

Commissioners,

Thank you for your time today. I would have liked this discussion to have happened naturally, but it is what it is and I hope all involved are here with the right intentions regardless of how we arrived.

In 2018, the voters of this county passed by an overwhelming amount, the legalization of cannabis. As part of this vote, cannabis businesses of all kinds were going to be able to establish themselves, like any other small business. Most importantly, the voters passed this ballot measure and ordinance in hopes of reducing unlicensed cultivation operations in EDC. Unfortunately, this has not been the case. Long processing times, extremely high costs, etc have pushed people away and not brought them in.

It is my belief that when the original ordinances were written, the best intentions were thought of and with the best knowledge that was available at the time. With time however, reality shows us that it is a classic square peg into a round hole. A large part of this was growing pains, but we believe the bigger part is trying to treat a farm and farmer like any other large project in the county (think housing development or large scale shopping center). There is little to no transparency to the process, there are no timelines given and there is very little communication offered. This mentality and process needs to be addressed.

While there have been 11 people from the industry in front of this commission, only 1 had been for cultivation until just two weeks ago. This is in 5 years since the ordinance was voted for. Even if we look at all 11 applicants, this is roughly 2 per year on average. When asked, staff will say the system is working. While true, having 9 applicants in already established (at some level) non-cultivation businesses does not mark success when it takes close to 4 years for the remaining 2 cultivators to see this commission.

On average, and I am being generous here, it takes 2.5-4 (closer to 4) years from the time an application is started for cultivation until final approval is given. In addition to this, the cost is well over \$100K for the application process in fees and studies. Asking our farming community to try and start a business with this kind of monetary outlay, with no means to earn a living for this long, is unreasonable and not in the spirit of what the voters voted for.

The county justified increased staffing afforded by cannabis taxes. The existing, self defeating ordinance is bad for taxpayers, a drain on county staff, unfair to applicants and counter to the voter's wishes for a lawful and regulated business. We are here today to address this. We look forward to the conversation and making a program that works, is affordable and has a process to ensure applicants can get through in a timely (6-12 months or less) fashion.

In closing, as we go through the documents, please think of cannabis as you would grapes and a vineyard. Cannabis is grown and produces an end product (flower), just like grapes to vines. Cannabis flowers are processed and packaged into something desirable for consumers, just like wine to grapes. Cannabis is consumed by roughly 50% of Americans vs 62% of Americans who drink. The short of this is that cannabis and wine are very similar in many ways and so I use this analogy for us to think about as we move through this process.

Lee Tannenbaum  
EDC Growers Alliance  
Cybele Holdings, LLC

Not in any particular order or priority.

Not in ordinance

- Agriculture not commercial
- Potential DTC and on site consumption
- Speed, or lack thereof to complete process
- Multi year licenses
- Specialty cottage license
- Annual fees to start when conditions are completed or allow for operations to begin while conditions are completed
- Remove need to resubmit entire package each year

From ordinance

- Remove seeds from cannabis definitions. No thx and feds consider hemp
- Change definition of Indoor cultivation to allow for propagation (the ability to grow for seeds or clones for business use)
- Manufacture and process/processing have same definitions
- Mixed light definition needs to be changed
- Premises and parcel need to be distinct, not the same
- Remove setback waiver language re November, 2018 date
- CEQA individual or county EIR. Goes to Ag Discussion
- Background check, change ownership definition to conform to state definition. Remove need for spouses, and all other non-decision makers to have check.
- Site plan to show propagation areas (from above)
- County cannot control crop size as there are other issues with Eid etc
- Background checks to be objective. Follow state guidelines.
- 2 hour be available for inspection is unreasonable. Vacations, travel, etc. designated local contact
- Square foot tax needs to be changed to gross sales. Tax collector agrees
- Transfer of ownership needs to be fixed
- Fines. Need to be enforced by code enforcement and not sheriff
- Revocation for flagrant violations, not small ones. Growing pains for all.
- Neighbor continual notification is not needed and no other business is required to do this
- Grow sizes. Emulate state regs
- Setbacks are significantly more than any other county
- Odor testing by qualified folks
- Allow indoor, manufacturing, distribution for outdoor cultivation. Public safety issue. Think vineyard.
- Lighting. Under 25 for mixed light. Over 25 for indoor. As long as neighbors are not disturbed, could remove this altogether.
- Allow porta potties

Several of the above should and could apply to all pieces of the ordinance.

*Submitted to the El Dorado County Planning Commission at a Public Meeting on June 8, 2023*

**Request for Consideration to Keep the Status Quo Regarding the El Dorado County Approval Process and Ordinances Governing Commercial Cannabis Operations ... and/or Making Only Changes in Furtherance of Better Protecting the Rights, Environment, Safety, Health, Neighborhoods and Property of County Residents, as well as Cannabis Agricultural Workers**

\*The currently required criminal background checks should remain in effect as written. There is no reason to change this mandatory requirement. The legal cannabis industry is not over-regulated. There is growing public opinion that it is UNDER regulated. The lack of transparency and regulation and ongoing criminal enterprise associated with the industry led to states and counties everywhere enacting criminal background checks. El Dorado County is among these. Criminal checks are done everywhere today. And they are done for good reason. They minimize risk to the public. Knowing the risks to the public, how do El Dorado County elected officials explain to voters that they set aside this requirement for cannabis growers, potentially allowing criminals to set up businesses next to our homes – and yet at the same time the county requires criminal background checks PRIOR to hiring county government workers in order to weed out job applicants whose hiring could pose a risk to county government and the public? The local cannabis growers association is seeking an end run here. The aim is clearly to dismantle this requirement.

\* This dismantling of the criminal background check includes the proposal by the growers to throw out many of the parties who are currently grouped under the definition of what, or who, constitutes the "owner" of a cannabis operation. The current definition should be retained. Why? Because, with the abandonment of criminal fingerprint background checks and the change in definition of who or what an owner is, it immediately becomes a simple matter for ownership to be hidden.

\* Surprise inspections are commonplace in other jurisdictions and with surprising frequency and consistency uncover illegal black market operations, violations of local regulations by approved commercial growers, workers on legal grows living in primitive, public health violating conditions, operations reporting zero to a few migrant workers when they actually have dozens of workers who are housed in substandard conditions, falsified state records, etc. (I can provide the planning board with news broadcasts and articles that show these are things that are happening on a statewide basis. These are not isolated incidents.) Unannounced inspection visits should continue.

\* Similarly, restoring access for the Sheriff to accompany inspectors (a common practice in other counties where agency inspectors/sheriffs work together), should be a priority.

\* There should be new language added to the county ordinance ensuring worker housing and sanitation provisions, and inspections WHILE workers are present

Other new requirements should cover:

- \* Consideration of point-in-time water usage monitoring.
- \* Requirement that operators with 10 or more employees INCLUDING TEMPORARY WORKERS enter labor peace agreements with bonafide unions and provide non-confidential copies of those agreements.
- \*Provisions to prevent light pollution. Operations should have ZERO impact on neighborhoods
- \* Retain limit on licenses and EXPAND that to include limitations against multi-parcel expansions, and impose a density clause to prevent adjacent farms that would deteriorate and change the complexion of rural neighborhoods.
- \* Require individual CEQA. Counties that have attempted a countywide code have experienced mayhem and massive illegal operations.
- \* Retain current definition of "owner" and require disclosure of operations managers and background checks of same, to prevent the use of straw owners.
- \* Require quarterly review of METRC transactions to monitor activity for signs of illegal sales and "diversion/inversion."
- \* Retain right to revoke or reduce cultivation permit for non-compliance with odor, exacerbation of drought/fire risk, and other factors.
- \* Retain notification to neighbors - expanding it to require notification to those living on private roads used to access the facility, and the requirement for 24/7 contact information, as well as a public complaint log.
- \* Odor monitoring should include ensuring no discernible odor for surrounding residents within a one-mile radius. Similarly, light pollution should mandate no visible glow for a surrounding radius to include adjacent hilltops.

I further request that if a study group is created by the planning commission it include at least one labor representative and that more than half the body's members include citizens with no ties to the cannabis industry.

Respectfully,

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