

Mireya Turner

From: Andi Stein <andi.pureindigo@gmail.com>
Sent: Wednesday, December 14, 2016 4:35 PM
To: Mireya Turner
Subject: Lake County Cannabis Policy Development update

Dear Board Members,

I have read and reviewed the current draft of the proposed new Ordinance for Lake County and have many concerns. The new proposals appear to disregard those who have invested in Lake County, complied with every regulation, developed and improved the land and took great care to observe all rules, regulation and laws of the county. Now, it seems, it all comes down to a lottery system. This is of great concern.

I believe it is important to give priority consideration to those who invested in property in accordance with Article 72, which was in force at the time, and is currently the law, and have cultivated medical marijuana without a negative effect on the environment, and in most cases, have improved the land and taken great care to ensure there is no negative environmental impact. Agricultural (Ag) property of 20+ acres was purchased with the intent of being good stewards of the land, obeying all laws, being good citizens and being a part of the Upper Lake Community.

In reading the new draft, there was no mention of grandfathering. Without a grandfathering clause, it is overlooking and likely seriously penalizing those who have made the effort to conduct themselves in accordance with the current laws, and have made substantial investment to purchase and develop land in Lake County.

We ask that the lottery proposal be removed from the ordinance, and in its place, add a grandfathering clause, or a revision to the ordinance to allow those who already own property which is within the current guidelines of Article 72, have been a part of a cooperative or collective, have been in compliance and obeyed all laws and regulations, to be issued the initial cultivation licenses.

We understand that this ordinance is for the protection of the county, and we have agreed to abide with all laws, rules and regulations to maintain the integrity of this beautiful area. Our property meets the requirements laid out in the current ordinance, yet we may no longer be able to legally cultivate medical marijuana unless we win a lottery. It is difficult to understand how this would be beneficial to Lake County. an it actually seems it could be detrimental. This will drive a lot of good people away and many will lose everything.

We request the Board do away with the lottery, or at the very least, add a grandfathering clause, and allow those who are already here, in good standing, to be issued the initial cultivation licenses and continue in the respectful, legal and cooperative manner desired in Lake County.

Sincerely,

Dr. Andrea Stein



Date: December 14, 2016
To: Lake County Planning Commission
From: Lake County Cannabis Farmers Foward
Re: **Lake County 2017 (emerging) rules and zoning for Marijuana Cultivation**

We are a group of 5 farmers in Lake County, that collectively own 427 acres, planning to grow \$2.5 million of Cannabis in 2017. We are aiming to become part of the new economic model in Lake County / California. Collectively we expect to employ 21 people and using 10% as a target fee/tax rate, would pay \$250K in local fees and taxes. We are conscientious people wanting to work with the county to establish a responsible industry.

Please note – we are a few farmers that got together in the last ten days to prepare this letter. **It is our belief that the overall impact of cannabis farming in Lake County currently exceeds the value of all other agriculture combined.** To take action that eliminates many of those participants may prove to be a substantial mistake for Lake County. Finally, at an estimated growing tax rate of 10%, the tax revenue may exceed that of all existing retail county tax revenue in coming years.

Our chief concern is about a restrictive map. We feel there is too much emphasis put on a restrictive map. Beyond the map, there will be permit requirements and water district requirements, all of which will serve to insure that the new era farmer is playing by reasonable standards. Furthermore, the community growth boundaries, the limits on garden square footage along with minimum required acres/setbacks all serve to insure minimal impact on neighbors. Further restrictions on the map will only serve to stifle healthy economic development in the county.

Specifically, we feel the county should insure that:

- 1) **Anyone on Ag land has the option to farm marijuana.** This is an AG crop with very low relative water requirements. It is one of the few things that can thrive in Lake County. Let's give it the opportunity.
- 2) **Anyone who purchased AG land under the guidance of Measure N should have their land included on any map that is approved, even if**

that land is an island in the map. To do otherwise, is a direct “take-back” by the county. It will create hardship for those who invested and will open the county up to a group lawsuit. The suggestion of a “grandfather” clause does not resolve this, because AG land purchased under the guidance of Measure N should have the same ENDURING classification as any other approved AG grow land starting in 2017.

3) Including Rural Lands (both RL and RR) outside of Community Growth Boundaries will honor many of the long-time residents of Lake County that have vested themselves in this industry and rely on it. Setbacks, Permitting and Environmental restrictions will insure that these lands are used properly.

Thank you,
Lake County Cannabis Farmers Forward

Name	Acres	Zoned	2017 Plants	2017 Est Crop Value	2017 Est Employment
David Leppert	21	AG	99	\$600K	5
Caroline Vidal	12	RL	25	\$150K	1
John Brosnan	40	AG	99	\$600K	5
Tamara Thorn	117	RL	75	\$500K	6
David Marbain	56	RR	99	\$600K	4
Total for this small sample of farmers	246		427	\$2,450,000	21

Mireya Turner

From: Beverly Rabidoux <bbrabidoux@yahoo.com>
Sent: Wednesday, December 14, 2016 6:26 PM
To: Mireya Turner
Subject: Re: Cannabis Policy Development

I probably can not make meeting tomorrow. But I'll send you this letter by email

Please don't let these pot growers do big commercial grows. It's going to bring a lot of crime to our neighbor hoods. House break ins. Pot robbers. Going to rob the grows. Please Just enforce and have really strict rules. Like not have it less than 400 feet from a neighbors house. And curtail the smell. And not that many plants. 100 plants is a lot and they should be happy with that. And limited to 1 acre. And they have to but 29 acres to have a buffer Have it in side green house. I don't want it at all but it looks like Board of sups going to vote it in anyway They think going to get a lot of tax money. Think again. Not. They will beat it and get out of paying. You see Thank you for reading my input letter for tomorrow's meeting

Beverly Rabidoux
Organic walnut farmer
Cattle rancher
Hay and pears
Farmer who pays her taxes

Sent from my iPhone

On Nov 21, 2016, at 11:22 AM, Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

Sorry, other than the rude comment about being paid off, I don't understand your email.

Cordially,
Mireya G. Turner
Associate Planner
Community Development Department
County of Lake
255 North Forbes Street
Lakeport, CA 95453

707-263-2221
www.co.lake.ca.us

From: Beverly Rabidoux [<mailto:bbrabidoux@yahoo.com>]
Sent: Monday, November 21, 2016 10:06 AM
To: Mireya Turner
Subject: Re: Cannabis Policy Development

My God you just gave them everything. All the prime AV land. Who paid you guys off I want to know

Sent from my iPhone

On Nov 21, 2016, at 8:16 AM, Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

Good morning Beverly,
Attached please find the latest version of the map.

Cordially,
Mireya G. Turner
Associate Planner
Community Development Department
County of Lake
255 North Forbes Street
Lakeport, CA 95453

707-263-2221
www.co.lake.ca.us

From: Beverly Rabidoux [<mailto:bbrabidoux@yahoo.com>]
Sent: Friday, November 18, 2016 9:00 PM
To: Mireya Turner
Subject: Re: Cannabis Policy Development

If you could keep me updated and send me the map plan that you had sent me already. I list it somehow. Thank you

Sent from my iPhone

On Nov 16, 2016, at 9:48 AM, Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

Hi Beverly,
You have been added to the Lake County Cannabis Policy Development interest email list.
Your email has been added to the public record.
Please let me know if I can be of further assistance.

Cordially,
Mireya G. Turner
Associate Planner
Community Development Department
County of Lake
255 North Forbes Street
Lakeport, CA 95453

707-263-2221
www.co.lake.ca.us

<Cannabis outdoor cultivation overlay map 20161117.pdf>

Mireya Turner

From: Barbie Bromberg <barbie.pureindigo@gmail.com>
Sent: Wednesday, December 14, 2016 8:21 PM
To: Mireya Turner
Subject: Cannabis meeting.

I have just read the proposed ordinances for the legal Cannabis grow in Lake County, and as a land owner of 20 AG acres, it is distressing to read that this may come down to a lottery system. I am hopeful the proposed system will be eliminated before a final decision is made, as it gives the appearance of finality when we are just beginning this amazing enterprise. We have abided by all the rules and current regulations as particularly as possible and are concerned that the divisions of properties may exclude us. Our land was purchased according to the rules established at the time of sale and we feel that in good faith, our land should be grandfathered into any changes made by the County.

I have personally attended meetings and feel, across the board, the Cannabis farmers are consciously trying to find the best way to merge congenially with farmers in the community. What I heard, for the most part, its that the Cannabis growers want a safe place to grow and the support of our local government. Our personal intention is to develop and farm our land with assurance that by taking these measures seriously, we will be welcome members of this community.

Up till now, there have been many discussions regarding the way all the permits and fees will be parsed out, and some of these methods will be too onerous for the county to even represent, leaving us in limbo without any footing or direction. I suggest that we have one comprehensive permit with all the requirements stated clearly and functionally to maintain compliance and a reasonable taxation on the grow. If our wings are clipped with "hard-to-comply" multitudinous building permits and land-development guidelines, we will waste both our time and the County's time on compliance issues. Cannabis farms can provide great revenue for Lake County, but if tariffs are too steep and rigid, more money will be put into enforcement and less money will go to social subsidies. We don't want any more criminality here; we want to consciously run a respectable business, so that we can all benefit.

Let's move forward together, so we can all enjoy the benefits of the new Cannabis culture and help our community thrive.

Thank you for allowing me to share my thoughts with you. Hoping for resolution and the ability to move forward.

Mireya Turner

From: Sal Villanueva <sal@budee.org>
Sent: Wednesday, December 14, 2016 9:55 PM
To: Mireya Turner
Cc: Jeanette Villanueva; Lisa Chow
Subject: Re: FW: Lake County Cannabis Policy Development update

Mireya,
Here are a few of my thoughts:

slide 4: agree with "address all personal use and all licenses"

slide 11: support

slide 14: preferred choice "make no distinction between traditional lake county agricultural crops and marijuana"

slide 16 & 17: preferred "outdoor cannabis cultivation area 1"

slide 19: completely agree. Very important.

slide 20: support.

slide 22: support

slide 24: reserved due to "limited areas" not being described(unsure what areas that includes)

slide 26: support

slide 27: completely agree. Very important.

slide 32: support

slide 33: change "outdoor cultivated plants: 8 feet to 10 feet"

slide 34: change "maximum number of mature plants: 50" for both the outdoor cultivation & mixed-light cultivation

slide 35: indoor cultivation up to amount should be greater than 5.

slide 38: we should be able to transport water by a water hauler

performance topic/point system: if score can be lower than 100. maybe 70 or 80 points(easier to do business = more taxes to put in the local economy)

slide 51: permit 1C MC should not be capped at 25 permits annually

overall should not allow permits to have an annual cap. Should really be a level playing field, not lottery.

overall support an "up to amount of 50 mature plants"

all map slides are there more detailed maps available so we can see the actual area?

Great speaking with you today. I will try to make the meeting in the morning but, here are my comments I would like to have on the record.

Please let me know if you need anything further.

--

Thank You,

Sal Villanueva
Manager



Contact: (805)304-4935

Email: Sal@Budee.org

www.Budee.org

On Wed, Dec 14, 2016 at 3:12 PM, Mireya Turner <Mireya.Turner@lakecountycalifornia.gov> wrote:

Cordially,

Mireya G. Turner

Associate Planner

Community Development Department



Mireya G. Turner
Associate Planner
Community Development Department
County of Lake
255 North Forbes Street
Lakeport, CA 95453

December 15, 2016

Dear Ms. Turner:

Please accept the comments below regarding Lake County's first Draft cannabis industry regulations. Since the North Coast Regional Water Quality Control Board adopted its General Order for Cannabis Cultivation (R1-2016-016) in August, 2015, my company has worked as a liaison between cannabis farmers and state and local regulatory authorities in 13 California counties.

We value the opportunity to provide comment regarding the regulation of the cannabis industry in Lake County and commend your efforts to provide a legal pathway for industry participants to emerge from prohibition while safeguarding the quality of life for all Lake County residents.

I offer our services and insight to the draft ordinance authors, the planning department, the Board of Supervisors, concerned stakeholders and community members. We would be happy to share our experiences, challenges and insights into the emerging regulatory environment of the California cannabis industry.

Our comments regarding the first draft of Lake County's cannabis ordinance are below:

1. First objective

The first listed objective is "to create a regulatory climate that encourages the medical cannabis industry to come out of the shadows and become legitimate businesses."

This is an excellent first objective. Was an industry representative from each of the types of businesses you plan to regulate consulted as part of the regulation drafting process? We suggest the draft writers review actual 2016 financial data from existing cannabis businesses in regulating municipalities with similar demographics as a framework upon which an achievable and affordable compliance process with maximize participation can be crafted.

If cost of compliance is too expensive for the *average* farmer, then the system provides little incentive for small farmers to leave the black market or participate in the legal market place. Affordable compliance will reach the maximum number of existing (mostly cottage-scale) farmers, providing them the opportunity to embrace regulatory compliance. Expensive, hard-to-follow regulations will lead to corporatization of the legal market; consolidation and corporatization of the nascent legal market will again drive these existing small business people to retreat to the shadows -- accomplishing the very opposite effect of your stated objective.

2. *A priori* state licensure requirement

Have faith in farmers willing to navigate the regulatory system: allowing some kind of cultivation during a *reasonable-length* vetting process will help these fledgling entrepreneurs with the cost of compliance. This assistance will encourage necessarily well-designed long-term, rather than sloppy short-term, infrastructure development. Farmers that are willing to comply with rigorous local standards will likely be able to obtain permits from state. Because the local-level cannabis regulatory landscape has changed so often, until MCRSA there has been no incentive for these business people to invest in much-needed, long-term, well-designed site development and infrastructure. During this transition period, understand that these long-term investments are expensive: allow the farmers to have an income while tackling compliance to encourage maximum participation.

In addition, if a local cannabis tax is enacted, county revenue can be generated in 2017 rather than 2018 from the products grown on farms seeking local licensure.

3. Lottery vs. merit-based project award process

Why not reward excellence rather than chance? Lake County should select, via a competitive process, excellent project applications that represent the well-thought core values present in this first draft of the ordinance. There is some question in legal circles about the lawfulness of a lottery-based project selection process: I suggest the draft authors research current State of California cannabis case law prior to adopting the lottery as part of the Lake County code.

Thank you for the opportunity to comment upon your draft regulations. We look forward to the evolution of the ordinance and hope there will be additional opportunities to provide relevant feedback during the draft development process.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Crystal Keeseey', written in a cursive, flowing style.

Crystal Keeseey
CEO, Eastside Environmental, Inc.

Mireya Turner**DECEMBER 15, 2016**

From: Cliff Ruzicka <CliffR@ruzicka-engineering.com>
Sent: Wednesday, December 14, 2016 3:24 PM
To: Robert Massarelli
Cc: Anthony Farrington; TinaScott1@aol.com; Jim Steele; Jim Comstock; Jeff Smith; Rob Brown; Simon4District1@gmail.com; Carol Huchingson; Mireya Turner; Brian Martin; Michalyn DelValle
Subject: RE: Proposed Aero Acres Cannabis Business Park, Lakeport, CA. Job File 16-8269
Attachments: 16-8269 General Development Plan-12-14-16.pdf; Vicinity Map-11X17.pdf

Hello Planning Director Massarelli,

Attached please find a Preliminary Development Plan and a Vicinity Map for the proposed Aero Acres Cannabis Business Park. The Preliminary Development Plan shows the existing improvements and a proposed identification of uses at the project site. The Vicinity Map shows the project site bounded by vineyards, Lampson Field, and a vacant field. The closest residence is 600 feet away. Giovanni's new restaurant is 700 feet away.

With the vacant 75,500 square feet Work Right Building (vacant for more than 15 years) and the adjacent vacant property, which was zoned Planned Development Commercial more than 35 years ago, the project site would be greater than 20 acres in size.

We request that you reconsider the Draft Cannabis Ordinance to allow a diverse number of Cannabis business activities at this location including outdoor and indoor growing as I have previously proposed. This is one of the places in the County of Lake where the County can meet the goals and objectives such as:

1. "To create a regulatory climate that encourages the medical cannabis business to come out of the shadows and become legitimate businesses."
2. "Maximize economic opportunities and benefits for the County."

We request that Planned Development Commercial (PDC) properties, that are a minimum size of 20 acres, be allowed to be developed into a Cannabis Hub. The Cannabis Hub would allow outdoor growing, indoor growing, greenhouse growing, processing, manufacturing, testing, marketing and transportation in accordance with the model I had previously submitted.

It is our goal to attract the best people in the cannabis industry to our Business Park as well as local growers. We are having conversations with responsible growers and with the biotech company Meta Logos, Inc. for space to rent.

We would like to thank you for your foresight and diligent work towards preparing Lake County for growth while maintaining the integrity of the friendly feel that we all love and enjoy here.

Clifford Ruzicka
Civil Engineer

Ruzicka Associates
PO Box 1189
2495 Parallel Drive
Lakeport, CA 95453
(707) 263-6155 Fax: (707) 263-0768 Cell: (707) 349-2268
cliffr@ruzicka-engineering.com
www.ruzicka-engineering.com

From: Robert Massarelli [mailto:Robert.Massarelli@lakecountyca.gov]

Sent: Sunday, September 25, 2016 3:35 PM

To: Cliff Ruzicka

Cc: Anthony Farrington; Jim Steele; Jim Comstock; Jeff Smith; Rob Brown; Carol Huchingson; Mireya Turner; Brian Martin; Michalyn DelValle; Tiffany Harz

Subject: RE: PROPOSED CANNABIS BUSINESS PARK Job File 16-8269

Cliff,

Thank you for reaching out to us with this proposal. As you know we are currently working on a new ordinance addressing all aspects of medical cannabis from cultivation to manufacturing to distribution. At this time, we plan to present a draft ordinance to the Planning Commission at a December 15th special meeting. If recommended by the Planning Commission, the draft ordinance, as well as a general plan amendment, a proposed budget, and alternative strategies for implementation will be presented to the Board of Supervisors. That is projected to occur at the January 17th Board meeting. At this time is not possible to give you a definitive answer as to if your proposal would be allowed under the new ordinance.

From the staff's perspective, based on the information we have at this time, we would like to promote well designed business parks where indoor and possibly mixed light cultivation, manufacturing, testing, distribution, transportation, and related business are collocated. Such a park should have convenient access to Highway 20, 29, or 53. Proximity to Lampson Airport is certainly a desirable feature. These would be permitted through a planned development concept.

Your proposal comes close to this concept. The development standards for manufacturing, distribution, testing, transportation facilities are going to be discussed at a November 17th special meeting of the Planning Commission. Outdoor, mixed light, and indoor cultivation will be discussed at the October 13 meeting of the Planning Commission. Your input would be valuable to the Commission.

Robert Massarelli, AICP
Director
Community Development Department
Lake County, CA

Robert.Massarelli@lakecountyca.gov

707.263.2221 (office)

707.349.8004 (mobile)

From: Cliff Ruzicka [mailto:CliffR@ruzicka-engineering.com]

Sent: Tuesday, September 20, 2016 4:37 PM

To: Robert Massarelli

Subject: PROPOSED CANNABIS BUSINESS PARK Job File 16-8269

Hello Supervisor Farrington, Supervisor Steele, Sheriff Marin, and Planning Director Massarelli,

Attached please find a Draft narrative application, and a Draft General and Specific Plan of Development and Use Permit Map to allow cannabis growing and processing at the 20-acres of Aero, Inc. property and the vacant Work Right Building located near the Lampson Airport.

The project would provide outdoor growing, indoor growing, drying, processing, packaging, transportation, dispensary and other cannabis related services that would be transparent, sensitive to the environment, safe, and strictly operated under the present and forthcoming State and Local regulations.

The Developer would rent either an outdoor grow site, greenhouse grow site, indoor grow site or office space for cannabis related services. Each tenant would require the appropriate permits from the County of Lake and the State of California.

Will the new ordinance allow a project like this? If not, how can the ordinance be adjusted to allow the growing and processing of cannabis in an orderly and well-managed manner such as this?

I solicit your support and comments.

I'm sorry that you didn't get this when I sent it out a little earlier. I made a mistake in your email address.

Clifford Ruzicka

Civil Engineer

Ruzicka Associates

PO Box 1189

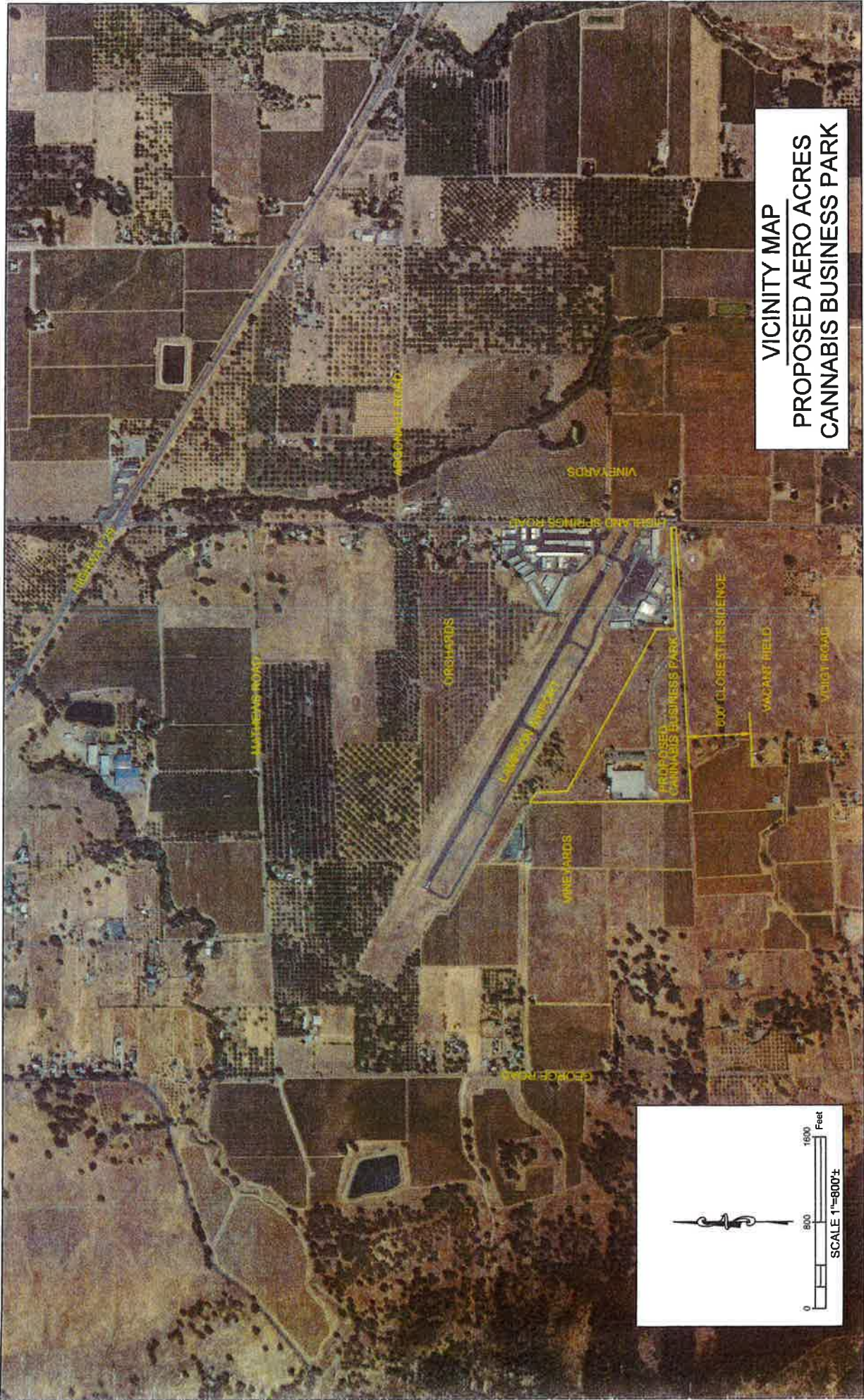
2495 Parallel Drive

Lakeport, CA 95453

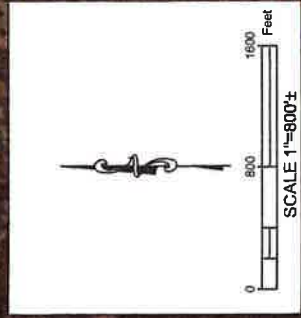
(707) 263-6155 Fax: (707) 263-0768 Cell: (707) 349-2268

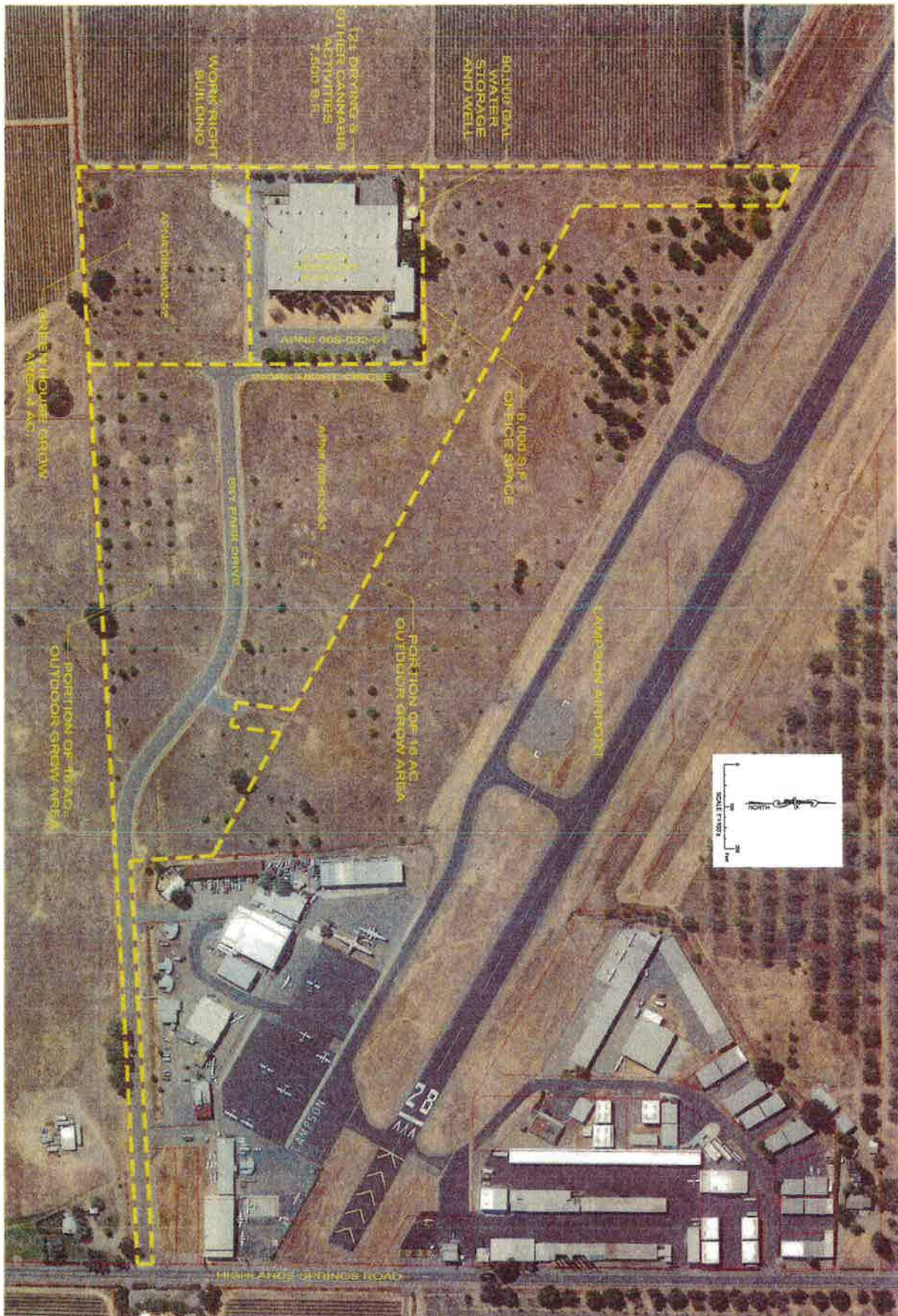
cliffr@ruzicka-engineering.com

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VICINITY MAP
PROPOSED AERO ACRES
CANNABIS BUSINESS PARK





REVISION

SHEET 1 OF 1

DATE 12-14-18

APP NO. 18-0000

PROJECT SITE (1/4)

OWNER AC

PRELIMINARY 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
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PLANNERS
1001 1ST STREET
LAKEPORT, CA 95453
TEL: 707.361.1111
FAX: 707.361.1111

December 15, 2016

Lake County Planning Commission
Lake County Community Development Department
Lake County Courthouse
255 North Forbes St.
Lakeport, CA 95453

Re: Draft Conceptual Cannabis Cultivation Ordinance

Dear Planning Commissioners and Staff,

Thank you for all the time, hard work, and effort that have been put into cannabis cultivation ordinance preparation process.

The proposed draft conceptual Cannabis Cultivation Ordinance released to the public on Friday will, if adopted by the Board of Supervisors, result in a limited and highly regulated cannabis cultivation environment in Lake County. At almost 100 pages in length, proposed draft conceptual Ordinance is extensive and somewhat cumbersome; however, the inclusion of limited cannabis cultivation in Agricultural and Rural Lands areas seems reasonable. And the concept of the Cannabis Hubs seems like it has the potential to enhance the Lake County economy.

The suggested alternative path of permitting all cultivation licenses subject to rational site development standards and entitlement procedures makes sense and seems to be in the public's interest.

The land use approach promoted by County staff during the September through October 2016 workshops - moving cannabis cultivation areas out of the Agricultural Zones, off the valley floors, and pushing cultivation into more remote and isolated hinterlands could result in significantly higher levels of impact. And even though there are numerous Rural Lands parcels that are at a high level of cannabis cultivation readiness, there are also potentially big problems in some of the more isolated rural areas. In many Rural Lands areas there are poor access roads (steep, one lane, muddy, rutted, dirt, very little base rock or gravel cover, minimal signage, isolated, etc.), lack of power to some areas, difficult topography (steep, rocky, upper elevations, hilltop areas, small cultivation areas, need for extensive grading in exposed areas, etc.), lack of water source and supply (potential for surface water diversions will increase, poor ground water sources - quantity and quality), a potential for surface water quality issues, very high fire danger areas, isolation from essential public services and facilities, grading issues. Because of these factors the land identified on the Outdoor Cultivation Area Map 2 are better suited for the Type 3 indoor and green house (mixed-light) cultivation facilities.

The County's existing Agricultural areas are at a much higher level of cultivation site development readiness. These existing Agricultural areas, including the AVA's, have good road and property access, there is sufficient high-voltage power available, there are defined and developed water sources, there isn't a need for extensive (if any) grading, parcel sizes are large and can accommodate multiple agricultural activities and property line setbacks. These existing Agricultural and AVA areas can support greenhouses and mixed light cultivation consistent with existing Agricultural Zoning standards. For these reasons, we strongly disagree with the exclusion of cannabis cultivation in the Agricultural and AVA areas.

The Planning Commission has the authority to recommend new, supportive General Plan Cannabis Cultivation Goals and Policies to the County Board of Supervisors, consistent with California law and the Lake County General Plan.

RECEIVED

DEC 15 2016

LAKE COUNTY
PLANNING COMMISSION

The Planning Commission and the Board of Supervisors have an opportunity to balance the concerns and desires of all its citizens, and an obligation to consider new General Plan language that is consistent with what the majority citizens of the Lake County Community want to see regarding cannabis cultivation.

The attached proposed Lake County General Plan Goals and Policies statement regarding cannabis cultivation are again provided to the Planning Commission for consideration and recommendation to the Board of Supervisors.

There does seem to be a need for additional editing, readability enhancement, and consolidation of the proposed draft conceptual Cannabis Cultivation Ordinance. This would make the proposed ordinance easier to understand and increase user-friendliness.

With that said there are some specific issues that should be addressed and revised:

- Page 21. Water Supply iv) This section indicates that where a well is used there must be two (2) additional monitoring wells of the same depth in one (1) shallow monitoring well for a total of four (4) wells, this seems excessive and extremely costly.
- Page 22. Hazardous Materials. This section proposes limits on fuel storage and propane tank storage in quantities that seem too limited (small) for isolated cultivation sites.
- Page 33. Example comment – p) ii) (2) (a) and (b) Setbacks of 300 feet from property line and 400 feet from off-site residences seems excessive. It is recommended that the setbacks be reduced.
- Page 68. Section 72.8 Procedures a) this section seems to read that there is a requirement for a state license to be issued prior to issuance of a County license. This section should be clarified as State Law requires that County Licenses be issued first.
- Page 71 through 87. The limitations on the number of licenses is a potential problem. It is understood that there is a staff concern about the lack of personnel to process an issue permits. However the cannabis cultivation industry/program will generate significant revenue for the County, in terms of pre-application and application fees and new taxes. Increasing the total number of permits that are to be issued will increase County pre-application and application fee revenues and tax revenues which in turn can be utilized to fund staffing and personnel expenses.
- General comment – there has been no follow-up response to cultivation in flood zones.
- General comment – there has been no follow-up regarding grandfathering of existing uses.
- General comment – there is no definition of a closed-loop water system.

Thank you again for your time and effort in addressing the various comments and issues that had been made over the last two or three months.

Sincerely,

Richard Knoll



Richard Knoll Consulting

1265 South Main Street

Lakeport, California 95453

707-349-0639

Attachment A

Proposed Lake County General Plan Land Use Element Text Amendment

General Plan Land Use Element Background - Cannabis

- In 1996, California's medical marijuana program was established when state voters approved Proposition 215 - the Compassionate Use Act of 1996.
- In 2010, Gov. Arnold Schwarzenegger signed Senate Bill 1449 reducing the charge of possession of up to one ounce of cannabis from a misdemeanor to a violation, similar to a traffic violation.
- In 2010, California Proposition 19, the Regulate, Control and Tax Cannabis Act, the legalization of marijuana, was defeated by voters.
- In 2014 The Lake County Chamber of Commerce Board of Directors, the Lake County Farm Bureau, the Lake County Deputy Sheriff's Association, the Kelseyville Business Association, and other groups and individuals endorsed Lake County Referendum - Measure N. This measure, among many other things, banned outdoor cultivation in community growth boundaries, limited plant on parcels larger than one acre outside of community growth boundaries to six mature or 12 immature plants, prohibited cultivation on vacant parcels, limited indoor cultivation to 100 square feet or less, and required outdoor cultivation to be at least 1,000 feet from schools, parks or other facilities serving children, required setbacks of at least 100' from water bodies.
- In June of 2014, Lake County voters approved Measure N.
- On July 11, 2014, the Lake County Board of Supervisors 2014 adopted Lake County Ordinance. #2997 (AM13-01) Cultivation of Medical Marijuana, implementing Measure N.
- The Medical Cannabis Regulation and Safety Act (MCRSA) were enacted together by the State Legislature on Sept 11, 2015. The bill creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. All licenses must also be approved by local governments. The law went into effect on January 1, 2016; however, the state has said it will need until January 2018 to set up the necessary agencies, information systems, and regulations to begin issuing licenses.
- Local governments, like Lake County, may adopt new ordinances to permit or license local businesses in preparation for state licensing. Facilities currently operating in accordance with state and local laws may continue to do so until their license applications are approved or denied.
- In 2015 Lake County, initiated actions to assess the impact of MCRSA and to develop recommendations for its implementation.
- The Lake County Planning Commission conducted public workshops regarding amendment to the Lake County General Plan and Zoning Ordinance from September 2016 through early 2017 and based on staff recommendations and on substantial public input and recommendations hereby adopts and recommends approval to the Lake County Board of Supervisors the following:

General Plan Land Use Element Goals - Cannabis

The approval of sweeping new cannabis regulations by the California State Legislature and voter approval of Proposition 64 legalizing marijuana creates a new regulatory environment and opportunities for the legal cultivation, processing, and use of marijuana in Lake County.

The following Goals establish the County of Lake approach to cannabis cultivation and use:

1. The County of Lake in accordance with the California State Legislature and the initiatives/referendums passed by Lake County and State of California voters, hereby recognizes and supports the legal cultivation and use of marijuana by users 21 years of age or older.
2. The County of Lake supports and shall facilitate, through the implementation of Zoning Best Management Practices methods, the development and operation of low impact cannabis cultivation sites and facilities that will create public benefit and enhance Lake County's quality-of-life by:
 - a. creating a new business sector
 - b. supporting new business opportunities and operations
 - c. encouraging business entrepreneurship
 - d. increasing wealth
 - e. increasing disposable income
 - f. creating new jobs
 - g. generating new tax revenues to help support County operations
3. The County of Lake recognizes that there are potential impacts associated with the use and cultivation of cannabis and shall implement fair and appropriate land use best management practices, zoning regulations, and cultivation facilities development standards that identify and reduce or minimize the negative effects and nuisance conditions to an acceptable level.

General Plan Land Use Element Policies – Cannabis

1. The County of Lake shall adopt revised Zoning Ordinance provisions and implement reasonable land development best management practices regulations to allow, support, permit, and promote well-designed, small/moderate size, and properly managed cultivation facilities in the Agriculture, Rural Lands, Rural Residential, Commercial, Industrial, and Resource Conservation General Plan Land Use Designation areas, and in the APZ, A, TPZ, RL, RR, SR, PDC, M1, M2, and MP Zoning Districts.
2. The County shall utilize the existing Zoning Ordinance format and amend it by:
 - a. listing personal cannabis cultivation as a permissible use subject to a zoning clearance
 - b. listing small indoor, mixed light, and outdoor cultivation as permissible uses subject to approval of a minor use permit
 - c. listing larger indoor, mixed light, and outdoor cultivation as permissible uses subject to the approval of a major use permit
 - d. incorporating cannabis cultivation best management practices general development regulations, use standards, and site development standards



President

Ted Mandrones
Mendo Mill Home Center
& Lumber Co.

December 14, 2016

Vice President

Jack Buell
Sutter Lakeside Hospital

County of Lake Planning Commission
255 N. Forbes Street
Lakeport, California 95453

Past President

Bill Brunetti
Bruno's Property Mgmt.

Financial Officer

Stephanie Ashworth
Bank of the West

Re: Cannabis Cultivation Proposed Ordinance

Dear Commissioners:

Board of Directors

Robert Boccabella
Business Design Services

Lance Butcher
Lakeport Disposal Company,
Inc.

Joe Casteel
North Bay Merchant Services

Dave Faries
Lake County Record Bee

Bert Hutt
Individual Member

Bob Lipari
The Villa Barone

Beau Moore
BlackRock Golf Course

Gary Riesen
G&G Printing Services

Diana Schmidt
Individual Member

Kurtis Woodard
Jerico Garage Door Solar City

Chief Executive Officer

Melissa Fulton

The County of Lake Community Development Department and the Director, Mr. Robert Massarelli, have much on their plate notwithstanding the ongoing efforts concerning Cannabis Cultivation. I apologize in advance if the following comments do not appear to show appropriate respect for all their efforts on cannabis issues.

Unfortunately, it does not appear with what has been produced that much of their time on this issue is going to benefit our local residents and businesses.

The direction of the State of California and the residents who voted for Proposition 64 have made it very clear that they consider cannabis/marijuana cultivation a priority. The current direction of our CDD staff is to create a convoluted, over reaching document that is not in the best overall interests of the residents of Lake County.

The Lake County Chamber of Commerce has spent hundreds of hours over the past decade on this issue, admittedly less than many other entities however it is clear to us that the proposed ordinance language and direction flies in the face of Article 72 which was approved by the residents. Why is this happening; why is our CDD not taking advantage of the work already done by other jurisdictions on cannabis cultivation; why is Lake County spending so much time reinventing the wheel?

Others are recognizing the economic reality of cannabis cultivation, the resulting ripple of ancillary businesses that bring jobs and tax revenue to their areas. It is not all about money, this new reality must be recognized and taken advantage of, not to the exclusion of our historic agricultural industry, but to the partnerships that are available.

RECEIVED
DEC 15 2016
LAKE COUNTY
PLANNING COMMISSION

Cannabis cultivation is definitely not new to Lake County and many of our residents depend upon it for their food, shelter and everyday expenses. My eyes were opened dramatically about six years ago when I approached the Superintendent of one of our Lake County school districts. The Chamber and others on our committee were sure that the educators of Lake County would support our efforts to reduce the number of dispensaries, etc. The response from the Superintendent was, 'I will definitely not speak out on this issue as I know how many of our student's families support themselves by working in the industry!'

As has been pointed out by others who have spoken on this topic, the current proposed ordinance is going in the direction of increasing more of the black market efforts with cannabis not reducing them. The proposed maps speak clearly on that as the lands identified do not have the infrastructure necessary and the directions/requirements proposed make compliance unaffordable.

The Lake County Chamber urges you to direct staff to review their current direction on this ordinance, simplify it and make it a realistic document that will actually allow Lake County to recognize the reality of where the State and its residents are. The ordinance should be written so that it benefits our residents, our economy and allows our County move forward with a land use document that is enforceable.

Again, we respect the efforts of Mr. Massarelli and his staff however we believe this proposed ordinance could have evolved in a much more simplistic manner and deliver rules and regulations that would bring benefit to our residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Fulton', written in a cursive style.

Melissa Fulton, CEO/CTA

For the Lake County Chamber Board of Directors

CC: Lake County Board of Supervisors
Carol Huchingson, County of Lake CAO

Mireya Turner

From: Robert Massarelli
Sent: Friday, December 16, 2016 8:58 AM
To: Mireya Turner
Subject: FW: cannibus meeting

FYI

Robert Massarelli, AICP
Community Development Director
Lake County Community Development Department

255 N. Forbes St.
Lakeport, Ca 95453

707-263-2221 (Office)
707-349-8004 (Cell)
Robert.Massarelli@lakecountyca.gov

From: frances.wignall@comcast.net [<mailto:frances.wignall@comcast.net>]
Sent: Friday, December 16, 2016 5:43 AM
To: Robert Massarelli <Robert.Massarelli@lakecountyca.gov>
Cc: wignall, joleen <frances.wignall@comcast.net>
Subject: cannibus meeting

Mr. Massarellie,
Thank you, so very much, for all your efforts re: Lake County Cannabis ordinance.
My parents in 1960 and 6 other deer hunters purchased 1300 plus acres in Lake and Sonoma county.
also known as the geysers.
I have a 1/7 vote for this property!
One of the parcels assessment numbers i pay property taxes on is 013-002-340-000; also know as
15565 Bottle Rock Road, Cobb Mnt.
The land has a guarded gate entrance and exit, a helicopter pad, pond, springs etc.
The roads are paved.
It's secure.
I was thinking this may be a great location for the hub campus you were talking about!
I don't think it would be good to be open it up to public traffic for dispensing.
Could you please consider this land in your ordinance grow site if you think this land could be
considered a potential campus.
Sonoma county is also able to access this property from Sonoma county..
Sincerely,

Charleen Wignall DC and Trustee
PS Calpine presently leases some of the acreage but not all of the acreage. And I will send you all
the apn no. as soon as I look them up.

Barbers Country Farm



Hello Mireya,

This is Justin Barber, during the last meeting a lot of people were talking about cannabis not being grown in the ground, and how cannabis farmers don't need good soil. I have always grown in the ground, other farmers are always amazed how good my plants do, but then again, I do lots of things different than most 😊.

By growing in the ground I don't have to use as much water, the plants get natural nutrients from the ground, the down side is gophers, I lost 2 plants to the gophers; but that's farming. This picture was taken on 8/24/16; all of these plants reached 10 feet in height.

This is the first year in this soil and in the area; out in full sun.... on average each plant got about 5 to 7 gallons of water every day during the hottest part of the summer.

Greenhouses, were also talked about.

I will be putting up greenhouses, but not until I see how we have to pay the taxes on them....The way I want to use my greenhouse is to cover in the early spring and to protect the babies from frost. I will roll the plastic off to the side and leave it off all summer long until fall. Then when it looks like it is going to rain I will roll the plastic back over the frame and keep the heavy rain off of the plants. The Plants love a light rain, but not 2 weeks of heavy rain; this is one way that I can make sure that my flowers end up being best quality. I will then uncover them when the rains go away. (Type 1)

The other Greenhouses are used earlier in the year for their first crop. They start their plants in a room and when they are big enough they are planted in the greenhouse. Then they pull black out plastic over the greenhouse so the plants only get 12 hours of light. 12 hours or less is what triggers the plants to start flowering. So every day they cover and uncover their greenhouses.

They plant their summer crop with no cover this is there 2nd crop.

The 1st and 3rd crops are done the same way, covered and uncovered every day so the plants only get 12 hours of light, this is what triggers the plant to start flowering. These greenhouses do not use any electricity; it is all done by hand. (Type 2)

There are the greenhouses that need electrical power; they use lights so they can keep the plants in 18 hours of light to grow. When they want to start there flowers program then can turn off the lights and mechanically cover their greenhouse with black out plastic. These greenhouses have fans, lights on controllers, and a mechanical way to cover the greenhouse with black out plastic. These are beautiful greenhouses and very expensive.(Type 3)

I know you had questions about the greenhouses. I hope this info help.

We know that you and Bob have been going through a lot, trying to make everyone happy and make this all work. We all truly appreciate all of your time and hard work... 😊

Thank you

Justin Barber

707-349-2518

Mireya Turner

From: Bob <bob@thevillabarone.com>
Sent: Friday, December 16, 2016 12:12 PM
To: Mireya Turner
Subject: RE: Cannabis Policy Development update

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mireya,

Thanks for the update and the links, they are very helpful. I am not sure if there is still the opportunity to add comment to the file, but as of my first pass review, this section (highlighted in yellow) is completely over the top and will only act to eliminate virtually every small grower. I have been hoping that the ordinance will be written to encourage those outside the system to join all of us who want to do this legally and organically.

The best way to get the outliers to come into compliance is by their fellow growers telling them it is possible and the ordinances are reasonable. How can we do this with items like IV in the ordinance. There are plenty of ways to encourage conservative water usage, like requiring the use of drip irrigation.

Sincerely,
Bob

d) Water Supply

- i) Have a legal water source on the premises, and have all local, state, and federal permits to utilize the water source.
- ii) Not engage in unlawful or unpermitted surface drawing of water for such cultivation.
- iii) The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited.
- iv) Where a well is used, the well must be located on the premise and at least two (2) monitoring wells of the same depth as the supply well and one shallow monitoring well shall be constructed. These wells shall have continuous water level monitors. The water supply well shall have a meter to measure the amount of water pumped. The monitoring wells shall be constructed and monitoring began at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

-----Original Message-----

From: Mireya Turner [<mailto:Mireya.Turner@lakecountyca.gov>]
Sent: Friday, December 16, 2016 9:36 AM
To: Mireya Turner
Subject: Cannabis Policy Development update

Good morning,

Thank you to all who participated in yesterday's Planning Commission Workshop, either in person or via email. Public input has been robust our department is moving forward with the land use policy and regulatory process development. Our next workshop will be with the Board of Supervisors, again to gather public input, and Board direction. The date of this next workshop has not been finalized; more information will follow soon.

There have been many requests for yesterday's powerpoint slides and the maps which were embedded within it. Attached please find the slides and below is a link to all the maps except for the Commercial zoning. Please let me know if you have any difficulty opening the attachments.

Dec 20th, 2016

Mr. Robert Massarelli, Director
Community Development Department
County of Lake
255 N. Forbes Street, Third Floor, Rm323
Lakeport, CA 95453

Dear Mr. Massarelli,

Thank you for taking time out of your busy schedule to meet with us. We are glad to input feedback into what could be a remarkable and historic time period in the economic and community development of Lake County.

Having reviewed the proposed draft ordinance in details, we have noted some areas that perhaps should be taken a closer look into. Below are a list of those topic areas, and our input for your considerations.

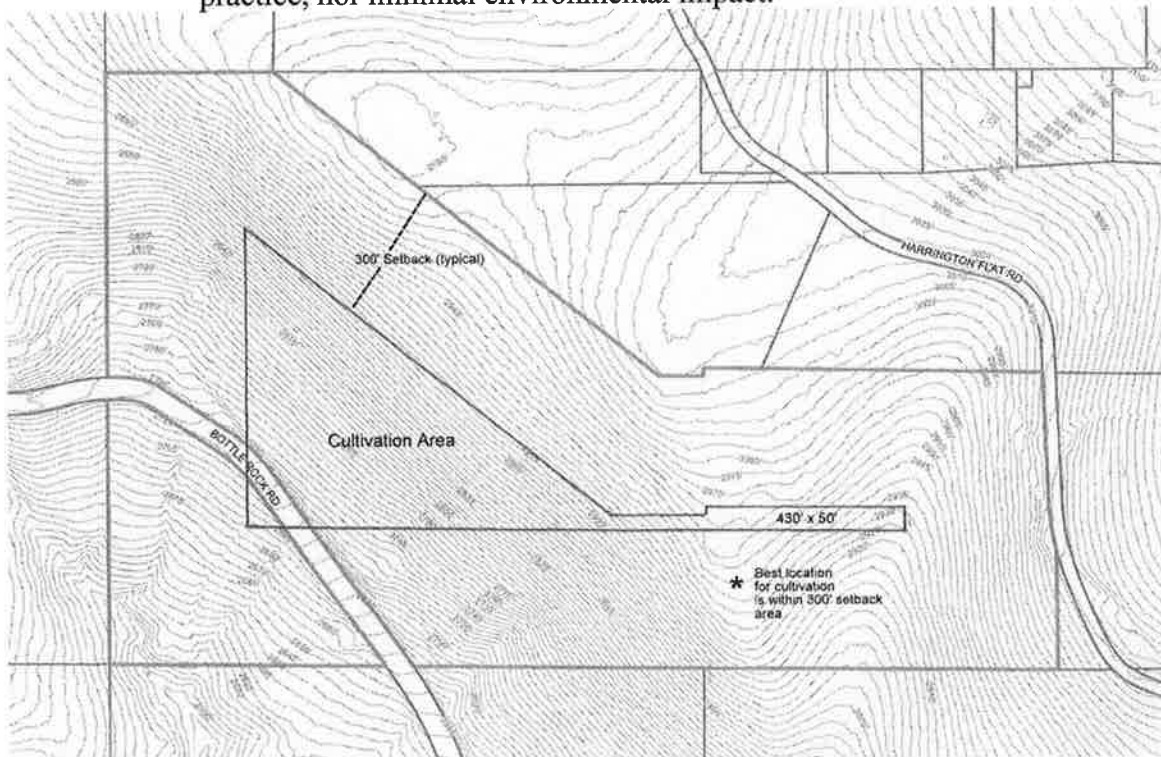
- I. Issues related to setback for licenses types, except for the cottage licenses, proposed at 300 feet from property line, and 400 feet from any off-site residence.

- A. Consideration: Having 300 feet setback from property line, and 400 feet from closest off-site residence does not seem like much, but in reality it may eliminate a significant portion of suitable land for commercial cultivation on many parcels. Currently, proposed ordinance has two site lot size requirements at 20 acres, and 40 acres for various types of commercial cultivation; and respectively, they are equivalent to 871,200 sq ft, and 1,742,400 sq ft. If the lots were squares, the 20 acre lot would be 933*933 ft, and the 40 acre lot would be 1320*1320 ft. Assuming, the entire lot is of land equal in suitability for cultivation, and equal in their environmental impact, the 20 acre would have only the center portion at 333*333 ft which is 13% of the entire lot. Similarly, for a 40 acre lot, you would have 720*720 center portion available to use, which is only 30% of the entire lot. Now if the lot was in more of a rectangular shape, the impact of actual usable land under the set back rule could be much larger. Such as, any lot with one side length of less than 600 ft would be immediately eliminated from participating, or many parcels would be left with a long and narrow strip of usable land.

1. I hope the above exercise have demonstrated the usable land elimination impact of 300 ft setback. But that was assuming the land within lot has equal suitability for cultivation and equal environmental impact. However, in reality, that is seldom the case. When one clause, 300 ft setback, could eliminate 87%-70% of the land in a lot, and assuming it does not eliminate a significant portion parcels out there, it will significantly limit the benefit of the environmental based approach to site planning you have presented. Applicants, once they have realized the eliminations of land due to set back, they will have their cultivation site

determined for them. On the other hand, your existing proposal encourages citizens to plan their cultivation site from a best practice, and minimal environmental impact standpoint. All this would be undermined significantly, if the set backs are strictly enforced.

I will use below map as an example. And we only came to this realization after we applied the set back standards. My guess is that many citizens will have similar opinions as they go through this same exercise. As you can see within this 43 acre lot, the inner footprint is what is allowed under the setback rule. However, most of it sits on extremely steep slopes, or very rocky areas. Turning that area into a cultivation site is neither best practice, nor minimal environmental impact.



B. Consideration 2: is 300 ft from property line, and 400 ft from adjacent residence necessary to minimize odor and nuisance to neighbors? And what has other counties done to address this topic?

1. Ive taken a look into MMRSA, which has not requirements for setbacks from residence on adjacent properties, and property line.
2. The Cannabis farmer compliance handbook from multiple statewide environmental agencies, only requires a 300 ft setback from existing residence on adjacent parcels for parcels under 1 acre, and under 5 acres. There are no set back requirements for parcels over 5 acres. See attachment.
3. Ordinance by Nevada County: indicates 30'-50' set back from property line, and 150-300' from residence on adjacent property to garden perimeter. See attachment.
4. The list can go on, but evidence of general consensus deems a much flexible set back rule would be adequate.

C. Summary and recommendation: Cannabis, like any other agricultural product, should be regulated to ensure prosperous development of economy while protecting our natural resources, minimizing impact on environment, community, and neighbors. Thus far, the point merit system, site standards, development requirements, has all been in the direction to encourage applicants to address cultivation site from a best practice, and minimal impact approach. However, strict enforcement of setback rules would force applicants to approach this from a much different standpoint. A much worse case scenario would be to see many applicants not even bother applying for, which undermines the entire objective of this exercise.

We recommend being more flexible on the set back requirements and reducing it to 50-100 ft from property line, and 100-150 ft from residence on adjacent parcel.

II. Limitation on the number of permits,

A. Clearly, the number of permits set forth by draft is under the number of potential applicants for the county. Limiting the numbers would significantly undermine the objective of bringing current growers “from the dark into the light”

B. This will be an industry race between various counties to see who can develop this industry into a robust, stable, and community-benefiting industry. Whoever reaches that critical mass earlier will enjoy all the benefits for generations to come. Look at Silicon Valley as a good example for an economic cluster structured around an industry. The earlier ones will enjoy the first mover advantage, the auxiliary services, downstream providers, upstream markets, will all come and develop a base within the county, driving up tax revenue and providing jobs. Then the next stage, you will see tourism industry rise up in Lake County. Lake County deserves a much bigger role in the tourism and is currently extremely under valued in this segment. Limiting the numbers of permits, especially in the beginning phases, will only dwarf Lake County’s growth and development in this industry, that could very well play a significant role into the county’s future. A cap could be considered at a later date, as the number of permits gets to a much larger number, but current numbers will hinder industry growth at Lake County.

C. With application fees, permit fees, and renewal fees, the county is missing out on a large portion of tax income if the number of permits are limited at current levels.

D. Distribution hub synergy-The distribution hub is great, but without enough products to supply to dispensaries and manufacturers, the hub will be meaningless. The 5 year renewal plan was specifically designed to promote manufacture growth, but need enough product to support manufacturing.

1. On average a pound of trim produces 6-10% of concentrate and trim is roughly 20% of dried bud. This means you need roughly 500 pounds of dried bud to make only one pound of concentrate. 500 pounds is roughly 10000 square foot of outdoor full season yield.

2. On average dispensaries go through 1-5 pounds of cannabis per day. With 25 potential dispensaries, that is roughly 25-125 pounds per day.
3. Other counties are saturating the distribution of cannabis outside their counties.
 - a) Lake County is located in central northern California, which is the perfect location for a distribution network, but without sufficient supply, the hub will not be able to develop properly.
- E. Lake County revitalization.
 1. Being the poorest county in California, Lake County should have the most lenient ordinance that will welcome cultivators alike.
 2. The hub can potentially be a tourist location, much like how Napa and Sonoma are to wine.
- F. Better growing practices.
 1. With only limited competition, growers are prone to take the easy way to grow. Without a permit cap, growers are forced to improve on their growing practices and environment quality to produce the better product.
- G. Targeted theft.
 1. With a limited permit cap, theft will more commonly occur with the license holders because of the publicity.
- H. Summary and recommendations:
 1. You have said the permit numbers are a placeholder, and the limitations of current county staff and their bandwidth is a driving concern to limit the permits. I agree those are limitations we should consider and address, but should not come at the cost of hindering a new rising industry. Alternatively, we can put together a poll that allows interested and serious applicants put in a form a preliminary letter or application of interest and letting the county know what types of licenses they are interested in applying for. This way the county will get a realistic number, and then a follow up preliminary application with a deposit that will go towards funding more staff or hiring a consultant company to complete the review process. Another alternative is to issue a pending license with a more simplified version of standards with a sunset date for them to complete the formal application and receive final applications by.
- III. Current process of selecting permit numbers through lottery, and then using the points based system to approve applications.
 - A. This issue is deeply interconnected with the above points. However, if it came down to permit number caps, and lottery system determined who can apply, the outcome would not encourage applicants to maximize their points as long as they hit over 100 points. For example: lets say there are 25 permits set for Type 2B, and there are 50 applicants. A lottery draw would happen and 25 applicant numbers would be drawn to determine that they can apply for the permit. Then the 25 selected applicants would simply make sure they have over 100 points, and they would be awarded the permits. There are no incentives to achieve a better

site plan, no incentives to achieve a more environmental approach to cultivation. This outcome counteracts the very core of your proposed point system, which encourages applicants to overachieve and receive permits based on merit, and not luck. Especially, during the dawn of a new industry, the early players within that industry have a monumental responsibility to build the foundation for that industry, and set examples for it. Therefore, it is extremely important and for the future of the county at large, that those early players are determined by merit and not luck.

B. A possible recommendation is awarding permits to the top points recipients. An example, lets say there are 25 permits for type 2B. Then the top 25 highest scoring applicants would receive the permits. This would encourage applicants to deliver the best possible site plan to receive the highest points, since they have no idea how fierce the competition is. In fear of not receiving a permit, they will try their best. A hybrid alternative is to draw more lottery tickets than the permit awards, and award permits to highest scoring applicants. An example would be, lets say there are 25 applicants, draw 40 lottery tickets. This means more people would apply than the number of permits. This would encourage applicants to deliver the best application to receive their permits.

IV. Whether Greenhouse should be considered as mixed light or outdoor.

A. MMRSA breaks down the licenses types by outdoor, indoor, and mixed light. The definition for mixed light is combination of natural light and supplemental artificial lights. The focus for the separation here is based on light source, and not the type of structure. Using the structure, such as greenhouse to separate the license type will lead to confusion for applicants. See attachments.

B. Greenhouse structure needs to be built according to county code, much like a building permit.

1. By going through a building permit process, the greenhouse should not be classified as outdoor.

C. The opening of a roof is optional, and defeats the purpose of having a greenhouse for environment control.

1. Most greenhouses are built to have an enclosed environment for climate control. The roof opening can be replaced with air filtration systems (which is the norm).

D. The State's definition of outdoor is using no artificial sunlight.

1. Greenhouses are built to be used with artificial lighting. Again, the distinction should be whether artificial light is used, and not the type of structure.

2.

E. Recommendations: the distinction for outdoor and mixed light should be made by the light source, whether artificial light is used or not. We should conform to the state licensing distinctions, so our applicants are positioned to receive state licenses. If greenhouse uses supplement lighting while conforming to the dark sky requirements, should be considered as mixed light. If a greenhouse that does not use any artificial supplement lighting, should be considered as outdoors.

Again, we really appreciate you taking the time to hear our opinion. And we sincerely hope it has been helpful to you and your team. Please do not hesitate to reach out if we can be of any future assistance.

Respectfully yours,

A handwritten signature in blue ink, appearing to be 'LJ' or similar, written in a cursive style.

Lawrence Ji and Team.

GENERAL PROVISIONS

A) On Agriculture Exclusive Zoned Parcels of Less than One Acre, only one Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, not to exceed 2,500 square feet. The cultivation area must be set back at least 300 feet from existing residences on adjacent parcels.

B) For Existing Outdoor and Mixed-Light Cultivation Areas: A zoning clearance certificate, special permit or use permit may be issued for some or all of the cultivation area, in existence prior to January 1, 2016, in zoning districts: Rural Residential Agriculture (one acre and larger RA), General Agriculture (AG), Agriculture Exclusive (AE), Flood Plain (FP), and Design Floodway (DF) only when possible to bring the land into compliance with all applicable standards set forth in the ordinance, and to eliminate existing violations.

- ❖ If the parcel is zoned Forestry Recreation (FR), Unclassified (U) or Timber Production Zone (TPZ), a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE) must be submitted with the permit application. For a 3-acre conversion permit, please visit: <http://bit.ly/1Lfc7hX>. Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE.
- ❖ No expansion of the existing cultivation area shall be permitted. No permits will be issued for new cultivation (ground disturbance and/or clearing) in FR, U or TPZ (55.4.8.2.2)
- ❖ The total cultivation area allowed on a single parcel shall not exceed one acre (43,560 sq ft) for outdoor cultivation, or 22,000 square feet for Mixed-Light cultivation.

C) New and Existing Outdoor and Mixed-Light Cultivation Areas on Parcels 1 acre to 5 acres in Size in Zones: Unclassified (where the General Plan designates the area for agricultural development), Flood Plain (FP), Design Floodway (DF), Agriculture General (AG), or Agriculture Exclusive (AE) up to 5,000 square feet may be permitted with a Use Permit. The cultivation area must be set back at least 300 feet from existing residences on adjacent parcels.

D) For New Outdoor and Mixed-Light Cultivation Areas: on parcels 5 acres and larger, a zoning clearance certificate may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016, on parcels with Prime Agriculture soils, in zoning districts RA, U, FP, DF, AG, or AE, on slopes of 15% or less, and with documented current water right or other non-diversionary source of irrigation water (e.g., municipal, public utility, or permitted well). No more than 20% of the area of Prime Agricultural soils on the parcel may be permitted for commercial medical marijuana cultivation.

E) On Parcels 320 acres or Larger in Zoning Districts: RA, FP, DF, AG, AE, or U (where the General Plan designates the area for agricultural development), one additional cultivation area permit up to one acre for each one hundred acre increment, (e.g. 3 for 320 acre parcel, 6 for 600 acre parcel, etc.) up to a maximum of 12 permits, may be issued with a Use Permit. No more than 20% of prime agriculture soils may be used for cannabis cultivation activities.

We stand neutral on the following considerations:

- Locked and secured fences to shield grows from view and to protect children and wildlife.
- No visibility of foliage from public spaces or publicly traveled roads.
- Restrictions that shield and confine light and glare to the interior of a structure. However, we oppose restrictions on use beyond anything that conforms to applicable building and electrical codes such as a wattage restriction.
- Generators that comply with regular noise standards.
- Pesticide and fuel limitations as designated by the department of agriculture and pesticide regulation.
- Requirement of grading permits and other applicable building code permits such as electrical and plumbing.
- Setbacks of 150'-300' depending on acreage of parcel and measure by nearest structure or outdoor living space of an adjacent property to garden perimeter. If measured by property line setbacks should be 30'-50' from neighboring parcels.

We support the following considerations:

- Terracing will no longer be required. This will help mitigate issues around unpermitted grading, and excessive costs.
- Setback from schools will remain at 600'. This is the minimum designation outlined by MMRSA.
- Posting of legal entity for collectives or cooperatives, and the appropriate number of recommendations.
- A notarized approval from a landlord if renting.
- Include the same CEQA exemptions found in Ordinance 2349 and Ordinance 2405.
- Using only the most current bus stop list provided by the schools or bus companies.

We firmly oppose the following considerations:

- We strongly oppose the placeholder ordinance to include any per plant per day fines or penalty provisions. Enacting fines or penalties alongside any ordinance that is written to exclude 75% of the cultivation population perpetuates an eradication mentality and will discourage growers to come into compliance. However, if an ordinance is written to include 75% of cultivators we would be open to discussing terms for fines and penalties within the placeholder ordinance.
- We oppose any changes to the current abatement process. However, if an ordinance is written to include 75% of cultivators we would be open to discussing terms for expediting the abatement process.



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

MCCP
MEDICAL CANNABIS CULTIVATION PROGRAM

Summary of the California Department of Food and Agriculture's Role in Implementing the Medical Cannabis Regulation and Safety Act

License Types

The MCRSA specifies that MCCP develop regulations to license nurseries and indoor, outdoor and mixed-light (light deprivation) grow sites using the following parameters:

	Outdoor (no artificial light)	Indoor (exclusively artificial light)	Mixed-Light* (combo of natural & supplemental artificial light)
Special Cultivator	Type 1 Up to 5,000 sq ft, or up to 50 mature plants on noncontiguous plots	Type 1a Up to 5,000 sq ft	Type 1b Up to 5,000 sq ft
Small Cultivator	Type 2 5,001 - 10,000 sq ft	Type 2a 5,001 - 10,000 sq ft	Type 2b 5,001 - 10,000 sq ft
Medium Cultivator**	Type 3 10,001 sq ft to one acre	Type 3a 10,001 - 22,000 sq ft	Type 3b 10,001 - 22,000 sq ft
Nursery	Type 4 Up to one acre	Type 4 Up to one acre	Type 4 Up to one acre

*MCRSA requires the MCCP to determine the maximum threshold for supplemental artificial lighting. CDFA has not yet established criteria for the limit.

**MCRSA requires the MCCP to limit the number of "medium" sized cultivation licenses. CDFA has not yet established criteria for the limit.

9