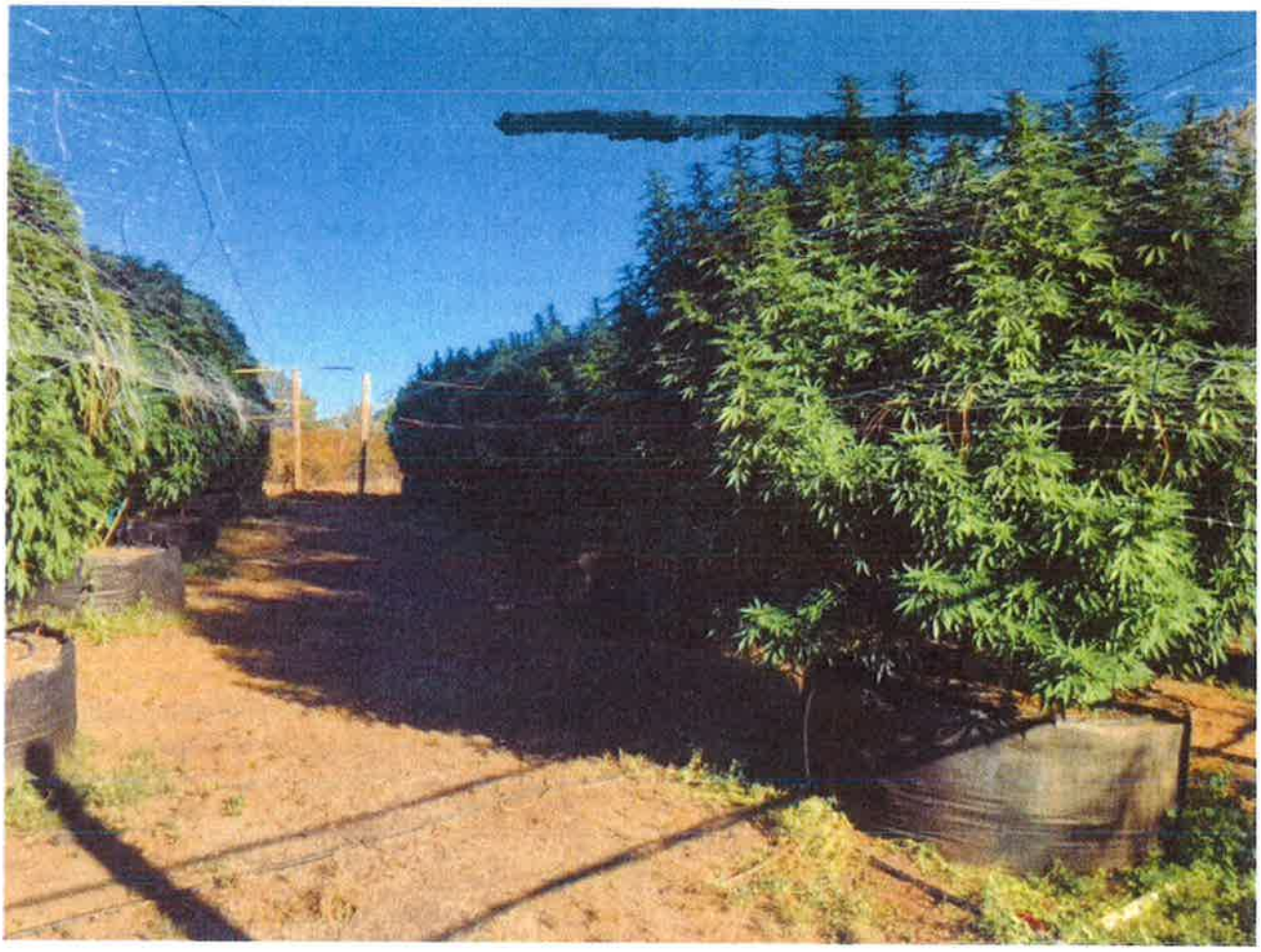
Mireya Turner

From: [redacted]
Sent: Wednesday, September 14, 2016 1:32 PM
To: Mireya Turner
Subject: Re: Planning Commission meeting staff report and attachments

Thanks for keeping me up to date with all the upcoming info and meetings.
I strongly feel that you all should consider doing a provision with either article 72 or just in the grandfather process in general to include land that is "R" and "RR" that can meet all the requirements.
I also feel to tell someone who is an outdoor grower that their plants cannot be over 8ft because of the fencing is absolutely crazy. Since most people plant in a fabric pot. That means your plant can only be around 6ft tall. Plants don't average that small size. They average up to 10-14ft. Easily. We are talking about properties that are already private and out in the "cuts" away from everyone. There's a picture of plants below. Those are easily 10ft and what a proper outdoor plant looks like. People might as well just set up hoop houses and pull tarps to black out little plants to make them flower and abandon doing a full sun outdoor grow. Basically you cannot limit a plants height. It's not how growing works. Any professional grower will tell you this. People will abandon this county and sell off their land and move else where, where people writing the rules understand growing and don't take it as a taboo subject that no one wants to deal with and impose crazy restrictions on a plants vertical height. I don't want lake county to remain as the poorest county in CA. This is a chance to make something happen. The numbers that could be generated that I have mentioned to you and Bob are just fairy tales if we are restricting plant numbers in the allocated grow space. And then restricting the height of a plant.

Those are 14 ft post in the ground using vineyard wire in layers to hold a trellis system to support plants and make them wide.
People do light deprivation with 6 ft or smaller plants. People who do outdoor get big plants.

[redacted]



Hope this means something. I appreciate you guys taking a stand and trying to make something happen. I figured the grandfather process was a way for the county to create the necessary funds to make this thing happen. Leaving out R and RR zoning that meets the requirements, I feel will leave you all short handed with funds to make this happen

Thank you

[redacted]

Sent from my iPhone

On Sep 14, 2016, at 12:03 PM, Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

> Good morning,
> Attached please find the memorandum and attachments going before the Planning Commission at the September 22, 2016 meeting. The item is scheduled for 11:00 a.m. and the meeting will be held in the Board of Supervisors Chambers in the Lake County Courthouse at the address listed below.
>
> Please let me know if you have any difficulty opening the attachment or if I can be of further assistance.
>
> Cordially,
> Mireya G. Turner
> Associate Planner
> Community Development Department

Mireya Turner

From: Kelly <ihwilly@gmail.com>
Sent: Thursday, September 15, 2016 8:14 AM
To: Mireya Turner
Subject: Article 72 Hearing Topic

Hello,

Thank you for the opportunity to make my voice heard when I can't attend the meeting.

I live in Spring Valley, over 400 homes and 1000 people, I call this a community. I hope that this time around, Spring Valley will be included in the list of areas protected from illegal pot grows by having it's own community growth boundary designation.

It bothers me that every property sale I've seen this year has been turned into a grow operation. Property values are bad enough here. Living next to a commercial grow and the caliber of people it brings in is certainly not helping this community or the county.

I hold Humboldt county up as a good example of how bad things can get when the pot culture is allowed to run free.

http://kymkemp.com/2016/09/09/sex-trafficking-and-abuse-in-the-marijuana-industry-an-investigation-centered-in-humboldt/

It's a long but good read and Lake county is mentioned. Also to note, Humboldt county is well on track to set a new record this year, in murders. Please don't let it happen here.

Thank you, Kelly Quinn

This email has been checked for viruses by Avast antivirus software.
www.avast.com

DRAFT APPLICATION
FOR GENERAL AND SPECIFIC PLAN OF DEVELOPMENT AND USE PERMIT
FOR A CANNABIS BUSINESS PARK

Cannabis Growing and Processing Development
Sky Park Drive and Work Right Circle
Lakeport, California

September 20, 2016

File No: 16-8269

---

1. APPLICANT/OWNER
   Aero Acres, Inc.
   PO Box 1189
   Lakeport, CA 95453

2. ENGINEER
   Ruzicka Associates
   2495 Parallel Drive
   Lakeport, California 95453
   Clifford Ruzicka, P.E.
   (707) 263-6155
   CliffR@Ruzicka-Engineering.com

3. APN
   008-032-51, 52, & 63

4. GENERAL PLAN DESIGNATION
   I – Industrial

5. ZONING
   PDC – Planned Development Commercial

6. DESCRIPTION OF THE PROPOSED PROJECT
   The proposed project is located on a 20-acre vacant former walnut orchard and a 68,000 square foot building with a 7,500 square foot covered work area on a four-acre site. The property is located on the south side of Lampson Airport in Lakeport, California. A 36-foot wide paved County road with concrete curb and gutters bisects the 20-acre property and provides access to the building and 4-acre site. The road dead-ends and serves no other property. *Please see the attached map.*

   The Applicant proposes to develop a full-service cannabis business park including both the 20-acre vacant property, and the building and four acre site for growing, processing, transporting, marketing and related cannabis activities.

The Developer proposes to rent and manage space for growers and operators of various cannabis business endeavors. These businesses will be maintained in full compliance with present and forthcoming State and County regulations.

Each grower/operator will be required to have the appropriate permits from the State of California and the County of Lake before they can rent space.

7. PROPOSED USES FOR THE 20-ACRE VACANT PROPERTY
The proposed uses for the 20-acre property includes the following:

   a. Outdoor growing
   b. Nursery
   c. Greenhouse growing on a selected portion of the property
   d. Dispensary near the entrance to the Business Park
   e. Transportation
   f. Edibles

It is proposed to create 28 outdoor grow sites each approximately 20,000 square feet in size, and 10 outdoor sites for greenhouse grow sites approximately 11,00 square feet in size. Each site would be provided with access and water for growing purposes.

Each of the sites would be rented to a grower/operator. Each grower/operator would be required to obtain the appropriate permits from the State of California and the County of Lake.

Each grower/operator would erect a six foot tall chain link fence with slats around his/her grow site. The fence would be a standard design that would be attractive, sturdy, lockable and uniform in color to all the neighbor's fences. A building permit for the fence would be required from the County of Lake. (permit not required* fence too short)

8. PROPOSED USES FOR THE 60,000 S.F. MANUFACTURING PORTION OF THE BUILDING
The proposed uses for the 60,000 S.F. portion of the building includes the following:

   a. Indoor Growing
   b. Indoor Nursery
   c. Drying
   d. Processing
   e. Storage

The 60,000 square feet is proposed to be divided into 10 spaces, each approximately 6,000 S.F. in size accessible by six-foot hallways and provided with an entrance/exit on two opposite sides of each space.

Each area would be separated with a wall so that each space can control its own temperature, humidity and airflow for indoor growing, or for an indoor nursery, to suit their needs. Each space would be rented to a grower/operator by the Developer.

Each grower/operator would be required to obtain the appropriate permits from the State of California and the County of Lake.

All of the work required to convert the 60,000 square feet of space to indoor grow areas or indoor nurseries will be designed by a California Registered Engineer including the electrical and mechanical work. Building, electrical and mechanical permits will be required from the County of Lake.

9. PROPOSED USES FOR THE 7,500 S.F. OF COVERED WORK SPACE OF THE BUILDING
The proposed use for the 7,500 S.F. of covered space of the building is to create drying rooms, and rooms for other cannabis growing and processing activities. Sides will be added, as well as roll-up doors, circulation fans, exhaust fans and odor control scrubbers. There are 12 drying areas proposed which will be rented to a grower/operator.

   Each grower/operator will be required to obtain the appropriate permits from the State of California and the County of Lake.

   All of the work required to convert the covered space to drying rooms will be designed by a California Registered Engineer including the electrical and mechanical work. Building, electrical and mechanical permits will be required from the County of Lake.

10. PROPOSED USES FOR THE 8,000 S.F. PORTION OF THE OFFICE BUILDING
The proposed uses for the existing 8,000 S.F. building with offices, conference rooms and restrooms includes the following:

    a. Administration and Operations
    b. Laboratory for testing
    c. Packaging
    d. Transportation
    e. Storage
    f. Marketing
    g. Dispensing
    h. Other cannabis related activities

   The Developer will rent space to entrepreneurs for operating a testing laboratory, packing, transportation and marketing. Each entrepreneur will obtain the appropriate permits from the State of California and the County of Lake to perform these activities.

   If there is any modification to this space or remodel work that needs to be performed, the plans for such work will be prepared by a Registered California Engineer or California Licenses Architect. Any modification or remodel work will require a building permit from the County of Lake.

11. ESTIMATED CANNABIS PRODUCTION

The following is an estimate of the amount of cannabis that could be grown on the project site in one year:

TYPE OF GROW SITE	# OF SITES	# of PLANTS	CROPS PER YEAR	TOTAL PLANTS	LBS./PLANT	TOTAL YIELD IN LBS.
Outdoor	28	99	1	2,772	3	8,316
TYPE OF GROW SITE	# OF SITES	# of PLANTS	CROPS PER YEAR	TOTAL PLANTS	LBS./PLANT	TOTAL YIELD IN LBS.
Outdoor Greenhouse	10	250	2	5,000	1.5	7,500
TYPE OF GROW SITE	# OF SITES	S.F./SITE	TOTAL S.F.	GRAMS/S.F.	TOTAL YIELD IN GRAMS	TOTAL YIELD IN LBS.
Indoor	10	6,000	60,000	50	3,000,000	6,667
					ESTIMATED TOTAL YIELD IN LBS.	22,483

An average production rate for outdoor cultivation is three (3) pounds of cannabis per plant. The weight of cannabis produced from the outdoor cultivation could be 2,772 x 3 = 8,316 lbs. of high quality cannabis per year.

For greenhouse cultivation, the production rate is estimated at 1.5 pounds per plant. The weight of cannabis produced from greenhouse cultivation could be 5,000 x 1.5 = 7,500 lbs. of high quality cannabis per year.

For indoor cultivation, the production rate is estimated to be 50 grams per square foot. The weight of cannabis produced from indoor cultivation could be 3,000,000 / 450 = 6,667 lbs. of high quality cannabis per year.

Based on the current wholesale price of cannabis in Colorado, the estimated wholesale annual value of cannabis from this project site would be approximately $40 million plus sales of other related services.

12. WATER DEMAND AND WATER SUPPLY

The estimated water demand for the cannabis growing operation is 20 acre-feet per year.

The project site has an existing 40 gallon per minute (GPM) well and an 80,000 gallon storage tank. 60,000 gallons of water storage is reserved for fire flow which makes 20,000 gallons of storage available for growing.

The well could yield 64 acre-feet of water by pumping 24 hours a day. The water need for this project is only 31% of the yield of a 40 GPM well.

In comparison, a 20-acre vineyard would require approximately 40 acre-feet of water per year versus 20 acre-feet of water required for this development.

13. WATER DISTRIBUTION SYSTEM TO GROW AREAS

Water will be provided to each grow site which will be served by a network of 4-inch and 2-inch PVC pipe. Water will be pumped from the storage tank to the water distribution system.

14. WASTEWATER TREATMENT AND DISPOSAL

There are seven (7) bathrooms in the existing building. The wastewater is treated in a 2,000 gallon septic tank and the effluent is pumped to a leach field. Additional portable bathrooms will be provided, and maintained, at the outdoor grow area strategically located to best serve the area.

15. PARKING

The building has 95 parking spaces plus three (3) ADA compliant parking spaces. Sky Park Drive is 36 feet wide which allows for parking on both sides of the street. There will be ample parking for all of the uses proposed.

16. LANDSCAPING

There is approximately one acre of existing landscaping in the front and side of the existing building which will be watered, trimmed and pruned. The lawn area will be watered and will return to a nice green color. Landscaping mulch will be replaced.

New landscape areas will be added at the entrance to the project and trees and shrubs will be planted along Sky Park Drive as shown on the plans.

Theft deterrent landscaping, such as thorny shrubs or vines, has the potential to be used if there is a need.

17. SECURITY

The exterior of the project will be fenced with a 7-foot high chain link fence with slats.

A security system consisting of cameras and alarm will be furnished and installed to alert the Developer and Law Enforcement to trespassing and break-ins.

When the Business Park is 50% occupied, manned security will be provided as necessary.

18. MONITORING AND REPORTING

The Developer can report the name and addresses of each grower/operator who is renting space, together with the location of the space being rented, to the appropriate oversight authority on a monthly basis.

The Developer will not rent space to a grower/operator who does not have the appropriate permits from the State of California or the County of Lake.

19. LIABILITY

The Developer will carry general liability insurance. Each grower/operator will be required to carry general liability insurance in the minimum allowance of $1,000,000.00. The grower/operator will be required to name the Developer and the County of Lake as an additional insured.

20. PUBLIC ACCESS

It is proposed to close Work Right Circle and a portion of Sky Park Drive to public access.

It is proposed to provide a security gate on Sky Park Drive just past the location of the side street entrance to the County of Lake Lampson Airport property as shown on the map. This will provide security for the Business Park as well as for Lampson Airport.

21. PHASED PROJECT

The Developer proposes to phase the project based on the demand for the growing and processing space. The first phase would begin in and around the existing building.

GENERAL & SPECIFIC PLAN OF DEVELOPMENT & USE PERMIT MAP FOR CANNABIS BUSINESS PARK
–A CANNABIS GROWING AND PROCESSING DEVELOPMENT

SKY PARK DRIVE & WORK RIGHT CIRCLE
LAKEPORT, CALIFORNIA

AERO ACRES, INC

P.O. BOX 1189
LAKEPORT, CALIFORNIA 95453

RUZICKA ASSOCIATES
CONSULTING ENGINEERS
24 MARIPOSA AVENUE
SANTA ROSA, CA 95404
PHONE (707) 545-4155
FAX (707) 545-0348

DRAWN BY: AC
CHECKED BY: CP
SCALE: 1"=80'
JOB NO.: 16-8263
DATE: 9-20-16
SHEET 1 OF 1
REVISION:

Lake County Growers Association

Support and advocacy for cannabis producers and consumers

September 22, 2016

RECEIVED
SEP 22 2016
LAKE COUNTY
PLANNING COMMISSION

To: Lake County Planning Commission
Cc: Robert Massarelli, Community Development Director

Re: Proposed amendments to Article 72

Honorable Commission members:

Several proposed amendments of Article 72 have been presented for your consideration and input. Our nonprofit organization is strongly supportive of the county's thoughtful and thorough planning process, and we share the desire of the Board of Supervisors to craft and enact reasonable cannabis regulations. We offer the following comments as part of that collaborative process:

General Plan amendment

We suggest the following changes to the proposed policy.

Policy LU-1.10 ~~Medical~~ *Commercial* Cannabis *Activities*

The County shall create a regulatory system that requires ~~the medical cannabis industry~~ *commercial cannabis activities* to operate as legitimate and regulated businesses while protecting existing communities from the negative impacts of *illicit* cannabis cultivation, preserving ~~traditional agriculture~~ *other agricultural activities*, and protecting the environment.

RECEIVED
SEP 22 2016
COUNTY
PLANNING DIVISION

Richard Knoll Consulting

1265 South Main Street
Lakeport, California 95453

Phone: 707-349-0639
E-mail: richardk2255@hotmail.com
www.rkplans.com

September 22, 2016

Good morning to County Staff, Planning Commissioners, and to those of you in the audience:

Thank you for the opportunity to provide both verbal and written comments concerning the proposed Article 72 amendments and the update/rewrite process.

I'm Richard Knoll - Richard Knoll Consulting - 1265 South Main Street, Lakeport.

I am representing clients with land interests located outside of the Kelseyville Community Growth Area.

I have some verbal comments that I'd like to make and I also want to provide a written copy of comments to the Planning Commissioners and to Staff.

My clients have been closely following the changes in State law and locally here in this County and have been participating in the meetings and in discussions concerning the proposed Article 72 changes. I on the other hand have not been involved in the process until recently, although I have followed it in the media.

My perspective on this matter comes from a background as a former County/City planner and Community Development Director. I tend to focus on land-use planning principles and approaches, and common sense proposals. I have been worked in and been involved with City and County land-use planning and zoning matters for over 38 years. I have participated in and managed several zoning, subdivision, and many other ordinance amendment projects, and managed and developed numerous land-use plans. I consider myself to be well versed in this kind of work.

My clients are Lake County residents and business entrepreneurs who are interested in developing and operating a small, well-designed, safe, and unobtrusive medical cannabis cultivation site on their property. Their interests are focused around retaining and expanding existing agricultural crop production and in diversification of the farming operation by adding the medical cannabis cultivation component in a well-designed and properly integrated location.

We have reviewed the existing Article 72 provisions and the recent exclusion area maps issued by the Lake County Community Development Department Staff.

We have numerous issues and concerns about the exclusion maps and will address specific issues with the Commission and staff, if need be. We have questions and concerns about: the 1 mile buffer around community growth areas; the 1 mile buffer around public and private water district areas, the lack of detail and specificity associated with the 200 foot buffer/setback from lakes and streams, the exclusion of all prime agricultural soils, the inclusion of areas with slopes ranging from 0 to 30%, and the omission of a map addressing proximity to and accessibility from public roads (the remoteness issue).

If the proposed General Plan Policy LU – 1.10 is meaningful and if the County is truly serious about the encouraging cannabis cultivators to operate as legitimate and regulated businesses, then there is a need for greater entitlement flexibility than what is being presented. It just does not make any sense to unilaterally exclude large areas of the County and end up with a map of possible cultivation areas which are mostly not farmable or even accessible.

In June 2014, the voters of Lake County approved Measure N, the referendum on Ordinance No. 2997 adopted by the Board of Supervisors. Measure N represents the voice and the will of the citizens of Lake County and the basic intentions in that referendum should be adhered to in the rewrite and amendments of Article 72. Small medicinal and adult use cannabis cultivation sites on parcels within Agricultural zones (A and APZ) should have some sort of pathway for approval, such as a special cultivation permit or a use permit. The staff proposal to exclude cannabis cultivation on any property containing prime agricultural soils is contrary to Measure N, and needs to be reconsidered.

Medical and adult use cannabis cultivation should be allowed on land designated by the General Plan as Agriculture (A – Agricultural Zoning District and the APZ – Agricultural Preserve Zoning District) subject to the approval of a special use permit or a use permit in accordance with County site development standards and criteria that could include but not be limited to the following:

- Cap the maximum number of medical and adult use cannabis cultivation permits.
- Require an annual performance review to determine compliance with conditions of approval.
- Require all proposed medical and adult use cannabis cultivation operations to conform to County land development and business operational criteria and standards.
- Limit the land area to be used for medical and adult use cannabis cultivation operations to 1 acre.
- Require documentation of property ownership and/or a land lease.
- Require preservation of prime agricultural soils.
- Require the utilization of a soil disposal service.
- Require full compliance with California laws.
- Require proof of water supply.
- Require a professionally prepared cannabis cultivation site plan.
- Require tall perimeter security fencing along with a visual buffer around the cannabis cultivation sites.
- Require cannabis cultivation sites to be set back from property lines and residences.
- Require a site security plan.
- Require all nuisance factors to be properly mitigated in accordance with County Best Practices.
- Require a County performance Agreement and the posting of a performance bond.
- Require the provision and maintenance of an on/off site surface water collection system and discharge plan.
- Require cultivation site owners to show proof of development readiness.
- Require documentary evidence to be provided to the County with regard to liability insurance, payment of County taxes, and contracts between grower and dispensary/distributors.

We hope that the Commission will recognize what the voters of Lake County approved, just two years ago.

Common sense seems to dictate that an agricultural product, a plant, as recognized by the State should be allowed to be grown in agricultural areas.

To exclude large areas of land within the County with no clear indication as to why, in direct opposition to the will of the people as expressed in Measure N seems inappropriate. It's a little like throwing "the baby out with the bathwater".

There are likely many parcels of land within the proposed exclusion areas that are appropriate for and in general conformance with the basic medical cannabis objectives of the County.

There are likely many parcels in the County that have the combination of conditions that preserve traditional farmland and prime agricultural soils, could support and provide for a safe and secure cultivation area, will minimize nuisance impacts on surrounding property owners, are well-designed, well-managed, properly operated, and generally satisfy other County goals and objectives.

There are likely many parcels of land in the County that are currently in agricultural production that could support development of a small cannabis cultivation area without significant impact. Small (1 acre or less), integrated cultivation sites in agricultural areas would create public benefit. They could help diversify existing agricultural operations, strengthen and expand the local economy, create new jobs, increase local wealth, support new ancillary business operations, and generate tax revenue, all of which enhances our quality-of-life.

If the County were to cap the size of cultivation sites at 1 acre, and cap the maximum number of cultivation permits at 200, the amount of agricultural land used for medical cannabis would be about .0018% of the total County land in agricultural production.

It would be a shame if the County missed this opportunity to create a common sense land entitlement procedure to facilitate and promote a regulatory system that allows local property owners to operate legitimate and regulated medical and adult use cannabis cultivation sites on appropriate agricultural parcels.

We urge the Planning Commission to direct staff to develop a proposed entitlement procedure and criteria for small scale medical cannabis cultivation sites on all land designated by the Lake County General Plan as Agriculture.

Thank you.

Sincerely,

Richard Knoll

Richard Knoll Consulting - Land Planning and Permitting
1265 South Main Street
Lakeport, California 95453
707-349-0639
www.rkplans.com

ITEM 2
11:00 AM
OCTOBER 13, 2016

LAKE COUNTY FARM BUREAU

October 4, 2016

Tiffany A. Harz, CTA
Administrative Analyst
County of Lake, Administrative Office
255 N. Forbes Street, Lakeport, CA 95453

RE: Cannabis Cultivation on Prime Agricultural Land: Opposed

Board of Directors
Dave Rosenthal
President
Keith Brandt
1st Vice President
Robert Gayaldo
2nd Vice President
Daniel Suenram
Treasurer
Craig Shannon
Immediate Past President
Glenn Benjamin
Terry Dereniuk
Diane Henderson
Paul Lauenroth
Jeff Lyon
Dave Mostin
Greg Panella
Pat Scully
Rob Suenram

Brenna Sullivan
Executive Director

The Lake County Farm Bureau (LCFB) appreciates the opportunity to comment on the issue of cannabis cultivation in Lake County. The Board of Directors was pleased in the direction of the Planning Department in excluding prime agricultural soils from cannabis production. The reasons for this are as follows:

1. Cannabis is not an agricultural commodity or crop.
   a. Cannabis is considered an 'ag product' in the state's Health and Business code, but is not considered a commodity or crop under California's Food and Ag code.
   b. Cannabis is still considered a federally illegal substance and remains a Schedule I drug.
   c. Cannabis does not fall under the State Water Board's Irrigated Lands Program in which all irrigated agricultural acreage must enroll. Inclusion into prime farmland will be imposing practices which may skew agricultural water quality monitoring results under the ILRP which the Subwatershed group will have no jurisdiction over.
   d. Cannabis does not fall under the Right to Farm Act. This means that it requires special rules and regulations dealing with its odor and federally illegal status.
   e. Cannabis requires a county permit and state license for commercial cultivation. Crops do not. Thus, there is reason and justification to treat it separately from agricultural crops.
2. Cannabis does not require prime agricultural soils to grow. Even plants grown in the ag. land are grown in pots using imported soils. It is imperative that areas with Class I-III soils be preserved for traditional agriculture. This is also consistent with the proposed LU 1.10 policy to 'preserve traditional agriculture.'
3. The county is considering 1 acre commercial cannabis operations. Farm Bureau wishes to avoid the sub-division pressure these 1 acre growing lots may provide. Once land is sub-divided in the farmland, traditional farming will not be viable into the future.
4. There are other areas in the county without prime ag. soils that still may have the hydrology to support cannabis. Areas like Morgan Valley, Jerusalem Valley or basins east of Hidden Valley Lake may provide discrete locations away from communities and other industries that would be better than Big Valley, Scotts Valley and Upper Lake.
5. Measure N limited cannabis cultivation to 20 acres zoned ag. with a house as a way to limit production and locate it in areas that the Sheriff's Dept. could easily identify. The Sheriff's Dept. has indicated that as long as the growing areas are properly defined and contained in specific areas, they do not need to be located on ag. land.

6. Cannabis will continue to be an inflated industry until it is federally legal. There are only three major areas in the county with Class I-III soils. Allowing commercial cannabis production on these areas will create competition with Lake County's crops for this land that the traditional production economy will not be able to equal. Farm Bureau worries about the conversion of traditional agriculture to cannabis if prime farmland is included for cannabis production. Farm Bureau advocates that competition pressure on the farmland be avoided. For example, pears cannot be grown in sub-prime soils, and require large acreage to be economically viable as a crop. Cannabis has much more flexibility on where it can be grown due to inflated gross value per acre (requiring much less acreage for viable production) and imported soil usage.

The Lake County Farm Bureau's main priority is the preservation of prime agricultural soils and land for traditional agricultural crops. After reviewing the maps, the land-use committee agreed that the primary areas of Class I-III soils (Big Valley, Scotts Valley and Upper Lake) should take priority in continuing to be excluded from commercial cannabis production. Farmland of local significance and grazing land is a lesser priority than these main areas of Class I-III soils. At the very least, Lake County Farm Bureau respectfully requests that commercial cannabis cultivation be excluded from the prime agricultural soils in Big Valley, Upper Lake and Scotts Valley.

The Lake County Farm Bureau appreciates the opportunity to comment on this issue and thanks the County Planning Department for its active role in involving stakeholders in this process.

Regards,

Brenna Sullivan
Executive Director

ITEM 2
11:00 AM
OCTOBER 13, 2016

October 5, 2016

County of Lake
Community Development Department
mireya.turner@lakecountyca.gov

RE: Cannabis Cultivation

I am writing as a concerned Lake County citizen and business person regarding the continuing discussions and decisions being made regarding cannabis cultivation on agricultural land.

I am extremely opposed to including marijuana grows on prime agricultural land in our county. This would negatively affect production of all existing types of crops. There is an abundance of other land available in the county that could be used for this type of production. It is my understanding that the marijuana growers don't require prime agricultural land as they bring in large amounts of specialized soil and fertilizers for their "grow" and they would have to do this even if they were on prime agricultural land.

Please DO NOT let this happen to our county. Once that decision is made, we can't turn back after we realize it was a mistake!

Sincerely,

Paula Bryant

Paula Bryant
15632 Little Peak Rd
Hidden Valley Lake, CA 95467
707-355-0058

Mireya Turner

From: dpmcg@pacific.net
Sent: Friday, October 07, 2016 10:22 AM
To: Mireya Turner
Cc: dgCDD
Subject: PROPOSED CHANGES TO ARTICLE 72 CONCERNING MEDICAL CANNABIS

Please add my voice to all those who are deeply concerned about the proposed changes to Article 72.

Lorene A. McGuire
275 Crawford St.
Lakeport, CA 95453

October 7, 2016

Lake County Planning Commission
255 Forbes St.
Lakeport, CA 95453

RE: Proposed Medical Cannabis Ordinance

Thank you for the opportunity to comment on the proposed changes to Article 72 dealing with medical cannabis cultivation in Lake County.

I am a fourth generation Thomas family Lake County resident. Pear farming in Big Valley was a way of life for my family until the 1990's.

I am opposed to the cultivation of cannabis on prime agricultural soil.
Cannabis is not an agricultural commodity and should not be treated as such in the zoning of the county. The federally illegal nature and nuisance factors of cannabis cultivation require special considerations, as does the inflated nature of the cannabis market. It deeply concerns me that cannabis cultivation on Lake County's agricultural land will be a threat to traditional agricultural crops in the county through land competition and sub-division pressures. There are other areas in Lake County that would meet the cannabis cultivation needs for water, low slope and isolation from the community boundaries that do not have prime agricultural soils.

Our county is known for its clean air and bucolic way of life. I find it offensive and unhealthy to have to live with the putrid odors that I experience daily close to my home and throughout the county. It used to be that our country drives gave us the true "fresh and free" feelings that we crave. Not so today! I have witnessed the negative behaviors of those under the influence of cannabis and subsequent lives ruined, jobs lost, and families destroyed. A neighbor who grows is currently in prison for committing crimes in our area while under the influence of cannabis.
Tourism is another area that will be negatively affected. Who wants to spend time in an area that stinks and is crime ridden? The health of our lake is also negatively affected by run-off of toxic fertilizers and pesticides from marijuana grows.

For all these reasons, I urge you to do the right thing concerning the proposed changes to Article 72.

Sincerely

Lorene A. McGuire

Mireya Turner

From: Richard Knoll <RichardK2255@hotmail.com>
Sent: Monday, October 10, 2016 10:56 AM
To: Robert Massarelli
Cc: Mireya Turner; Mike Mitzel; Rick Steinberg
Subject: October 13 Planning Commission Workshop - Mixed Light and Indoor Cultivation
Attachments: October 10 Final Memo to County Mixed Light and Indoor.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Bob,

Attached please find a memo with comments and recommendations to you and to the Planning Commission concerning the Article 72 rewrite, specifically relating to mixed light and indoor medical cannabis cultivation standards.

I hope that this memo can be passed onto the Planning Commission, but if not we will have hard copies to present to them at Thursdays workshop.

Please call if you have any questions.

Thank you for your consideration.

Sincerely,

Richard Knoll

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October 10, 2016

To: **Lake County Planning Commission**
Robert Massarelli, AICP - Lake County Community Development Director

From: **Richard Knoll - Richard Knoll Consulting**

Re: **Mixed Light and Indoor Medical Cannabis Cultivation Standards**

Thank you for the opportunity to provide input and recommendations regarding mixed light and indoor medical cannabis cultivation standards for the Article 72 rewrite.

My clients - Lake County residents and business entrepreneurs, are interested in developing and operating a small, well-designed, secure, mixed light - indoor medical cannabis cultivation facility on their APZ zoned property which is outside of all of the proposed exclusion map areas except for the prime agricultural soils area. Their interests are focused around retaining their existing agricultural operation and development of the mixed light and indoor cultivation use in a properly integrated location.

Lake County General Plan: The Lake County General Plan should be amended to include a discussion about medical/adult use cannabis with language addressing the positive aspects of cannabis cultivation. Policy in support of the elimination of large illegal marijuana grows that have plagued the County should also be included.

Goals and Policies that encourage and support small medical cannabis cultivation facilities in appropriate agricultural and rural areas, and recognized as positive additions to the Lake County agricultural community, should be included in the General Plan.

The inclusion of General Plan Policy that supports and promotes low impact cannabis cultivation sites will create public benefit by strengthening and expanding the local economy, increasing wealth and disposable income, supporting new business operations, creating new jobs, and generating new tax revenues, all of which will enhance Lake County's quality-of-life.

Lake County Zoning – Article 72 Rewrite: Our primary interest is focused on the property located in Big Valley within the Agricultural Preserve Zoning District – APZ. There are existing and ongoing traditional farming operations on the property including a vineyard and hay fields.

The existing farming activities will continue, and we would like to be able to integrate and develop a small mixed light/indoor cultivation and processing operation. Allowing a small outdoor cultivation area with a very limited number of cannabis plants in conjunction with the indoor/greenhouse operation would also be desirable.

Allowing well-planned, properly managed, safe, and integrated mixed light and indoor cultivation facilities and associated small outdoor cultivation sites in both the Agricultural Preserve District (APZ) and the Agricultural District (A) is consistent with what our neighboring Counties are doing.

The current Lake County Zoning Ordinance (Article 4 and Article 5) allows greenhouses, hothouses and incidental structures in both the Agricultural Preserve District (APZ) and the Agricultural District (A).

Allowing mixed light and indoor medical cannabis cultivation in the APZ District would not alter what's already permitted in the existing ordinance.

Cannabis cultivation activity on our ag land would be developed in the center of the property, set back a hundred feet or more from all adjoining properties, and set up within a secured fenced area behind a landscaped buffer.

The mixed light, indoor cultivation site would be professionally designed and built, environmentally sound in its construction and operation, and properly managed so as to minimize and/or eliminate all of the potential nuisance factors.

The budget for development of this high end, well-designed mixed light and indoor cultivation site with power and other state of the art environmental features is in excess of $500,000.

We urge the Planning Commission to consider and recommend adoption of Zoning Ordinance provisions to the Board of Supervisors that allow mixed light and indoor cultivation sites in the Agricultural Preserve District (APZ) and the Agricultural District (A), including in prime agricultural soil areas.

State Law: In 2015 the State of California adopted landmark legislation regulating medical cannabis. The Medical Marijuana Regulatory and Safety Act (MMRSA) established a multi-agency framework to regulate commercial cannabis.

This legislation requires persons who want to engage in commercial cannabis activity to possess both State and Local (County or City) permits. MMRSA also strengthens environmental protections and has created the opportunity for small specialty cultivators to be licensed.

We believe that Lake County can benefit from the establishment of a supportive land use planning/permitting environment where small, well-designed, low impact cultivation sites are allowed in the Agricultural Preserve District (APZ) and the Agricultural District (A).

In 2018 the California Department of Food and Agriculture will issue at least nine types of cultivation licenses plus one license for nurseries. MMRSA creates outdoor, indoor, and mixed light licenses for farms ranging in size from 5,000 ft.^{2} to 1 acre (43,560 ft.^{2}).

We wish to operate the following State cultivation license types on our property:

- Specialty 1A – indoor, up to 5,000 ft.^{2}
- Specialty 2B – mixed light – indoor, 5,001 - 10,000 ft.^{2}
- Specialty 3B – mixed light, 10,000 - 22,000 ft.^{2}

We request that the County, in its amendment (rewrite) of the Lake County Zoning Ordinance - Article 72, to permit the above referenced State cultivation license types in both the Agricultural Preserve District (APZ) and the Agricultural District (A).

Thank you for your consideration.

Summary of Recommendations:

- ◊ **Lake County should comply with the intent of the new State Cannabis Cultivation Laws and establish amended Article 72 Zoning standards that are consistent with what nearby Counties in the region are doing.**

- ◊ **Amend the Lake County General Plan to include a discussion about medical/adult use cannabis cultivation with language addressing the positive aspects and potential public benefits - strengthen and expand the local economy, create new jobs, encourage legal business entrepreneurship, increase disposable income and wealth, support new ancillary business operations, and generate new County general fund tax revenue, all of which enhances Lake County's quality-of-life.**

- ◊ **Goals and Policies that encourage and support small medical cannabis cultivation facilities in appropriate agricultural and rural areas, and recognized as positive additions to the Lake County agricultural community, should be included in the General Plan.**

- ◊ **Amend the Lake County General Plan to include Policies that allow small, well-planned, properly managed, safe, and integrated mixed light and indoor cultivation sites in both the Agricultural Preserve Zoning District (APZ) and the Agricultural Zoning District (A). Limited outdoor cultivation in conjunction with mixed light and indoor cultivation facilities should also be considered.**

- ◊ **Retain the intent of the existing Lake County Zoning Ordinance regulations (Article 4 and Article 5) which currently allow greenhouses, hothouses and incidental structures in both the Agricultural Preserve District (APZ) and the Agricultural District (A) in prime agricultural soil areas.**

- ◊ **Approve Lake County Zoning regulations to permit the following State of California cultivation license types in both the Agricultural Preserve District (APZ) and the Agricultural District (A) -**

    - **Specialty 1A – indoor, up to 5,000 ft.^{2}**
    - **Specialty 2B – mixed light – indoor, 5,001 - 10,000 ft.^{2}**
    - **Specialty 3B – mixed light, 10,000 - 22,000 ft.^{2}**

Mireya Turner

From: Mireya Turner <mireyaturner@yahoo.com>
Sent: Monday, October 10, 2016 7:47 PM
To: Mireya Turner
Subject: Fwd: MJ code

Sent from my iPhone

Begin forwarded message:

From: glosglee <glosglee@peoplepc.com>
Date: October 10, 2016 at 4:44:48 PM PDT
To: "Mireya Turner LCFF Asst.MM" <Mireyaturner@yahoo.com>
Subject: MJ code
Reply-To: glosglee <glosglee@peoplepc.com>

Hi! Mireya,
I've been asked to comment on the marijuana code. I don't care what people do until it impacts me or my health. Having lived in Jerusalem Valley for many years, I am noticing the last few years an increase in smell and allergic reactions to the outside grows in our neighborhood. Surrounding neighbors used to grow their weed in enclosed quarters, keeping the aroma and allergic reactions down and some still do. Newer neighbors are taking advantage of the county codes/medical licensing and the plants are huge and stinky. My livestock and pets have watery eyes and my outside activities are getting difficult to do due to my allergic reactions to weed.
I would like to recommend inside grows for 5-10 acre plots with air filtering systems. Thanks for your efforts.

Glo Anderson

Glo

RECEIVED
OCT 13 2016
LAKE COUNTY
PLANNING COMMISSION

Carol Brandt
2766 Park Drive
Lakeport, CA 95453

October 13, 2016

Lake County Planning Commission
255 N. Forbes St.
Lakeport, CA 95451

RE: Proposed Medical Cannabis Ordinance

Dear Members of the Lake County Planning Commission:

Thank you for the opportunity comment on the proposed changes to Article 72 dealing with medical cannabis cultivation in Lake County. I have lived in Lake County for 37 years and currently live in Big Valley on 5 acres surrounded by pear orchards. I believe in importance of Agriculture in Lake County. I do not want Cannabis planted next to my property since it would replace pears, it's odor is very offensive, and could bring in a criminal element to my neighbor.

I am opposed to the cultivation of cannabis on prime agricultural soil. Cannabis is not an agricultural commodity and shouldn't be treated as such in the zoning of the county. The federally illegal nature and nuisance factors of cannabis cultivation require special considerations, as does the inflated nature of the cannabis market. I am worried that cannabis cultivation on Lake County's agricultural land will be a threat to traditional agricultural crops in the county through land competition and sub-division pressures.

I am actually opposed to all cultivation on cannabis in Lake County, other than Medical cannabis on an individual basis, grown inside with proper ventilation. It is still a federal illegal substance and a Class I drug, so I am opposed to any large grows in Lake County.

Thank you, again, for the opportunity to comment on cannabis cultivation in Lake County.

Sincerely,

Carol Brandt

Carol Brandt

Mireya Turner

From: steph lucas <s_rose23@yahoo.com>
Sent: Thursday, October 13, 2016 8:56 AM
To: Mireya Turner
Cc: Barry Wood
Subject: Proposed Cannabis Regulation Comments

I'm not sure if you are the appropriate person to send these comments to, could you please forward if necessary? Thank you~ Steph Lucas

To Whom it May Concern:

After reading the proposed regulations, I'm concerned that private citizens who need to cultivate cannabis are going to be over regulated and put through unnecessary hardships. Perhaps I'm misunderstanding the proposals, but it seems to me like personal medical is going to be under many of the same zoning ordinances as commercial cultivation. Many groups who need medical cannabis are elderly, infirm or poor.

I'm also concerned about the minimum 40 acre parcel size for commercial cultivation. This puts an unnecessary burden on small businesses, requiring a parcel 10 times the size of even the states generous 4 acre cultivation space.

I don't understand why outdoor cultivation cant be allowed on A, RL and RR parcels, and the sheriff be given a list of parcels that are in compliance and have permits. Setting up special zones only for cultivation will drive the prices in those areas up, and make it more complicated and costly for people who don't already own land in these zones.

Thank you for your time and consideration ~Steph Lucas, Nautilus Ridge Farm

October 16, 2016

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OCT 19 2016
LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

Planning Director
Lake County Community Development Department
Planning Division
Courthouse 255 N Forbes St
Lakeport, CA 95453

Dear Robert Massareli,

As a sixteen year resident of Lake County and an organic farmer, I am writing you to express my concerns about the direction of the draft proposal for the permitting of cannabis in Lake County. I have been to both of the recent public hearings on the subject and reviewed all of the available literature.

In my opinion, the plan, as shared to date, is narrowly written and is structured in such a way as to prevent nearly anyone from growing outdoors. There are many obvious and reasonable safeguards in place, such as prohibitions to grow around schools, public places, growth zones, etc. These are the kinds of regulations that all counties have in place. The proposal put forth has taken it much further and prohibits the outdoor growing of cannabis on any soil type I-IV. When taken into account with the other prohibited factors (slope, proximity to water, etc) almost all of the rural land is prohibited.

Cannabis cultivation is coming to California and it represents a significant opportunity for this county. I believe Cannabis is a unique endeavor that can reach across all socioeconomic levels and bring prosperity and growth to one of the poorest counties in CA. There is no other crop that has this ability, not pears, or walnuts or grapes or anything else you might want to do on the land. A small outdoor plot can be grown by anyone of modest means. On a small plot, less than 5,000 or 10,000 sq ft anyone can participate and become self-reliant, not to mention all of the medicinal benefits of cannabis which many rely on. It would also bring in substantial tax revenue and I would like to see that sort of financial influx in our community for the benefit of our schools, our roads and the counties well-being.

I would like to see an ordinance that makes it easy for all that can qualify to participate in the new economy. I recommend removing barriers that are currently keeping growers in the shadows and encourage, by having an inclusive ordinance, legal participation. Specifically, I would like to see the soils map removed from the prohibited list. It is simply too broad to fairly represent all the counties constituents. The planning department can control where appropriate regions to grow outdoors are via zoning and by limiting the number of permits. For land owners with 20 or more acres, I would like to see a clause in the permitting that would allow them to have an assessment made on their specific application. This would go a long way in giving rural residents a better sense of inclusion and eliminate the broad brush prohibition that the soils map puts into place.

Thank you for your consideration and please let me know if I can be of any assistance.

Sincerely,

Robert Lipari
PO Box 1078
21825 Jerusalem Grade Road
Middletown, CA 95461
707-987-8823

Mireya Turner

From: Bob <bob@thevillabarone.com>
Sent: Tuesday, October 25, 2016 7:40 PM
To: Mireya Turner
Subject: Proposed Cannabis Regulations

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Mireya,
Thanks for the Lake County update today at the monthly chamber meeting. I am writing to you and kindly ask that you pass this message along to Bob Massareli and the Planning Commission. Below are two verbatim excerpts from prop 64. In my opinion the current proposed ordinance falls short of these two requirements. I kindly ask you to review my comments and suggestions in order to make the proposed ordinance more inclusive and consistent with the letter and spirit of prop 64.

"The Adult Use of Marijuana Act ensures the nonmedical marijuana industry in California will be built around small and medium sized businesses by prohibiting large-scale cultivation licenses for the first five years. The Adult Use of Marijuana Act also protects consumers and small businesses by imposing strict anti-monopoly restrictions for businesses that participate in the nonmedical marijuana industry."

"Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset, that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent business person.

1) Existing farmers: Any existing farmer should have the ability to add another crop such as cannabis to their already existing crops. For example, I am an organic olive grower on rural land on a 160 ac parcel. I could easily add 10 or 20,000 Sq ft of cannabis crop with virtually no impact to the surroundings and use the same organic practices I use now to add this very lucrative crop to my farming operation. It would be very simple to put the proper safeguards (fence etc) in place and use drip irrigation and grow outdoors. Many current farmers have difficulty making traditional crops a viable business. By adding a secondary, smaller crop such as cannabis the financial situation form many farmers would improve. This is one way to specifically and directly satisfy the requirement of making the new law apply to small and medium sized businesses.
2) Outdoor growing: The proposed ordinance as I understand it, severely limits the ability of farmers to grow outdoors. For the vast majority of small/medium business his mean that the requirements are "unreasonably impracticable". We are blessed with an ideal outdoor growing environment. While the entire world is moving away from fossil fuels and a big carbon footprint, this ordinance would require growing indoors which means a massive energy requirement for lights, air conditioning, fans, humidifiers/dehumidifiers, etc. This might be OK for large corporate growers, it is completely impractical and cost prohibitive for small and medium size businesses. Relaxing the ordinance to allow more outdoor grows is green, energy efficient and cost effective.
3) Exemption: Broad brush stroke bans such as by soil type, etc cannot have the flexibility needed to be more inclusive of the many exempt locations that would otherwise qualify for cannabis production. I would propose that any land owner with 20 or more acres who believes they could be compliant if the site were inspected, can apply for a permit and the county should be required to have an on-site inspection (at the cost of the land owner) to verify that the site would indeed comply given it's unique circumstances.
4) Nuisance: Remove the word nuisance from the proposal. I would not refer to the best financial opportunity this county may ever have as a nuisance. If you want to refer to the odor abatement, then simply call it just that. With regard to odor abatement, the problem of odor is only prevalent for approximately one month. That seems like a fairly small inconvenience compared to the enormous financial impact of cannabis.

Sincerely,
Bob

Bob@thevillabarone.com
The Villa Barone, LLC
PO Box 1078
21825 Jerusalem Grade Road
Middletown, CA 95461
707-987-8823

BOBBY DUTCHER B.B.S., GRI
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HOME (707)278-0278
E MAIL bobby.dutcher@yahoo.com

Robert Massarelli
Lake County Community Development

Hi Robert,

As a real estate broker specializing in large acreage parcels, I have had a lot of experience with clients cultivating medical marijuana in Lake County. Most of these folks have good intentions and mean no harm to the environment or their neighbors, but Lake County lacks a reasonable ordinance on the issue and has forced most of them to try and hide their operations in unfortunate places. I am very glad to see your office is writing a new, updated ordinance. After reviewing the work done by County staff so far, there are a number of changes I would suggest.

Maps were included in material presented at the Planning Commission meeting on 9/14. Attachment 3 excluded cultivation within 1 mile of Community Growth Boundaries. I agree that there is no place for cultivation within the CGB's, but a one mile radius around them seems overly restrictive. We need to try and keep cultivation activity near paved or improved roads and electrical infrastructure as much as possible, and the proposed one mile radius will eliminate some large parcels safely outside of CGB's. A radius of ¼ mile would be more adequate.

The next map excluded cultivation around water districts. Most of these were the same as the CGB map. In some other areas, such as the Double Eagle subdivision, the exclusion seems unnecessary. As long as the cultivation activity does not use district water and meets the other criteria in the ordinance (parcel size, setback from waterways, on site water source, etc) the public and environment will be adequately protected. This map should be removed from the ordinance.

The 3rd map excluded cultivation within 200 ft of creeks and lakes, yet in the 10/13 material cultivation is allowed within 100 ft. (5.26.B4.b) I agree with the 100 ft setback. Water quality should be protected and the setback is reasonable. The map is inconsistent with the rest of the ordinance though.

Map #4 has exclusion zones around tribal land. I can't think of any other use that is prohibited by a landowner next to tribal land. Currently agricultural uses such as pears or vineyards can spray right to the property line of a Rancheria, but a marijuana plant that does not require a hire

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OCT 28 2016

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

powered spray rig needs to be kept a mile away? This is unreasonable and the map should be removed from the ordinance.

Map #5 excludes cultivation in "prime ag soils". This basically excludes cultivation in all Agricultural (A) zoning. Our current ordinance REQUIRES cultivation in A zoning, so this complete reversal of County policy makes local government appear to be inconsistent, unreliable, and unstable. It will be very hard to attract investment here by legitimate business owners in this type of environment. Assembly and Senate bills have clearly stated that marijuana is an agricultural crop, it is being administrated by the Dept of Food and Agriculture and banning the use of A zoned land to grow any agricultural product is inconsistent with our General Plan. I know the Farm Bureau Board of Directors asked for this, but sometimes the small, vocal majority of the Board is out of touch with the general membership. I spent 8 years on the Board, I am still a member of Farm Bureau, and this position baffles me. Marijuana is not a threat to traditional crop growing here, and the email circulating from Farm Bureau to its members on this subject is very misleading. Marijuana is a plant that is grown solely for the purpose of human consumption, whether through extracted oils or smoke inhalation. This makes it an agricultural crop. Wine grapes are not eaten, they are processed and turned into an alcoholic beverage, and I have never heard of a MD telling a patient they don't drink enough and giving them a prescription for a case of wine. If there is any provision in the new ordinance that will lead to legal challenge, this is it. This map needs to be removed from the ordinance in its entirety.

Map #6 shows slopes over and under 30%. This is very helpful, but it makes it look like there is a lot of land available for cultivation. At the 10/13 meeting material was presented that bans cultivation on slopes over 10%. This map should be consistent with the rest of the ordinance.

Map #7 showed public land in the County. These areas are obviously not allowed for cultivation, and the map is a big help as an example of places cultivation will not take place.

Map #8 is a map suggesting every area outside of exclusion zones. Seems like lot of land is available, but again, this shows 30% slopes and under. Subsequent documents limit cultivation to slopes less than 10%, so at least 75% of the area shown here will be excluded also. This map is very misleading.

On 10/13 more material was presented by staff to the Planning Commission. Site Standards were suggested, and there are some changes I feel are necessary.

5.26.A.9 This prohibits outdoor cultivation by a patient outside of MC zoning. If a qualified patient is only growing 6 plants for their personal use and lives on a large (20+ acre) parcel, it is unreasonable to force them to grow indoors. Reference is repeatedly made within 5.26 A regarding the enclosed structure. Outdoor cultivation should be allowed, having "grow sheds" scattered all over the County will be detrimental to the appearance of the County, be a waste of electricity, and a burden for County staff to enforce.

5.26.B.1 Minimum lot size is 40 acres. For small operations 10,000 sq ft or less I would suggest an acreage minimum of 20 acres. Cultivation of more than 10,000 sq ft should be on 40 acre parcels or larger.

5.26.B.9 The Right to Farm Ordinance is designed to protect ALL agricultural uses, this will include cannabis. I was on the committee that wrote our Right to Farm Ordinance, and I can assure you that making any farmer record a notice is completely contrary to the intent of the ordinance. Also, the Board of Supervisors has recently held that this need not be recorded for sales. This paragraph needs to be removed.

b) Grading. Wine grapes and walnuts are routinely grown in Lake County on slopes approaching 20%. Since the cultivation area will be very small in comparison to other crops, the 10% restriction should be reduced to at least 15%.

c) Electrical Usage. Electrical power....shall be provided by on-grid power with 100% renewable source? How is the cultivator going to know where the grid power came from? This is unreasonable and should be removed. Also the purchase of carbon offsets? We are talking about a few dozen plants, not a polluting factory. This paragraph needs to be completely rewritten or removed. The desired standard of off grid power will increase the danger of wildland fire in the County.

d,e) Water Quality. Has a desired standard of using recycled water. I am not aware of anyone using recycled water for agricultural purposes in Lake County. The treatment of water will mean more building, electricity, storage, etc. Since there is very little chance of this happening, it should be removed from the ordinance.

f) Has a desired standard of conservation easements and a wildlife corridor plan. This is not used on vineyard conversions that completely remove native vegetation for over 100 acres, so why is it being suggested for a cultivation site of one acre or less? These should be removed.

a(3) Requires a topography map at 1 ft intervals. Hopefully the intent of this is only for areas adjacent to Clear Lake. Otherwise it is much too restrictive. Only the areas being graded should require such an expensive investment.

17.b) Says "Not adversely affect adjacent water users." Any use could be considered an "adverse" affect. Should say "Not significantly adversely affect adjacent water users".

At the 10/13 meeting a chart was presented that outlined the zoning districts cannabis would be allowed to be cultivated on. TPZ zoning was not permitted. County Code section 21-6.5E clearly

allows crop and livestock farming on TPZ zoned land without a permit of any kind. My neighbor just completely cleared 160 acres of TPZ zoned land for a vineyard. At 800 vines per acre using 12 gallons/vine per week, this project will use close to 1.5 MILLION gallons of water per week, but a 10,000 sq ft cannabis operation that uses 2,000 gallons per week is a danger to the environment and neighboring aquifers? I actually support my neighbors conversion, I own a vineyard on my TPZ zoned land (AP# 011-019-23 if you want to check) but for the County to allow and encourage this type of activity and then completely ban cannabis cultivation is inconsistent with our general plan and in violation of County zoning code 21-6. In A, APZ, and RL zoning, crop growing is allowed without a permit. If you decide to arbitrarily pick and choose agricultural crops that need use permits, all of these zoning districts will need to be modified. This is another area, much like the soils map banning cultivation on A zoned land, that could easily be challenged in court.

I feel Lake County needs to position itself as an attractive alternative to Mendocino and Sonoma Counties as a location for legitimate businesses to operate in the future. Our current ordinance strongly discourages investment right now, and places an unfair burden on law enforcement as they try limit the damage being done by black market operators enjoying the monopoly of the marijuana supply in the County that Section 21-72 has given them. As written, the current draft proposal does little to improve the situation due to some overly restrictive language. Hopefully the suggested changes can be implemented so our County can turn the cultivation of cannabis into something positive. Lake County has an opportunity to greatly benefit from this emerging industry, we have the right climate, environment, and geography to be leaders in the licensed, controlled, legal supply of cannabis. It is very important that our ordinance be written in such a manner that will allow local farmers to take advantage of this opportunity.

Currently staff has been meeting with stakeholders one on one for input. This has worked up to this point, but puts an unfair burden on staff when the final draft is presented. I suggest getting representatives from Farm Bureau, Chamber of Commerce, Association of Realtors, Sierra Club, and the Growers Coalition to meet in late November and try and reach consensus on a final draft.

Bobby Dutcher

Mireya Turner

From: Barry Fullman <gropros2@gmail.com>
Sent: Tuesday, November 01, 2016 2:02 PM
To: Robert Massarelli; Mireya Turner
Subject: BHO vs CO2 defined

Bob, Mireya, we briefly discussed the pros and cons of CO2 vs BHO oil processing at our last meeting.

Here is a link that you will find helpful. These Drs and professors have done due diligence in their research. It really comes down to safety. In finished product to the consumer, gases lost to the environment and over all explosion/volatility danger.

Most big producer's in the arena are using closed loop CO2 for safety. It's more expensive to get started but yields a better all around product.

My recommendation is CO2 exclusively. Both critical pressure and non critical pressure. It's easier manipulated for fine tuning.

Here is the link.

https://www.google.com/amp/s/www.cannabisindustryjournal.com/column/busting-the-myth-examining-co2-versus-butane-extraction/amp/?client=ms-android-verizon (article attached)

Regards,
Barry Fullman
Managing Partner

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Cannabis Industry Journal

December 18, 2015
BEST Extractions

Busting the Myth: Examining CO2 versus Butane Extraction

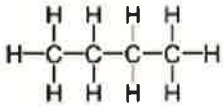
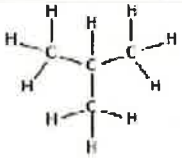
By John A. Mackay, Ph. D.

15 Comments

Butane can provide for a fast extraction, but little control while you can tune CO2 extractions to collect the same material.

The basis of anecdotal controversy continues about the use of hydrocarbons versus carbon dioxide. It is important to note that hydrocarbons span a range of phases on the planet earth.

It is important to eliminate the cost of the instruments and the cost of the facilities from this comparison to keep the discussion on specifically the extraction principles.

Common name	normal butane, unbranched butane, n-butane	Isobutane, i-butane
IUPAC name	butane	2-methylpropane
Molecular diagram		
Skeletal diagram		

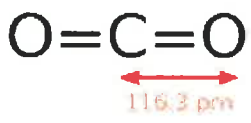
Source: (https://en.wikipedia.org/wiki/Butane#Isomers)

Butane is a gaseous hydrocarbon. As you add more carbons to hydrocarbons, they move from gaseous to liquid.

It is also important to note that the same is true of carbon dioxide in its natural form on the earth's atmosphere, it is a gas. It is nonflammable and used in fire extinguishers.

At typical conditions, carbon dioxide in the supercritical range is similar to hexane (C6H14) and ethyl acetate in its solubility characteristics. Propane (C3H8) and butane (C4H10) are gases at normal atmospheric conditions. Both must be manipulated for the extraction of CBDA and CBD. For example, both CO2 and C4H10 must be placed under pressure and then passed through the material to extract the lipophilic terpenes and cannabinoids.

For this short discussion, let's remove the concern about the different volatilities of the compounds. Hydrocarbons with a spark will be significantly more powerful of an explosion than carbon dioxide (note it could be used to put out the butane fire). The hydrocarbons can be in more configurations and therefore the getting the correct form initially is critical. For example, butane can have all the carbons in a row like a train, or branched like a tree. Those are very different and have different characteristics too. Getting pharmaceutical grade butane is essential to ensure safety. The concern that people have expressed with butane is what is in the other 0.1% for 99.9%. Checking for residual butane is less of a concern than the polyaromatic hydrocarbons in the untested cylinder. Furthermore, in the wrong hands it can be more volatile.



Source: (https://en.wikipedia.org/wiki/Carbon_dioxide)

The critical premise that needs to be considered is the final formulation. Is one solvent significantly more applicable than the other? No. They have different characteristics.

Propane is a common solvent in the spices, flavors and fragrances industry. For example, the extraction of lipids and oils from vegetables and the fatty oils from seeds, it would be an advantage to have a solvent that is totally miscible, i.e. will be totally soluble in a fluid. This is similar to the idea of sugar in hot water versus in water in ice. If an example of cardamom were used comparing CO2 and propane (which is similar to butane), the pressure needed for CO2 would be 100 bar, while propane would be only 20 bar. However the increasing the pressure of the propane from 20 to 50 bar at a constant 25 C, also increases the chlorophyll from 3.4 g/g oil to 10.8 g/g oil. Meanwhile with the more finely tunable CO2 from 80 to 100 to 200 the amount of chlorophyll is negligible (0.36 g/g oil) but at 300 bar it dramatically increases to 4.53 g/g oil.

Additionally the CO2 is a better extraction for the terpenes in the cardamom. The beta-pinine, Cineole, linalool, alpha-terpinol and bornelole. The increase in the propane pressure will allow us to increase the yield of the CO2 (Illes, V, et. al. Proceedings of the Fifth Meeting of Supercritical Fluids, Nice, France, Tome 2, 555-560).

This example is the same with the butane and cannabis. Butane is a stronger solvent and if left too long will continue to pull out more and more polar compounds like chlorophyll. With the fine-tuning of CO2, you can eliminate or you can pull out the chlorophyll if you choose the wrong conditions.

So fast extractions are possible with butane but little control of all the material, while CO2 can be tunable and therefore is able to collect all of the same material, just through a segmented process.