

To: Supervisor Chair Pyska, Supervisors Crandell, Sabatier, Simon and Green.

Re: BOS Agenda Item on 9/19/23 Item 6.8 at 10:30 A.M. Draft Ordinance on Cannabis AG-Exempt and Temporary Structures

We have several questions on the proposed draft ordinance, as the CEQA Initial Study is somewhat different than the discussions held in the Cannabis Task Force, Planning Commission and prior Board of Supervisor meetings.

1) Cannabis Processing

Up until now, the focus and discussions of the proposed ordinance included temporary storage and drying due to difficulties getting PG&E electric hookups. It did not include processing, which was considered a Factory Occupancy. All previous documents referred to "drying structures."

The Initial Study repeatedly includes storage, drying AND processing. Section 3.2 Environmental Setting (pgs 10-13) details declining market prices and continued illegal cannabis grows have forced legal cannabis operators to conduct code violations as they can not afford to build their processing facilities. It appears to now allow temporary structures to be used as work facilities.

- Could you please clarify this? If storage and drying only, could the word "processing" be removed from the draft ordinance to avoid confusion.
- If it now includes processing (Factory Occupancy) is this something that the Fire Protection District and County Building Department have come to an agreement on?

2) AG-Exempt Structures

The Draft Ordinance title includes the words "Agriculture-Exempt" but this entire section appears to have been removed. Could you please explain if this is included or not.

3) Allowable Projects

The Initial Study states that only approved projects that have included drying plans will be allowed to use temporary drying structures, and these would be located within the approved cultivation area. But the draft Ordinance, Section Two: 6.25,A1-b states that applicants with approved cannabis cultivation permits are eligible, and does not qualify the location.

- Please clarify which projects are eligible, and where the temporary structures would be located.

4) Temporary Usage

The Initial Study was based around temporary usage of 60 days per year for a max of 3 years; it also referenced a requirement for a temporary building permit accompanied by a demolition permit; once the 60 days had expired the structure(s) would be removed immediately. These include (pgs 15 & 16):

- Containers shall be temporarily allowed for a maximum of 60 days out of the calendar year and the permit shall only be approved no more than three times.
- Once the 60 days has expired the structure(s) shall be removed immediately.

The draft Ordinance puts no limitation on shipping container usage, changing removal to after 3 years, while the section on Storage Tents has no criteria except refers to shipping containers having a max of 60 days for two years.

- As this is different than the criteria used in the CEQA document, and California Code considers temporary to be a max of 180 days per year, please clarify time periods, length of times and whether a demolition permit would be required.

5) Generator Usage

- Based on California requirements, are we correct in assuming that only 50HP and larger generators are allowed?
- There are no time limitations stated for generators. Are they allowed unlimited usage 24 hours per day, 7 days per week for three years?
- A number of currently approved cannabis projects have Conditions of Use that prohibit the use of generators except for emergencies. How would the draft ordinance affect the COUs?

6) Items Omitted from the Initial Study Project Description

Besides the changes to temporary usage timelines, Section 3.3 Project Description on pages 12-16 of the Initial Study details the list of recommendations culminating with the April 18, 2023 Board of Supervisors meeting on Temporary Hoop Structures.

The following recommendations are listed in the Initial Study, but are not included in the draft Ordinance, or have differing criteria. These include:

- Containers should have a 100 foot setback from property lines (rather than 50 feet in the draft ordinance. Pg 14. Should this also include tents?)
- Require conformance to California Public Resources Code Section 4290 and 4291, as pertaining to Agricultural Standards, for temporary drying structures (per RES 2019-124). (Missing, pgs 15 & 16)
- Require the conveyance of the project site plan to the responsible fire district before commencement of project operations. Physically locate the site plans on site in a Knox Box or other area where they may be easily accessed, viewed, and advise the Fire Districts of the on-site Site Plan's location. (Missing, pgs 15 & 16)

6) Additional Questions and Requests:

- Would it be necessary for Surety Bonds?
- From a public perspective we would also appreciate if tent color be limited to neutrals (not white wedding tents as we have seen in the past.)

As there appear to be a number of discrepancies, we are requesting the county relook at the document. Possibly some of the same language could be copied from the Temporary Hoop Structures Ordinance, which had many of the same criteria but is much more thorough in details.

Thank you for the opportunity to make comments,

Holly Harris/Chuck Lamb - Clearlake Oaks residents