

September 18, 2017

Board of Supervisors
255 North Forbes Street
Lakeport, CA 95453

Commissioner Simon
Commissioner Smith
Commissioner Steele
Commissioner Scott
Commissioner Brown

Via Email: Mireya.Turner@LakeCountyCa.gov
Moke.Simon@LakeCountyCa.gov
Jeff.Smith@LakeCountyCa.gov
Jim.Steele@LakeCountyCa.gov
Tina.Scott@LakeCountyCa.gov
Rob.Brown@LakeCountyCa.gov

Re: September 19, 2017 Item 8.8. Consideration of Proposed Ordinance Amending Article 72 of the Lake County Code to Allow the Outdoor Collective Cultivation of Medical Cannabis in "RL" Rural Lands and to Create a Certification of Compliance Process for Cannabis Cultivation

Honorable Supervisors,

Our office represents Lake County Private Reserve, LLC, and the owner of the Howard Hot Springs Property. On behalf of our clients, and with the support of several other local industry operators, please accept the following comments to the County's draft Cannabis Ordinance.

We applaud the County's work to include cultivators from the RL zones in this ordinance. As you are aware, your draft Ordinance regulating commercial cannabis operations offers farmers who are in compliance with Article 72 to request and receive a non-conforming use permit, which may be used to apply for State licensure. Article 72 participants may also receive a Certificate of Recognition of Compliance and Good Standing to support their applications with the State, and to support priority processing for Operators in Good Standing as of January 1, 2016.

To further the County's intent of supporting its local operators, we urge the inclusion of hundreds of family farmers from the RL zone in the language of Article 72.

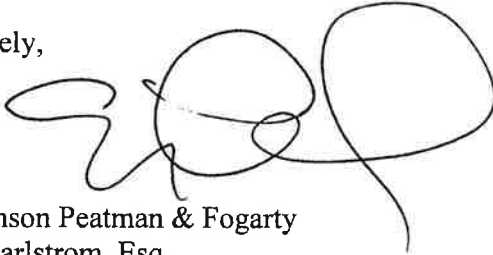
Additionally, we offer the following recommendations:

“Collective”: Throughout the document, reference is made to “collective” operations. “Collective” may be shorthand for “group,” but more likely it refers to the historical structure of cannabis operators as non-profit “collectives” or “cooperatives.” The County should resolve this ambiguity. *We suggest removing references to “collective” and “cooperative” operations and clarifying the ability for operators to work on a for-profit basis, regardless of entity form.*

Residency: The definition of “members” requires residency in Lake County. Given the nature of the cannabis economy and the needs of the community, this is unreasonably restrictive. Many communities surrounding Lake County lack regulations or have banned commercial cannabis activity, leaving patients without access. We recommend removing *the reference to Lake County residents.*

Thank you for your service to our community, and your consideration of these changes.

Sincerely,



Dickenson Peatman & Fogarty
Erin Carlstrom, Esq.

September 19, 2017

From: Ron Green

To: Lake County Board of Supervisors

Re: Proposed Amendments to Article 72

I previously submitted written comment dated July 30, 2017. Some of the technical errors I pointed out are still in the new version, and some of my concerns that I thought the Board seemed to agree with have not been addressed. In this supplemental memorandum, I will refer back to my July 30, 2017 written comment, which was numbered 1 through 10.

- A. Comment 2 of my July 30, 2017 memo is still an issue. This has not been corrected, and appears problematic. A strict reading of this amendment of Section 72.5(l) would lead to a conclusion that the second sentence and the four standards that follow have been deleted.
- B. The technical error pointed out in Comment 3 of my July 30, 2017 memo has not been corrected. The proposed amendments purport to amend Section 72.5(k). But the intent was apparently not to amend existing 72.5(k) but to add a **new Section 72.5(m)**. That should be corrected and the introductory language should read that “the following sections . . . are each hereby amended **or added**”
- C. Concerning Comment 4 from my July 30, 2017 memo, “may” should be clarified by adding a sentence that says: “This self-certification process is voluntary, not mandatory.” Without this sentence, people may read this as mandatory, though your intent is to make it permissive or voluntary. Make your intent clear.
- D. I may be mistaken, but I thought the Board directed staff to eliminate those growing 1 to 6 plants for personal use. That language remains in the ordinance. My impression was that the Board was dealing with commercial cultivation, not cultivation for personal use. **I strongly recommend that you eliminate the language about patients who grow up to 6 mature plants.**

Carolyn Purdy

Subject: FW: 1000' setback

From: Barry Fullman [<mailto:gropros2@gmail.com>]
Sent: Monday, September 18, 2017 3:02 PM
To: Mireya Turner
Subject: Re: 1000' setback

Mireya, Then it shouldn't be hard to circumvent it... A simple request to the board to allow buffer reduction for expansion of viable growing land. And reduce the use of AG Soils. I remember one of the Board members thought the 1000 foot barrier was excessive. As long as we can maintain 500', we should be fine.

The BOS has the power to make the change. They are the final say after all. But we need to make the request. That's our job. I've laid out a request in my last email. I am in meetings tomorrow. Can you please make the request in lieu of my absence.

Thank you in advance,

Regards,
Barry Fullman
Managing Partner
Gro-Pros, LLC

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On Sep 18, 2017 2:50 PM, "Mireya Turner" <Mireya.Turner@lakecountycal.gov> wrote:

Hi Barry,

The buffer around water districts was implemented to avoid the areas of higher density residential parcels. Special Districts did not request it, nor did Water Resources.

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

Carolyn Purdy

Subject: FW: 1000 ft exclusion special districts

From: gropros2 [mailto:gropros2@gmail.com]

Sent: Monday, September 18, 2017 2:40 PM

To: Mireya Turner

Subject: 1000 ft exclusion special districts

Mireya,

I've talked to special districts about the 1000 foot water buffer for the exclusionary map. Jill Stalls (not sure if that's the correct spelling), Will Evans, have informed me that they have no recollection of that request per their office.

I, on behalf of myself and with the support of the hundreds of possible growers are requesting that this part of the exclusionary map be removed or changed as per following request.

I suggest that just as we are allowing self certification on many fronts, we can include this on the long list of the certification. Not using water from special district sources, i.e., city or county metered water. As you are aware, at the BOS meetings, We have discussed at great lengths about self metering wells. Tanked and bagged water for irrigation. I would also like to include that in the self certification for being green (point system). Self sufficient growing is an important step moving forward. Being off the grid, etc..

I have a tentative plan in place with Lawrence from Innotech to have a completely off the grid Greenhouse, tanked water, solar, etc.. to show others how effective and efficient this can be.

Please consider this before the final presentation to the BOS tomorrow and Thursday.

Again, on behalf of myself, Michael Aiken and the many growers we're consulting with. Thank you for considering this in your amendment for article 72 and future commercial growing on Rural Lands, RL.

Regards,
Barry Fullman
Managing Partner

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