

Late Distribution BOS Rcvd 4-20-20 **BOS 4-21-20**

EDC COB <edc.cob@edcgov.us>

4/21 Agenda Item #25 - Cannabis Cultivation Ordinance

1 message

Christopher Luna <info@email.actionnetwork.org> Reply-To: luna chris@yahoo.com

To: edc.cob@edcgov.us

Fri, Apr 17, 2020 at 4:04 PM

County Supervisors,

Please do not pass the proposed ordinance limiting all cannabis cultivation in El Dorado county to six plants per parcel. This amount is inadequate to meet many medical cannabis patients' needs.

While Prop. 64, passed by the voters of California in 2016, required counties to allow six-plant gardens for recreational use, it clearly stated that its intent was not to interfere with patients' rights under Prop. 215, which voters passed in 1996. Under that law, courts have ruled that patients can grow any amount reasonable to their medical needs. Additionally, under Prop. 64, legitimate caregivers may provide for up to five (5) qualified medical patients and be exempt from the requirement of state commercial cannabis licensing.

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 our 5th amendment rights.

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

To move on this ordinance without the opportunity to make public comment in person will severely hamper citizen involvement. May citizens of El Dorado county don't have reliable internet or phone access.

Please do nor pass this ordinance, or at least table this discussion until after the COVID crisis, allowing a full hearing and involvement for all El Dorado County citizens.

Christopher Luna luna chris@yahoo.com Po box 793 Garden valley ca, California 95633

Fri, Apr 17, 2020 at 5:06 PM



Re: Planning meeting April 9, re: agenda item # 2 -20-0382.

1 message

BOS Four

bosfour@edcgov.us>

To: High Family <high.family@comcast.net>

Cc: EDC COB <edc.cob@edcgov.us>

Thank you for your comments, Reah.

I am copying the Clerk of the Board so that your comments are included in the public record for the Board of Supervisors 4-21-20 agenda item.

Sincerely, Shelley Wiley

Assistant to Supervisor Lori Parlin, District IV Board of Supervisors, County of El Dorado

Phone: (530) 621-6513

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On Fri, Apr 10, 2020 at 3:02 PM High Family high.family@comcast.net wrote:

Dear Dear Planning Commissioner's and Supervisors,

I am writing regarding the Planning meeting April 9, re: agenda item # 2 -20-0382.

I tried to make these comments by phone, but was unable to do so. There were several things that were said that were not true that I believe they should be cleared up.

I am disturbed by the lack of facts and the absence of information and input regarding medical patients needs, whose fates are being determined.

It was repeated that 1 plant would grow 1-6 pounds. This is simply not true when sick and disabled people are trying to grow their own medication. Less than a pound per plant is common. If the sheriff sees plants five pounds or more, it's probably not a medical garden!

They also said that some ElDorado county dispensaries are giving away medication for compassionate use, to very low income vets and patients, this is totally false!

Besides the current medical guidelines that allows for up to a 5 person collective on 600 sq ft. to be grown on a large parcel, there's no other type of collective or compassionate care! Legalization has left medical patients out

Dispensaries aren't allowed to give any product away. Even "compassion programs" have to be approved by the BCC and the tax's still have to be paid. No dispensaries are going to be giving away any product any time soon, they can't afford it!

This won't be available until state and local governments take seriously the need to create compassionate care programs for the veterans, poor and disabled patients who have been hurt and priced out of the legal market, and have lost all access to their medication!

They went on to say six plants per dwelling was enough for anyone regardless of their medical necessity or number of patients who live in the dwelling. This is not true. Especially, during a pandemic ppl are smoking less and eating or using concentrated forms that require more plants.

They suggested compassionate care is still possible because someone should be able to grow enough with six plants for their entire household, and to give away enough to other medical patients, unable to grow their own. That's cruel, shortsighted and will leave the most sick and vulnerable patients hurting. Not many people will be giving away extra medication with six plant limit!

The concept of how much medication is needed for various medical patients was also far from accurate. On the low side, one patient may smoke or eat one dose after dinner for relaxation and help sleeping. On the high side are serious medical patients who have cancer, neurological conditions, chronic pain and other serious medical conditions.

These patients may require 1/2 gram every hour or two. They also use very concentrated RSO type oils, that may require several pounds or more a month, per patient.

The claimed was made that if a patient had any of their six plants die during the growing season, they could go buy a new clones, and they would catch up with the other plants. This is false! Anyone who has ever planted a tomato plant knows that you can't start replacement seedings in July or August, and expect to get anything close to the plants planted in the spring. Plants can be difficult to grow for patients and disease, pests and rodents can take a entire crop out.

There was also some discussion about the conflict of the Federal law and that the Sheriff believes that the only defense against that is following state law of allowing six plants.

However, the California people voted to amended 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. 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."

This is current California law. Any efforts to remove the medical patient exclusion by the county, would be attempting to remove ElDorado county residents California constitutional right to a medical defense.

Please reconsider your votes and the impact this will have on your constituents. Including those that have moved to and stay in the county, because ElDorado county was considered cannabis friendly to patients, not cartels. We also have one of the best medical Doctor's that patients come from surrounding counties to see, in Cool. Thank you for taking the time to read my comments.

Reah High

Placerville

The El Dorado County Citizens for Compassionate Cannabis Cultivation 2020 is alerting all residents of El Dorado County for the following reasons:

- For many years, the County Board of Supervisors has worked cooperatively with the Counties' Medical Cannabis Community......but no longer!
- Existing County laws allow medical cannabis patients to grow for up the three (3) patients per property; now the County will reduce it to only six (6) plants per property!
- The County has started a program for Commercial Cannabis Cultivation Licensing, but most properties will not qualify, it will be very expensive and most likely no applications will be approved this year.
- The County will not allow the public to attend the upcoming hearing on the new laws because of the Covid-19 public health emergency!
- You will only be able to access this hearing through the Internet/Livestream that has proven to be very hard to use!
- County officials say they will not wait until this health emergency is over so the public can attend in person; they say now is the perfect time to push these changes through!
- Cannabis for medicine for patients is as more expanding as more is learned.
- This may very well be your only chance to let the Board of Supervisors know your concerns because these drastic changes will begin in <u>May 2020</u>.
- The County Board of Supervisors needs to hear your voice as soon as possible to stop
 these changes to the medical rights of citizens of this County until this emergency is over,
 the County again cooperatively engages with the community and develop better policies
 and laws moving forward.

Please sign this petition: <u>Cyril L Owens</u>

Send your petition by:

Mail: Board of Supervisors

330 Fair Lane

Placerville, CA 95667

Fax: (530) 622-3645

Email: edc.cob@edcgov.us

Please call, email, or use social media to alert your friends and neighbors.

Thank you very much, time is very limited,

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EDC Medical Cannabis Law Change Petition

1 message

Ruthie Wax <witherwaxruthie@gmail.com>
To: edc.cob@edcgov.us

Sat, Apr 18, 2020 at 1:21 PM

To Whom It May Concern,

Attached is a petition to sway the EI Dorado County Board of Supervisors from making changes to our current medical cannabis regulations. Our community is at risk of losing its medical rights, and measures are being passed that could harm members of our county. Regulations are being put into place that would impose civil fines into the 10s of thousands of dollars per day, and leave our county's residents open to federal criminal charges for growing the medicine they need. This is outrageous and I urge the EI Dorado County Board of Supervisors from making changes to our current medical cannabis regulations.

Thank you,

Ruth Witherwax



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Email: edc.cob@edcgov.us

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Thank you very much, time is very limited,



Citizens petition

1 message

Jonathan Coleman <utahscool7@gmail.com>
To: edc.cob@edcgov.us

Sat, Apr 18, 2020 at 8:03 PM

To whom this may concern:

Jonathan Coleman Sent from my iPhone



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El Dorado County Citizens for Compassionate Cannabis Cultivation 2020

Fax:



4/21 Agenda Item #25 - Cannabis Cultivation Ordinance

7 messages

Destry Kitchen <info@email.actionnetwork.org> Reply-To: pureevildes@gmail.com To: edc.cob@edcgov.us Fri, Apr 17, 2020 at 8:08 PM

County Supervisors,

Please do not pass the proposed ordinance limiting all cannabis cultivation in El Dorado county to six plants per parcel. This amount is inadequate to meet many medical cannabis patients' needs.

While Prop. 64, passed by the voters of California in 2016, required counties to allow six-plant gardens for recreational use, it clearly stated that its intent was not to interfere with patients' rights under Prop. 215, which voters passed in 1996. Under that law, courts have ruled that patients can grow any amount reasonable to their medical needs. Additionally, under Prop. 64, legitimate caregivers may provide for up to five (5) qualified medical patients and be exempt from the requirement of state commercial cannabis licensing.

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 our 5th amendment rights.

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

To move on this ordinance without the opportunity to make public comment in person will severely hamper citizen involvement. May citizens of El Dorado county don't have reliable internet or phone access.

Please do not pass this ordinance, or at least table this discussion until after the COVID crisis, allowing a full hearing and involvement for all El Dorado County citizens.

Please think of all the medical patients and the hardships they already face. The current laws already took so much from our medical patients and our community, these changes would make it nearly impossible to enjoy any continued quality of life and destroy all hope they still have. Please hear our many voices and keep the rights we have fought so hard for. Thank you.

Destry Kitchen
pureevildes@gmail.com
pobox 383
Somerset, California 95684

MICHAEL LAWLER <info@email.actionnetwork.org>

Reply-To: mlawler067@gmail.com

To: edc.cob@edcgov.us

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MICHAEL LAWLER mlawler067@gmail.com 641 S Beach Blvd. Anaheim, California 92804 County Supervisors,

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sharon McQuirk smcquirk@yahoo.com 4040 Cedar Creek Rd, POB 55 Mt Aukum, California 95656

Lynell Phillips <info@email.actionnetwork.org> Reply-To: glyndagold@aol.com To: edc.cob@edcgov.us

Sat, Apr 18, 2020 at 9:15 AM

County Supervisors,

While I support the portion of this ordinance revision that would allow all residences except MFR to cultivate six cannabis plants outdoors, I do not support a change in our current medical cannabis cultivation ordinance.

Please do not pass the proposed ordinance limiting all cannabis cultivation in El Dorado county to six plants per parcel. This amount is inadequate to meet many medical cannabis patients' needs.

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Please do not pass this ordinance, or at least table this discussion until after the COVID crisis, allowing for an ad-hoc committee, full hearing and involvement for all El Dorado County citizens.

Lynell Phillips glyndagold@aol.com 6300 Lofty View Road Placerville, California 95667

Heather Burke <info@email.actionnetwork.org> Reply-To: hburkelegal@gmail.com To: edc.cob@edcgov.us Sat, Apr 18, 2020 at 12:45 PM

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Heather Burke hburkelegal@gmail.com 431 Uren Street, Suite C Nevada City, California 95959

Tammy Schlager <info@email.actionnetwork.org> Reply-To: tumbleweedequine@yahoo.com To: edc.cob@edcgov.us

Sat, Apr 18, 2020 at 9:45 PM

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Tammy Schlager tumbleweedequine@yahoo.com Po box 297 El dorado , California 95623

Bridget Humphrey <info@email.actionnetwork.org> Reply-To: humphreybridget88@yahoo.com To: edc.cob@edcgov.us Sun, Apr 19, 2020 at 6:49 AM

County Supervisors,

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Bridget Humphrey humphreybridget88@yahoo.com 3131 Buckboard Road Placerville, California 95667



Item 25 4/25/20 Agenda: Amendment of El Dorado County Ordinance re Growing Marijuana for Personal Use

1 message

Judith Davis <jsprould@comcast.net>
To: edc.cob@edcgov.us

Sun, Apr 19, 2020 at 1:59 PM

After reading the article in the Mountain Democrat regarding proposed amendments to the County's marijuana ordinance, I write in support of those amendments. Local law enforcement needs to be able to enforce the law against illegal grows. The amendments would help by clarifying the rules and closing current loopholes. As a resident of the county for over forty years, with children, grandchildren, and great-grandchildren living here, having the county a safe place to reside is important to me and my family.

Thank you for your consideration, and for your continued efforts to keep El Dorado County safe.

Judith S. Davis Placerville



Public Comment for Agenda Item 25 on April 21, 2020

1 message

Dale Schafer <daleschaferlaw@gmail.com>

Sun, Apr 19, 2020 at 4:10 PM

To: bosone@edcgov.us, BOS Two <bostwo@edcgov.us>, The BOSTHREE <bosthree@edcgov.us>, BOS Four <bostwo@edcgov.us>, bosfive@edcgov.us, edc.cob@edcgov.us

Please accept the attached for public comment

DALE SCHAFER LAW

4010 Foothills Blvd., #103 Roseville, CA 95747 (530) 320-4191

www.daleschaferlaw.com

Dale Schafer, Esq Attorney at Law

Heather L. Schafer Legal Assistant

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LTR to Supervisors Re_ Medical Cannabis Ordinance.pdf



The Law Office of **DALE SCHAFER**

4010 Foothills Blvd, Suite 103 Roseville, CA 95747 (530) 320-4191

April, 19, 2020

Supervisor Hidahl

bosone@edcgov.us

SENT VIA EMAIL

Supervisor Frentzen

bostwo@edcgov.us

SENT VIA EMAIL

Supervisor Veerkamp

bosthree@edcgov.us

SENT VIA EMAIL

Supervisor Parlin

bosfour@edcgov.us

SENT VIA EMAIL

Supervisor Novasel bosfive@edcgov.us

SENT VIA EMAIL

SENT VIA EMAIL

Public Comment edc.cob@edcgov.us

Re: Amendments To Zoning Ordinance Section 130.14.260 Agenda Item 25 on April 21, 2020

Dear Sir/Madam Supervisors:

I write to address Item 25, a change to the Personal Medical Cannabis Ordinance. As a general statement, I believe, based on my experience with cultivating cannabis for personal medical use and discussing the matter with medical cannabis patients, six (6) full sun outdoor cannabis plants per residence will satisfy the medical needs of a significant percentage of cannabis patients in the county. I do not believe the change in ordinance will meet the needs of all medical cannabis patients so I urge consideration of a mechanism to allow a patient or caregiver to apply for a waiver to allow the county to demonstrate compassion while focusing on enforcement this growing season.

The re-evaluation of personal medical cannabis policies in El Dorado are a part of a shift in state cannabis laws as a commercial cannabis industry is established. Proposition 215 and SB 420 were legal structures that addressed criminal enforcement of cannabis policies. In the wake of these laws, the collective/cooperative era grew rapidly. As

criminal enforcement proved increasingly difficult, local jurisdictions turned to traditional police powers and specifically, land use and public nuisance enforcement. This approach was validated in 2013 in the Supreme Court ruling in the [1] City of Riverside v Inland Empire case.

In 2015, the Legislature enacted, and Governor Brown signed, the Medical Marijuana Regulation and Safety Act (MMRSA) soon to be called MCRSA as cannabis was substituted for marijuana. The important provisions for this change in cannabis laws included a default one hundred (100) square feet personal medical cannabis canopy per patient, with a maximum of five (5) such canopies in a caregiver grow, unless each jurisdiction took specific action on the subject. Many simply banned, at least temporarily, as the banapoloza took off. The sunset of SB 420 was also an important provision. El Dorado County enacted a two hundred (200) square foot personal medical canopy per patient with an allowance for up to three (3) canopies on a property with zoning and parcel size provisions. The combination of SB 420 and the county's generous personal medical grow ordinance is in large measure the cause of our current situation.

The November election of 2016 brought Proposition 64 and in June of 2017, the Legislature combined MCRSA with Prop 64 and gave us the Medical and Adult Use of Cannabis, Regulation and Safety Act (MAUCRSA). Prop 64 removed, or greatly reduced, the criminal sanctions associated with cannabis activities. Cultivating cannabis was reduced to, at most, a misdemeanor. This Board, with the assistance of the Ad Hoc cannabis committee, established a system of fines to be applied if a violator of county cannabis policies did not abate in a timely fashion. The first commercial cannabis licenses, in California, were available in January of 2018 and SB 420 sunset a year later in January of 2019. The stage was set for a new paradigm of cannabis enforcement.

The murder of Deputy Ishmael altered the course of county enforcement. No words can effectively express the horror of foreign nationals, illegally cultivating cannabis in a conspiracy with a landowner, murdering Brian Ishmael. The residents of the county are backing enforcement against criminals operating illegal cannabis operations, especially people we rightly should fear. Citizens also understand the desire to reduce the need to overly investigate cultivation sites under the current 200 sq ft paradigm. As previously stated, 6 plants outdoors will be enough for many, if not most, medical patients. However, POST certified resources are expensive and rightly targeted at the cultivation operations where violence is likely, contemplated or to be cautious at first. With an estimated two thousand (2,000) illegal cultivation operations in the county, how many will require armed officers?

The numbers certainly point towards code enforcement as the enforcement arm that will deal with the majority of illegal growers. Soft enforcement, through satellite observation or local complaints, will play out through a Notice of Violation, time to abate and fines if needed. If there is a mechanism, baked into the new cannabis cultivation ordinance, that affords a patient that receives a Notice of Violation the ability to apply for a waiver of the 6 plant limit, the compassion element for legitimate patients can be addressed. The county has the authority to establish local personal medical cultivation guidelines based on patient need. ([2]Please see H & S Section 11362.77 (c) below) It should not require Einstein to figure out how to respond to an application for waiver since we have an outline in the current Ordinance. There is a Recommendation clinic in the county that could assist with providing proof of patient status and there are still some such clinics in the state. If a patient or caregiver felt comfortable, they could seek a waiver before any enforcement action and, of course, once a Notice of Violation is issued, the county knows you're growing cannabis. I continue to have consternation about requiring registration as a condition to grow cannabis, especially if medical grows are removed.

I stand ready to assist in educating residents of the county about the new enforcement paradigm, should these changes to the personal medical cannabis ordinance be made. I trust the compassion of the Board members will afford legitimate patients a mechanism to meet their medical needs for cannabis products.

Respectively submitted:

Dale Schafer Esq Attorney at Law

- [1] City of Riverside v Inland Empire Patients Health & Wellness Center Inc. (2013) 56 Cal 4 729, 156 Cal Rptr. 3rd 409, 2013 LEXIS 4003.
- [2] Health and Safety Code Section 11362.77
- (a) A qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient. In addition, a qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per qualified patient
- (b) If a qualified patient or primary caregiver has a doctor s recommendation that this quantity does not meet the qualified patient s medical needs, the qualified patient or primary caregiver may possess an amount of marijuana consistent with the patient s needs.
- (c) Counties and cities may retain or enact medical marijuana guidelines allowing qualified patients or primary caregivers to exceed the state limits set forth in subdivision (a).



Comments on Board of Supervisors Agenda Item 25 on April 21, 2020

1 message

District4Voters Alliance <district4voters@gmail.com>

Sun, Apr 19, 2020 at 5:20 PM

To: edc.cob@edcgov.us

Cc: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, BOS Four
bosfour@edcgov.us>, bosfive@edcgov.us

April 19, 2020

To: Members of the El Dorado County Board of Supervisors

Re: Comments on Agenda Item No. 2 (#20-0565) - April 21, 2020

Our Position on the Proposed Amendments

We are the District 4 Voters Alliance, an ad hoc group of voters residing primarily in Supervisorial District No. 4. We follow matters of interest to members of our group. Our members are concerned by the evergrowing impacts of illegal marijuana cultivation in El Dorado County and particularly in rural neighborhoods where many of our members live. As noted in your staff's PowerPoint presentation on this item in regards to "medicinal use" growing:

Currently, El Dorado County allows for more sq. ft. outdoors than any other County. . . The proposed rule changes would still put El Dorado County on the more lenient side only 13 counties allowing six plants outdoors and eight allowing more -- a large majority allow only indoor growing.

We believe the current lax rules have a deleterious effect on the citizenry of El Dorado County, especially in the more rural areas where many unlicensed/non-permitted Marijuana grows have occurred in the past. These effects are the result of carelessness and greed on the part of outlaw growers who can make large sums of money by operating outside the law. We need only to reflect back a few months to the tragic death of Deputy Brian Ishmael to be convinced of how tragic these effects can become.

As stated in the staff's presentation there is an urgent need for the proposed amendments to avoid further adverse impacts during the forthcoming growing season. We urge you to take prompt action to APPROVE the staff's recommendations that were developed in conjunction with the County's law enforcement agencies. If we don't back our law enforcement, we will be overrun by illegal grows, criminal activity and environmental damage.

Our Reasons

El Dorado County has become one of the most "grower friendly" counties, which has attracted increasing criminal activity. In order to protect citizens, more effective enforcement is required. As noted in the staff presentation, current rules make it difficult and cumbersome for law enforcement to determine which grows are illegal so that enforcement can move forward. That has to change! The status quo is untenable!

We believe the staff's articulation of the "Benefits of Proposed Amendments" is on point when it states, in part:

- Provides clarity to the public and enforcement officials as to what is legal.
- Allows enforcement officials to easily determined whether a personal cultivation grow is compliant with the County ordinance without the need to investigate or verify whether a particular grow is for legitimate medical use.
- <u>Provides clear guidelines for the public</u>, which allows for expedited enforcement before plants reach maturity.
- Provides an avenue to more effectively and safely combat the black market, which is necessary for the success of a legal market.

Providing <u>clear guidelines for the public</u> is essential. Particularly in rural areas in the county, the public can help be the "eyes and ears" for law enforcement. We need to know when we see or hear about a grow whether it is a legal or illegal grow. If the latter, we can inform appropriate law enforcement so that they may investigate and shut down illegal grows--promptly! Once the growing season progresses to maturity, that's when the outlaws get most greedy and the danger level rises exponentially (as in the case that resulted in the death of Deputy Brian Ishmael). We should not have to live in fear in our homes and neighborhoods!!

In that regard, as the staff discusses, the proposed amendments will streamline the code enforcement process by reducing the number of steps and thus the time it takes to eradicate illegal grows through abatement. Moreover, abatement would now specifically encompass "remediation . . . to bring a property back into pre-cultivation conditions, such as illegal grading and damage to water supply." The environmental degradation wreaked upon our beautiful county by the carelessness and greed of outlaw growers is an outrage! Citizens in this county cannot undertake a simple building project without being subject to numerous requirements to avoid or mitigate adverse environmental impacts. Yet outlaw growers ignore those entirely and simply do what is most convenient, expeditious and cheap in order to attain their ultimate goal of higher profits on the black market. Our creeks and streams should not be subjected to such atrocities!

Thank you for consideration of our views and thank you for doing your job during this COVID-19 crisis and allowing public participation from remote locations, which facilitates greater public input. In this regard, we note that the unanimous Planning Commission motion recommending that you adopt these needed amendments included a tag-along proposal that you "bring back" this matter for review after one year of operation. While that might be a salutary policy for all ordinances, we do take exception to the terminology referencing "involve County stakeholders" during that review. We believe that all residents in the county are the ultimate stakeholders in this matter. Instead of the usual meetings during workdays -- that can only be attended in person by a few special interests -- meetings conducted like yours today allow for participation by a much broader sector of the public.

District 4 Voters Alliance



4/21 Agenda Item #25 - Cannabis Cultivation Ordinance

1 message

Wes Williams <weswilliams77@sbcglobal.net> Reply-To: weswilliams77@sbcglobal.net To: edc.cob@edcgov.us Sun, Apr 19, 2020 at 5:41 PM

County Supervisors,

Please do not pass the proposed ordinance limiting all cannabis cultivation in El Dorado county to six plants per parcel. This amount is inadequate to meet many medical cannabis patients' needs.

While Prop. 64, passed by the voters of California in 2016, required counties to allow six-plant gardens for recreational use, it clearly stated that its intent was not to interfere with patients' rights under Prop. 215, which voters passed in 1996. Under that law, courts have ruled that patients can grow any amount reasonable to their medical needs. Additionally, under Prop. 64, legitimate caregivers may provide for up to five (5) qualified medical patients and be exempt from the requirement of state commercial cannabis licensing.

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 our 5th amendment rights.

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

To move on this ordinance without the opportunity to make public comment in person will severely hamper citizen involvement. May citizens of El Dorado county don't have reliable internet or phone access.

Please do nor pass this ordinance, or at least table this discussion until after the COVID crisis, allowing a full hearing and involvement for all El Dorado County citizens.

Wes Williams weswilliams77@sbcglobal.net 1824 cool way Cool, California 95614 I want to share my medical story with you. I was diagnosed with lung cancer in May of 2016 at Kaiser in Roseville. I had surgery to remove my lower lobe. I did not do any chemo or radiation nor did I try any alternative medicines such as cannabis. In August of 2017 Kaiser found my left lobe to have cancer. They said it was stage 4 and there was nothing they could or would do for me except palliative chemotherapy. The day we left after hearing the news, my husband said we were going to head to Harborside Cannabis Store in Oakland and get something to help you get rid of this cancer. I was not and still am not a "high" kind of person. I didn't want to try the cannabis because of the high. I got to Harborside and found out a whole lot about using cannabis without the high effect. THCA and CBD in a specific product was recommended. I got my first doses and all the instructions. I had to build up to the highest dose. I had a nurse that was assigned to me for support and help. I also starting getting second opinions in Placerville and San Francisco. I spent the \$250 for my El Dorado County medical card so that I could save some money on my product. It was costing me up to \$1000 a month. And I had to drive to Oakland to get it at least once a month. Long story short, 4 other tumor boards later, I found out that I was not Stage 4 and Kaiser was wrong. I had surgery at Marshall Medical in January of 2018 and Radiation at Sutter in Cameron Park. Through this extremely difficult time, the doctors were very supportive of my choices of traditional and non-traditional treatments including the cannabis. I always told them exactly what I was using. With the product being used after surgery and during radiation, I experienced very few side effects and was able to not use opiates for pain. I attempted to grow my own cannabis at my home in Camino. I couldn't keep paying for the costs at the dispensary. I would grow and try putting the leaves in my smoothies. Of course, that was not giving me enough of what I needed to take in. I refused to use any form that was heated and would get me high. Eventually, when legalization for recreational came along, I couldn't get my product anymore. I found someone that would grow for me and had a machine to extract the plant and make the tincture for me and keep it in THCA form so as not to get high. I physically cannot grow my plants and honestly don't have enough knowledge to make them grow successfully.

I am pleading with El Dorado County to not change the medical growing rules/laws for the medicinal growing and allow cooperatives to grow for those of us that can't. I can trust the growers of medical marijuana and not have to worry about getting a product full of pesticides and chemicals. I can trust that they know how to extract the product out and most of all, they understand and respect that it's very important to me to keep it from being heated to cause a high. Nobody is asking for huge grows, just allow a person to grow for 3 or so patients please. We that are using marijuana for medical reasons were left high and dry when the recreational went through. Please let us continue getting help from compassionate growers that care if we live or die.

I am more than willing to come in and speak to anyone. I will help anyway that I can. What I went through was horrific and to find cannabis folks that care and doctors that agreed with what I was doing has meant the difference in life or death to me. I want to help any way that I can.

Thank you for your time and consideration,

Deidre Gneri

The El Dorado County Citizens for Compassionate Cannabis Cultivation 2020 is alerting all residents of El Dorado County for the following reasons:

- For many years, the County Board of Supervisors has worked cooperatively with the Counties' Medical Cannabis Community......but no longer!
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- The County will not allow the public to attend the upcoming hearing on the new laws because of the Covid-19 public health emergencyl
- You will only be able to access this hearing through the Internet/Livestream that has proven to be very hard to use!
- County officials say they will not wait until this health emergency is over so the public can attend in person; they say now is the perfect time to push these changes through!
- Cannabis for medicine for patients is expanding as more is learned.
- This will be your only chance to let the Board of Supervisors know your concerns because these drastic changes will begin in May 2020.
- The County Board of Supervisors needs to hear your volce as soon as possible to stop these changes to the medical rights of citizens of this County until this emergency is over. We are asking the County to again work cooperatively with all concerned stakeholders and develop compassionate policies and laws regarding cannabis for medicine.

Please sign this petition: CMS DIFI

Send your petition by:

Phasaint Valley, Ca Mail: Board of Supervisors 330 Fair

Lane

Placerville, CA 95667

Fax:

(530) 622-3645

Email: edc.cob@edcgov.us

Please call, email, or use social media to alert your friends and neighbors.

Thank you very much, time is very limited,



Comments On File 20-0565 Item 25 Board of Supervisor's Meeting

1 message

El Dorado Growers Alliance <eldoradogrowersalliance@gmail.com> To: edc.cob@edcgov.us Mon, Apr 20, 2020 at 9:44 AM

Subject: File 20-0565 Personal Medical Cannabis Cultivation Ordinance Changes

Supervisors:

Please don't hurt sick people in multi-patient households. Please allow a parcel with multiple medical cannabis patients to grow up to 12 plants per parcel.

To the extent that the purpose of the ordinance change is to reduce the illegal cannabis commercial Market in the county, please look holistically at the cannabis policy. All of the policies should work together and provide incentives that pull in the same direction. You would not need so much expensive enforcement activity if you made it easier for small growers to get licenses. The market incentive would make the community safer because legal growers want to follow reasonable rules including providing state of the art security systems and procedures for their property.

It is disingenuous to suggest that the 600-foot personal medical cultivation allowance is what is fueling the illegal Market. The absurd requirements and ambiguous standards of our commercial cannabis program and the \$2 and \$4 a square foot tax are major barriers to Growers getting into the legal market.

For example, if commercial license applicants are able:

- 1) to make the case for setback waivers, and prove that their undeveloped project will meet the imaginary property line odor standard,
- 2) spend \$50,000 to \$100,000 for licensing application and technical study costs,
- 3) spend another ~\$50,000-\$100,000 to develop their property to code,
- 4) pay for their operational costs, and
- 5) then they are hit with \$12,000 to \$348,000 of County taxes (not to mention state taxes) at the end of their first year.

Please fix the commercial cannabis program to make it easier for small Growers to get licenses and eliminate the arbitrary, meaningless and excessive 800' setback and property line odor standard. No other El Dorado County business has 800' foot setbacks requirements. No other county in the state has 800' setbacks as a part of their commercial cannabis program. In the unlikely situation where one is able to meet the 800' setback, if the cultivation area is moved one foot or even 750' closer to the property line, offsite impacts do not necessarily increase. Off-site impacts are a function of the quality of security systems and procedures, wind direction, and the proximity and attitude towards cannabis of neighboring residents.

The voters that voted for commercial cannabis in the County voted for both a carrot and a stick approach. The County's work to date, including the measure before you, has been weighted heavily towards enforcement. You spent \$500,000 for satellite code enforcement for up to \$50,000 per violation code enforcement fines and now you are requiring personal medical growers to register their six plants or they are subject to a whole new set of additional fines.

Yet, we are one year into the commercial cannabis program and there is only one final CUP cultivation application submitted. If your program was working you would have at least one hundred commercial license applications right now. Nevada county has over a hundred licenses issued. Nevada County does not have 800' setbacks or a nonsense odor standard. They issue provisional licenses that allow growers to grow and make money to pay for their permanent licenses. Our commercial cannabis Community is similar to Nevada County's commercial cannabis community.

The measure before you continues to signal that County leaders are biased against the Cannabis community and are working on punitive rather than positive community building measures. You get more Bees with honey.

If you do not fix the commercial cannabis program and mostly instead implement enforcement then you will be feeding the economic crash folks are currently experiencing. You certainly will not collect much cannabis tax money.

If you fix the commercial cannabis program then you will signal that you are sincere about following the will of the voters and implementing a balanced carrot and stick commercial cannabis program. Growers can provide a significant boost to the economic recovery for rural areas as they obtain their licenses and develop their very small agricultural sites. I am communicating the grower point of view. They only see you ratcheting up enforcement...similar to the past 30 years. If they saw you making the commercial cannabis program work better it would be a significant message to them.

Growers recently had a very positive workshop with Sheriff's Dept. Deputies on commercial cannabis site security. We can continue making positive steps for a safer community.

We recommend that the commercial cannabis program be improved by doing the following:

The commercial cannabis ordinance should be changed to replace the 800' setback with a 50-foot property line setback for the cultivation area. Plus during the Planning Commission CUP process a commercial cultivation applicant should be required to show:

- 1. That they have a Sheriff approved security plan;
- 2. That they have taken the measures necessary to prevent nuisances at neighboring residences; and
- 3. That they have made an effort to arrange banking through a cannabis bank such as Dama Financial.

Also, reducing the 1500' setbacks for commercial, industrial and research and development properties will help commercial real estate get new tenants.

Please help the community make a positive step forward at this challenging time by improving the commercial cannabis program.

Rod Miller Executive Director El Dorado County Growers Alliance



El Dorado County Growers Alliance eldoradogrowersalliance.org 530-503-9078 Office 530-748-9822 cell

Subject 20-0565 Personal Medical Ordinance.pdf 206K

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Please help the community make a positive step forward at this challenging time by improving the commercial cannabis program.

Rod Miller
Executive Director
El Dorado County Growers Alliance





Petition2020

1 message

Lena Vang <mslenavang@yahoo.com>
Reply-To: "mslenavang@yahoo.com" <mslenavang@yahoo.com>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Mon, Apr 20, 2020 at 12:49 PM

My signed petition thanks.

Sent from Yahoo Mail on Android



The El Dorado County Citizens for Compassionate Cannabis Cultivation 2020 is alerting all residents of El Dorado County for the following reasons:

- For many years, the County Board of Supervisors has worked cooperatively with the Counties' Medical Cannabis Community......but no longer!
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- You will only be able to access this hearing through the Internet/Livestream that has proven to be very hard to use!
- County officials say they will not wait until this health emergency is over so the public can attend in person; they say now is the perfect time to push these changes through!
- Cannabis for medicine for patients is as more expanding as more is learned.
- This may very well be your only chance to let the Board of Supervisors know your concerns because these drastic changes will begin in <u>May 2020</u>.
- The County Board of Supervisors needs to hear your voice as soon as possible to stop these changes to the medical rights of citizens of this County until this emergency is over, the County again cooperatively engages with the community and develop better policies and laws moving forward.

Please sign this petition:

Send your petition by:

Mail: Board of Supervisors

330 Fair Lane

Placerville, CA 95667

Fax:

(530) 622-3645

Email: edc.cob@edcgov.us

Please call, email, or use social media to alert your friends and neighbors.

Thank you very much, time is very limited,



Petition 2020

1 message

Ryan James <ryanalanjames@yahoo.com>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Mon, Apr 20, 2020 at 1:05 PM

Here are our signed petitions.



Petition2020.pdf 1894K

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 and laws moving forward.

Please sign this petition:	Randy James
Send your petition by:	

Mail: Board of Supervisors 330 Fair Lane Placerville, CA 95667

Fax: (530) 622-3645

Email: edc.cob@edcgov.us

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 and laws moving forward.

Please sign this petition: Tina James

Send your petition by:

Mail: Board of Supervisors

330 Fair Lane

Placerville, CA 95667

Fax: (530) 622-3645

Email: edc.cob@edcgov.us

Please call, email, or use social media to alert your friends and neighbors.

Thank you very much, time is very limited,



Comments on Agenda Item #25 (File No. 20-0565) on April 21, 2020

1 message

Joe Rodgers <joerodgers05@gmail.com>

Mon, Apr 20, 2020 at 1:14 PM

To: edc.cob@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, lori.parlin@edcgov.us

Comments on Agenda Item No. 25 (Cannabis Ordinance Revisions) for April 21, 2020 Meeting.

Dear Members of the Board of Supervisors,

I write to comment about Agenda Item No. 25, El Dorado County Legistar File #20-0565

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 outdoors are enough! Deputy Brian Ishmael should not have died in vain! Support the Sheriff and the District Attorney, along with County Code Enforcement staff, so they may do their jobs!!

VOTE TO APPROVE the proposed amendments as an emergency--which it is! Do not be swayed by the attempts to delay and slow down the process.

Health & Safety Code, section 11362.5 (a) states: "This section shall be known and may be cited as the Compassionate Use Act of 1996." This is the law cited by the medical marijuana community in their opposition to these proposed amendments to the County's zoning ordinance. However, this section also contains the following caveat at (b) (2)

"Nothing in this section shall be construed to supersede legislation prohibiting persons from <u>engaging in</u> <u>conduct that endangers others</u>, nor to condone the diversion of marijuana for nonmedical purposes."

The proposed amended zoning ordinance before you contains a lengthy and detailed recitation of "Findings and Declaration of Facts." Reviewing Section 1, paragraphs H through P, inclusive demonstrates why the proposed amendments are necessary in order to "prohibit[..] persons from engaging in conduct that endangers others," which is expressly permitted by subdivision (b)(2) of the Compassionate Use Act of 1966.

Moreover, throughout their myriad comments on medical marijuana, the proponents of the *laissez-faire* status quo reference "valid patient" or "qualified patient." These largely undefined terms can be traced back to Health & Safety Code section 11362.5 (a)(1)(B) which essentially states that if you can get a doctor to say you would benefit from marijuana you "qualify." Note that this is not the same as obtaining a Medical Marijuana Identification Card, nor does it involve obtaining a doctor's prescription for medical

marijuana. It is really quite simple, just go on-line to https://www.nuggmd.com and you will be greeted with the following, in large easy-to-read font:

Get Your Medical Marijuana Card Online Now for \$39

Easy online process. Billed only if approved.

No appointment necessary. Only \$39

If you proceed by clicking on the **GET YOUR CARD** button, you will be greeted by the following headlines:

NuggMD is Fast, Easy, Affordable

Easy and Secure Online Process

Approved in 10 Minutes or Less

Buy Cannabis Same-Day

But, wait--there's more! "You only have to be 18 or older to get your medical cannabis card from NuggMD." And, in addition to the specified "serious" illnesses listed in the Compassionate Use Act of 1996, there's the catch-all "Or any other illness for which marijuana provides relief."

In its opposition letter, CaNORMAL objects to the County's interpretation of the law regarding placing any restrictions on the amount of marijuana a "qualified" patient may grow. Yet on its own website (CaNORML.org), there is a discussion of the changes in the law brought about by the 2017 legislation the County relies upon. It reads in part:

California NORML Patient's Guide to Medical Marijuana

Update January 2018 – California's laws regulating cannabis were substantially revised in 2017 by comprehensive new legislation known as the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

Existing, non-licensed medical marijuana collectives, which are currently authorized by state law SB 420, will cease to be lawful starting one year after the Bureau posts a notice that it has begun licensing (HSC 11362.775(d-e) (January 9, 2019). After that, the only gardens that will be legal without a state license will be individual personal-use gardens or collective gardens for up to five patients, subject to state law and local control.

Under Prop 215, medical patients and caregivers will still be entitled to grow however much is required for their personal medical needs under state law; however, the courts have ruled that local ordinances can override state law.

Elsewhere on its website CaNORML further states with specific regard to cultivation:

Cannabis Cultivation Guidelines in California

Medical cannabis may be legally cultivated by qualified patients in California under Prop. 215, with a recommendation from a licensed physician.

Under AUMA, adults over 21 may cultivate six plants per parcel of land in California. Locals may "reasonably regulate" personal cannabis gardens, and the courts have ruled they can ban personal medical marijuana cultivation, which under state law is limited only by the amount that a patient needs. State law allows cooperative gardens of up to five patients.

These on-line statements by CaNORML leave me perplexed when I read the statements in their letter of opposition that appear to be very absolutist.

Whatever you do, do NOT accede to the spin by Rod Miller (paid lobbyist for the pot industry) and his pitch to make this County into a wide-open pot farm! Do NOT be swayed by the pitches by other out-of-county pro-pot groups such as the National Organization to Reform Marijuana Laws ("NORML"). El Dorado County 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!

El Dorado County does not need a \$500 MILLION pot industry! Stop and think about that number! ONE HALF BILLION DOLLARS of pot growing! Let's put that into perspective. The 2018 El Dorado County Agricultural Production Report (prepared by your County Agriculture Department) reflects that in 2017 TOTAL crop production for your County was \$70,806,157; and in 2018 it was \$75,477,425. So, for the last year reported, the TOTAL of all agricultural crops produced was \$75 MILLION. Compare that to \$500 MILLION!! As part of that \$75 MILLION, apples from Apple Hill were just \$17 MILLION, wine grapes Countywide were just \$11 MILLION. Did County voters want to replace these Agri-Tourism-friendly industries with a \$500 MILLION pot farm? With grows just 10 feet behind everyone's fences? Protected by an armed cadre of people packing firearms. WAKE UP!! These folks are blowing smoke (don't breathe it in before you get behind the wheel).

Another of Rod Miller's claims are that if you don't roll out the Green Carpet for the pot industry, the 500 growers will pick up their marbles and leave, thereby ruining property values. Quite the contrary; if they left, property values for us would go up! Moreover, if 500 growers will constitute a \$500 MILLION industry in this County, that means the average haul by each grower will be \$1 MILLION! Yet he also pitches you to loosen up the regulatory requirements to get permitted to make this \$1 MILLION haul. Why should average citizens and property owners in this COUNTY suffer the consequences while these out-of-county speculators get rich? They can afford to meet the requirements approved by the voters to protect our safety and our environment. NO SLACK!

Moreover, has anyone noticed that El Dorado County is in a DROUGHT again this year? Where will this HALF BILLION DOLLAR industry get all the water it will need? Whose water will it (mis)appropriate? How many aquifers will be drawn down dry? How many residents, as well as apple, citrus, pear and grape growers will be told by EID to "conserve" water due to a shortage? An on-line site describing how to grow marijuana outdoors (Leafly.com) states: "... you will most likely need to water your plants frequently, especially in the hot summer months. Some giant cannabis plants can use up to 10 gallons of water every day in warm weather." More pot = fewer lawns!

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

Thank you for considering my views.

Joe Rodgers



Petition 2020

1 message

Maylee Melo <mayleemelo@icloud.com> To: edc.cob@edcgov.us

Mon, Apr 20, 2020 at 1:59 PM

Sent from my iPhone

2 attachments



IMG_0169.jpg 3199K



IMG_0170.jpg 3161K

The El Dorado County Citizens for Compassionate Cannabis Cultivation 2020 is alerting all residents of El Dorado County for the following reasons:

- For many years, the County Board of Supervisors has worked cooperatively with the Counties' Medical Cannabis Community......but no longer!
- Existing County laws allow medical cannabis patients to grow for up to three (3) patients per property; now the County will reduce it to only six (6) plants per property!
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- Cannabis for medicine for patients is expanding as more is learned.
- This will be your only chance to let the Board of Supervisors know your concerns because these drastic changes will begin in <u>May 2020</u>.
- The County Board of Supervisors needs to hear your voice as soon as possible to stop these changes to the medical rights of citizens of this County until this emergency is over. We are asking the County to again work cooperatively with all concerned stakeholders and develop compassionate policies and laws regarding cannabis for medicine.

Please sign this petition: Send your petition by:

Mail: Board of Supervisors 330

Fair Lane

Placerville, CA 95667

Fax: (530) 622-3645

Email: edc.cob@edcgov.us

Please call, email, or use social media to alert your friends and neighbors.

Thank you very much, time is very limited, El Dorado County Citizens for Compassionate Cannabis Cultivation 2020

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4/21 Agenda Item #25 - Cannabis Cultivation Ordinance

Debi Goedeck <info@email.actionnetwork.org>
Reply-To: debigoedeck@gmail.com

To: edc.cob@edcgov.us

Mon, Apr 20, 2020 at 2:33 PM

County Supervisors,

Please do not pass the proposed ordinance limiting all cannabis cultivation in El Dorado county to six plants per parcel. This amount is inadequate to meet many medical cannabis patients' needs.

While Prop. 64, passed by the voters of California in 2016, required counties to allow six-plant gardens for recreational use, it clearly stated that its intent was not to interfere with patients' rights under Prop. 215, which voters passed in 1996. Under that law, courts have ruled that patients can grow any amount reasonable to their medical needs. Additionally, under Prop. 64, legitimate caregivers may provide for up to five (5) qualified medical patients and be exempt from the requirement of state commercial cannabis licensing.

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 our 5th amendment rights.

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

To move on this ordinance without the opportunity to make public comment in person will severely hamper citizen involvement. May citizens of El Dorado county don't have reliable internet or phone access.

Please do nor pass this ordinance, or at least table this discussion until after the COVID crisis, allowing a full hearing and involvement for all El Dorado County citizens.

Debi Goedeck debigoedeck@gmail.com 10130 Grizzly Flat Road Grizzly Flats, California 95636

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Please sign this petition: Kyle R Owens

Send your petition by:

Mail: Board of Supervisors

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Placerville, CA 95667

Fax: (530) 622-3645

Email: edc.cob@edcgov.us

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Thank you very much, time is very limited,



Petition to continue medical cannabis cultivation

1 message

Catrina <cat_lessley@yahoo.com>
To: edc.cob@edcgov.us

Mon, Apr 20, 2020 at 3:46 PM

Sent from my iPhone

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image1.jpeg 208K

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Petition2020

1 message

Jared Blasyak <jblasyak@my.com> Reply-To: Jared Blasyak <jblasyak@my.com> To: edc.cob@edcgov.us

Mon, Apr 20, 2020 at 3:59 PM

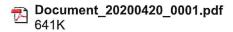
Petition signed.

--

Best Regards,

Jared Blasyak jblasyak@my.com

Download myMail and grab your short and cool email address @my.com!



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