to the Compassionate Use Act of 1996.*

The California State Supreme Court ruled in *People v. Kelly* that under Prop. 215, patients may grow any amount of cannabis reasonable to meet their medical needs.

Additionally, under Prop. 64, caregivers may provide for up to five qualified medical patients without requiring commercial licensing:

**B&P 26033.**

(b) *A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this division.*

- Requiring registration of cannabis gardens is unnecessary and problematic. Marijuana is still a Schedule I drug federally and patients will be incriminating themselves by registering their gardens, in clear violation of their 5th amendment rights.

- Taking away the current El Dorado ordinance will only encourage guerrilla grows that will cause environmental damage, and public safety issues.

Please table this discussion until after the COVID crisis, allowing a full hearing and involvement for all El Dorado County citizens.

Our office is always available for consultation on these matters.

4/9/2020

Edcgov.us Mail - Fwd: Cannabis Ordinance Concerns

Sincerely,

Ellen Komp  
Deputy Director  
California NORML  
[www.CaNORML.org](http://www.CaNORML.org)  
415-563-5858

Join CaNORML and help fight for our rights!  
<http://www.canorml.org/canormlmission.html>

Find California NORML on Facebook  
<https://www.facebook.com/CaliforniaNORML>

Follow us on Twitter  
<https://twitter.com/CaliforniaNORML>

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2 pages



Julie Saylor <julie.saylor@edcgov.us>

**Fwd: Cannabis Cultivation Ordinance hearing Thursday, April 9, 2020 8:30 am**

1 message

Planning Department <planning@edcgov.us>  
To: Julie Saylor <julie.saylor@edcgov.us>

Thu, Apr 9, 2020 at 6:57 AM

----- Forwarded message -----

From: zina <zinaltd@aol.com>  
Date: Wed, Apr 8, 2020 at 11:32 PM  
Subject: Re: Cannabis Cultivation Ordinance hearing Thursday, April 9, 2020 8:30 am  
To: planning@edcgov.us <planning@edcgov.us>

Dear Planning Commission Members:

Please accept and consider my below comment re:

"Cannabis cultivation ordinance that will scrap El Dorado's medical cannabis cultivation ordinance, and instead limit all cannabis cultivation to the six plants required allowance for personal cultivation in Prop. 64; and which will also allow the county to require registration for these 6-plant gardens and impose fines of \$1000/plant/day or more (after a 96-hour abatement period)."

1. Cannabis is much LESS dangerous than Alcohol.
2. Cultivation of Cannabis should be LESS restrictive than cultivation of Grapevines in California.
3. Severe restrictions of cultivation will lead to corruption in enforcement efforts, wherein INNOCENT persons (most of whom care less about cannabis, alcohol, etc.) will be either inadvertently or via prejudice found "guilty" of violating the restrictive ordinance.
4. Please remember the Los Angeles' "Rampart" scandal wherein an innocent man, Javier Ovando, was shot at, paralyzed, tried, convicted, and sentenced by the biased LA Superior Court Judge, J. Stephen Czuleger, to 23-years in prison, because of the corrupt LAPD officer, Raphael Perez' testimony. California taxpayers paid \$15 million for Judge's Czuleger's judgment.
5. There are many more innocent people suffered controlled substances convictions in California, only so enforcement jobs are maintained.
6. Why not train the "enforcement" officers into the "health and medical" workers, so we won't have another "Corona" crisis without resources and capable staff. Please save the

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Edcgov.us Mail - Fwd: Cannabis Cultivation Ordinance hearing Thursday, April 9, 2020 8:30 am

**valuable human resources and help people with their health and medical needs instead of generating arrogant and corrupt assertions of power.**

**Thank you,**

**zina manko,**

**NORML supporter**

**Drug Policy Action supporter**

**UCLA Alumni**

4/10/2020

Edcgov.us Mail - Fwd: Table Discussion re: cannabis until after COVID crisis

PC 4.9.20



Item #2  
Julie Saylor <julie.saylor@edcgov.us>

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## Fwd: Table Discussion re: cannabis until after COVID crisis

1 message

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Planning Department <planning@edcgov.us>

Thu, Apr 9, 2020 at 8:54 AM

To: Julie Saylor <julie.saylor@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

----- Forwarded message -----

From: **Kristin Scott** <kscott720@gmail.com>

Date: Thu, Apr 9, 2020 at 8:13 AM

Subject: Table Discussion re: cannabis until after COVID crisis

To: <planning@edcgov.us>

Please wait to move on this ordinance until the public has opportunity to make public comment in person.

Taking away the current ordinance will encourage guerrilla grows in the El Dorado National forest that will cause environmental damage, and public safety concerns.

Please table this discussion until after the COVID crisis, allowing a full hearing and involvement for all El Dorado County residents.

Thank you for your consideration.

Kristin Scott, Shingle Springs, CA