1.) Ordinance should recognize that the Lake Shastina Property Owners Association has rules regarding the height and types of materials that can be used for fencing that are in conflict with the fencing requirements of the draft cultivation ordinance. As a result, the cultivation ordinance would make it impossible for Lake Shastina residents to cultivate cannabis outdoors unless they do so in violation of their CC&Rs.

2.) Because California has existing laws governing the cultivation of medical cannabis, the creation of a local ordinance is unnecessary.

3.) Patients need to be able to grow for themselves because it is too expensive to purchase cannabis at a dispensary.

4.) Commenter expressed concern that the Sheriff’s PowerPoint presentation on the draft cultivation ordinance, which he found to be offensive, is still available on the County’s website.

5.) A number of comments on specific sections of the draft ordinance were provided that were subsequently submitted in writing. (See public comment “2014_0928 Wetter” to see these comments.)

6.) Higher density residential neighborhoods like those in Lake Shastina have greater potential for criminal activity associated with outdoor cultivation, such as trespass and theft, that could be avoided if cultivation were to occur indoors.

7.) Lake Shastina has a number of childcare facilities, which may make it difficult for the County to determine where they are in relation to grow sites so that it can enforce the 1,000-foot separation requirement.

8.) The question was asked whether the medical marijuana cultivation ordinance would be the only ordinance that gives the Sheriff authority to enforce land use regulations.

9.) The question was raised about how bus stops are defined because in Lake Shastina the school bus stops wherever kids are present.

10.) The question was raised about how youth-orientation facilities are defined.

11.) The question was raised about how it can be that collective or group grows are being defined as nuisances without the ordinance establishing what it is about these types of grows that are causing problems.

12.) Rather than establishing a maximum cultivation area of 100 square feet, the County should use the six mature and 12 immature plant limit established by the state.
13.) Ordinance would not allow outdoor grows in Lake Shastina because of Property Owners Association has restrictions on solid fencing.

14.) Commenter supports the proposed residency requirement.

15.) Different varieties of cannabis come in different sizes while individual plants can also be trained to grow differently. As a result, the square footage and/or plant number limitations may need to be tailored to address different growth types.

16.) The question was raised about where the resources will come from to cover the cost of enforcing the ordinance. County should prepare a fiscal analysis of staff time to enforce the ordinance because the County is already in a fiscal nightmare.

17.) The 1,000-foot separation distance from schools, youth-oriented facilities, etc. isn’t reasonable when one considers that hazardous materials and child sexual predators have less restrictive and/or no separation requirements from schools. If one of the goals of the ordinance is to ensure that patients have access to medicine, then it should be more compassionate.

18.) Any size limitations that the ordinance establishes for a cultivation area should be aligned with actual bedroom sizes because spare bedrooms are often used to cultivate indoors and are typically larger than 100 square feet.

19.) If growers who rent are required to obtain a notarized letter from the property owner as proof of consent and then provide said letter to the County as part of the permit process, there is concern that this could result in federal asset seizures. This will likely result in renters not being able to cultivate cannabis.

20.) The presence of a severability clause in the draft ordinance seems to imply that the ordinance may not be completely legal.

21.) The ordinance should go into effect 90 days following date of adoption rather than 30 days following date of adoption so that growers have greater opportunity to bring their grows into compliance.

22.) Because the draft ordinance states that there is no duty to enforce, it opens it up to the Sheriff to determine what will be enforced and who will be affected. This is too arbitrary and can be abused.

23.) On page 9 of the draft ordinance it discusses the abatement of cultivation-related nuisances. The question was raised regarding how the County would gain access to properties to issue notices to abate.

24.) On page 6 of the draft ordinance, the cultivation of more than 100 square feet of cannabis is declared a nuisance. However, simply because something is
declared a nuisance does not make it a nuisance. Cultivation limits should be based upon actual impacts.

25.) If cultivation is limited to indoors, the ordinance should not require setbacks other than what structures are required to have, nor should the separation distances from churches, schools, etc. be necessary since there would be no indication to persons outside the structure that cultivation is occurring within.

26.) Section 3-21.90, Liability of Costs, seems to imply that violators could be required to cover County costs that were incurred prior to adoption of the ordinance.

27.) The definitions of “church,” “school,” “youth-oriented facility,” etc. are vague and this vagueness creates problems because the 1,000-foot separation requirement from these land uses is so prohibitive. For instance, what qualifies as an evacuation site and how does home schooling fit into the ordinance?

28.) The County needs to separately provide for collective grows and large indoor commercial grows.

29.) Ordinance should allow for up to 80 plants to be cultivated on 20 acres.

30.) Collective grows should be allowed on larger parcels.

31.) The question was raised about how the County would determine the presence of an indoor grow in order to enforce the ordinance. Would the County review power bills, conduct flyovers, etc.?

32.) By adopting some of the proposed regulations, it will adversely impact the ability of collectives to obtain the quantity of medicine required to meet their members’ needs.

33.) Fences won’t keep thieves out.

34.) The County’s draft ordinance is considered an unfounded attack on law abiding citizens and the commenter supports the cultivation ordinance developed by Siskiyou Alternative Medicine.

35.) The information being required of applicants to obtain a permit to cultivate is excessive. The California Attorney General already has provided recommendations.

36.) The question was raised about how school evacuation sites become established because it seems very fluid depending upon circumstances (e.g., the Boles Fire required the schools to quickly adapt).
37.) Section 3-21.045 of the draft ordinance requires the County to encourage new uses for which a separation distance is required to consider their proximity to existing grows, which does nothing to resolve potential conflicts.

38.) If agriculture is allowed within the same zoning district as cannabis cultivation, the regulations for cannabis cultivation should not be any more restrictive than they are for other agricultural uses.

39.) The County should make the draft ordinance more easily available to the public for review by publishing notices and advertising it better.

40.) The concern was expressed that the fencing requirement could in fact create an attractive nuisance by signaling that cannabis cultivation may be occurring behind the fence.

41.) The concern was expressed that indoor grows can create hazards due faulty electrical connections and increased humidity levels within the home.

42.) The whole ordinance needs to be more reasonable.

43.) Because the proposed code enforcement process does not require the complainant to identify themselves, there is the potential for this to be abused.

44.) A letter was read that opposes both the County’s draft ordinance and Siskiyou Alternative Medicine’s proposed ordinance and supports the creation of a growers guild that would establish the framework for growing cannabis in the County. (See public comment “2014_0922_Siskiyou Activists Alliance for Cannabis.”)

45.) The concern was expressed with regard to warrantless searches, award of nuisance abatement contracts to friends, and the use of armed, private military corporations to abate grows.

46.) A person should be required to live within 1,500 feet of the “nuisance” to file a complaint to ensure that complaint process isn’t abused.

47.) The provision in the ordinance that allows private contractors to abate nuisances should be removed.

48.) The question was raised about whether HIPPA would be violated by the County’s review of doctors’ recommendations as part of its proposed permitting process.

49.) The section about the purpose and intent of the ordinance should be stricken and replaced with state law requirements.

50.) The ordinance should require that electrical connections for indoor grows are checked by the County.
51.) The ordinance should establish a 30-plant limit per property.

52.) Grows over a certain size should be required to develop deeper/larger agricultural wells so that they don’t impact adjacent residential wells.

53.) The question was raised whether 12 mature and 12 immature plants would be okay, with the commenter indicating that the Sheriff said it would be okay at the Dorris workshop.

54.) The question was raised about how persons can find out about complaints filed against them.

55.) The commenter does not want grows being located next to children and expressed concern about individuals driving under the influence.

56.) Cultivation should be kept out of public view.

57.) There are growers who are tearing up roads, improperly applying fertilizers, and stealing water. The hauling of water should not be allowed.

58.) Non-residents are moving their grow operations to Siskiyou County specifically because neighboring counties have adopted cultivation ordinances and Siskiyou County has not yet done so.

59.) Support was provided for development of an ordinance in order to help growers understand what is allowed and to protect them.

60.) The question was raised about what state law currently says about smoking medical marijuana in proximity to schools. There is a provision that addresses this in the Health and Safety Code.

61.) Grow sites need to be away from neighborhoods and children. Pot has taken over and is everywhere.

62.) There needs to be parental responsibility. The draft ordinance places the burden of responsibility on the grower whereas people stealing, trespassing, and doing other illegal things are the problem. Burden of trespass and theft should be on the trespasser/thief, not the person cultivating legal medicine.

63.) A side-by-side comparison of the ordinance with state law is advised to ensure the County is within its rights provided by law.