



PLANNING AND BUILDING DEPARTMENT

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Planning and Building Department Response

For the policy areas/themes outlined in Attachment A, Planning and Building has provided the following information for additional consideration. Several of these policy areas involve various Departments and divisions. Therefore, it is difficult for Planning and Building staff to make specific recommendations. At a minimum, staff has provided information on the impact to resources (primarily staffing or budgetary) that should be considered.

1. Should the setbacks of the cannabis ordinance be reevaluated?

Allowing a lesser setback if the lesser setback can meet the purposes of the regulations could potentially impact staff resources. The change in how the setback is applied could increase the number of sites where cannabis could be grown. Setbacks based on property lines are easily measured and verified. Setbacks based on other factors may be more difficult to measure and monitor over time. For example, if a setback is based on the operational area of a cannabis grow, the perimeter of the grow area may change over time and may need to be re-evaluated.

As noted in Attachment A, budgetary and resource issues will have to be considered when contemplating this potential change. Prior changes to the County's ordinance were processed under a CEQA statutory exemption for local cannabis regulations which has now sunset. This policy consideration would require further environmental review as part of the ordinance revision process as it could potentially expand environmental impacts of cannabis cultivation.

2. Should expanded cannabis canopy limits be considered?

As outdoor commercial cannabis sites are just beginning to be permitted, Planning and Building staff do not have enough local data to analyze canopy areas and effects on neighboring parcels. Staff could research other jurisdictions, compare allowable canopy areas and effects on neighboring parcels. This research would require additional staff resources.

As noted in Attachment A, budgetary and resource issues will have to be considered when contemplating this potential change. Prior changes to the County's ordinance were processed under a CEQA statutory exemption for local cannabis regulations which has now sunset. This policy consideration would require further environmental review as part of the ordinance revision process as it could potentially expand environmental impacts of cannabis cultivation.

3. Should changes to propagation rules be considered?

There is no impact to staff resources if a portion of the approved cultivation areas is used for indoor propagation activities.

As noted in Attachment A, budgetary and resource issues will have to be considered when contemplating this potential change. Prior changes to the County's ordinance were processed under a CEQA statutory exemption for local cannabis regulations which has now sunset. This policy consideration would require further environmental review as part of the ordinance revision process as it could potentially expand environmental impacts of cannabis cultivation.

4. Should expanded uses be considered on agricultural cultivation sites?

As outdoor commercial cannabis sites are just beginning to be permitted, Planning and Building staff do not have enough local data to analyze the effect of current or potentially expanded uses on surrounding areas or sensitive receptors.

As noted in Attachment A, budgetary and resource issues will have to be considered when contemplating this potential change. Prior changes to the County's ordinance were processed under a CEQA statutory exemption for local cannabis regulations which has now sunset. This policy consideration would require further environmental review as part of the ordinance revision process as it could potentially expand environmental impacts of cannabis cultivation.

5. Should any aspects of Ranch Marketing be available to cannabis cultivators?

Planning and Building staff agree with the Commission not to recommend changes to make Ranch Marketing opportunities available to the cannabis industry. The recent changes to the Ranch Marketing ordinance are in the process of being implemented and require additional resources from the Department of Agriculture and Code Enforcement. Additional Code Enforcement staff were recently approved to help enforce both Vacation Home Rental and Ranch Marketing activities however it will be at least a few months before staff is hired. It is anticipated that even with the new code enforcement staff, they may not be able to address all Ranch Marketing and VHR calls due to the large geographic area to be covered and the time necessary to document violations. Expanding the scope of Ranch Marketing at this time is not recommended.

As noted in Attachment A, budgetary and resource issues will have to be considered when contemplating this potential change. Prior changes to the County's ordinance were processed under a CEQA statutory exemption for local cannabis regulations which has now sunset. This policy consideration would require further environmental review as part of the ordinance revision process as it could potentially expand environmental impacts of cannabis cultivation.

6. Should policy changes that involve the Sheriff's Office be considered?

The policy changes involving the Sheriff's Office do not directly impact Planning and Building's role in processing commercial cannabis permits. Because of the close working relationship between the Sheriff's Office and Planning and Building/Cannabis staff, we support recommendations that assist the Sheriff's Office in the timely processing of permits and provide them the information necessary for their enforcement obligations.

7. Should recommendations be made on other general policy considerations?

- a. Tax Structure/Rates

The current voter approved ballot initiative provided the option for taxation rates based on either canopy square footage (currently used) or gross receipts. The tax structure does not directly affect Planning and Building staff and because outdoor commercial cannabis sites are just beginning to be permitted, Planning and Building staff do not have enough local data to analyze the difference between the two options. If further analysis is desired, staff could prepare data comparisons based on hypothetical scenarios.

b. Countywide EIR – Planning and Building staff do not recommend a Countywide EIR due to impacts on staff resources. The County would be the lead agency in an EIR and even if a consultant was hired, Planning staff would be necessary to manage the contract, meet and confer with the consultants, provide information and data and review draft documents.

8. Is there a recommendation on issues of staff agreement?

a. Annual operating permit - Planning and Building staff support issuance of the annual operating permit at the time the conditions of approval for the Cannabis Conditional Use Permit (CCUP) are met. This will not have any impact on staff resources.

b. Renewal of annual operating permit & resubmission of materials - Planning and Building staff support applicants only providing any new or modified application materials at the time of permit renewal and not resubmitting the entire application package.

c. Agricultural Commission review – Currently all cultivation applications are required to be reviewed by the Agricultural Commission. The Commission has expressed interest in revising the policy to be consistent with General Plan Policy 8.1.4.1 conforming with the review of all other discretionary project types.