

Comments on Cannabis DEIR 10/30/17

SUMMARY

This DEIR is an instrument of poor government. Our County government has sold out to the cannabis industry. This DEIR is an attempt to document that we agree to their sellout. It short-cuts the process that should include a general-plan review. This DEIR is intended to justify changing the land-use and zoning for areas, particularly in the mountains, to accommodate cannabis growers. This County has historically been exceedingly sensitive to environmental damage caused by development. Suddenly this same County wants to allow growing of Cannabis in areas at high risk of wild-fire. One wild-fire could consume many members of the protected species (to say nothing of the residents) and our redwoods in areas which the County has been militant in protecting. Cannabis grows have been proved time and again, to be the source of wildfires including last year's Loma fire. Santa Cruz mountains are particularly vulnerable. The County has historically ignored the many growers operating illegally here. Enforcement has required individuals to snitch on their neighbors through the Planning Department, which has been ineffective. The steps outlined for licensing for a grower in this DEIR are difficult and expensive to achieve, though far too lenient for the mountains. The likely result will be that illegal grows will continue, and (which has and is already happened) more growers will flood into our County. Past enforcement history indicates that the County will do nothing. So, what might be the DEIR motivation? County government will have a document with which to protect itself (at the expense of the residents who live here).

- The County must reconsider the current DEIR and at least remove the mountain areas from the changes in zoning and/or land-use, allowing legal cannabis growing only on those properties that currently allow Agriculture.
- Proactive and continuous enforcement by the Sheriff, Cal Fire, and Fish and Wildlife must replace enforcement through the Planning Department Snitching program. Further, all cannabis-tax-related revenues must be explicitly directed to these agencies until all cannabis operations are legal and all illegal operations have been terminated.

COMMENTS: General

Fundamentally this DEIR is a document to support a new land-use plan [2.3.8] which has been hastily produced with much more input from cannabis growers than from the public. The County has not enforced laws prohibiting cannabis cultivation over the many years that cannabis has been grown here illegally. The Program Impact Analysis [Section 3.1.1] states:

"The Program could result in inconsistencies between plans and policies and adversely affect existing communities."

We live in one of those communities which would be adversely affected. County regulations and program mitigations could address potential inconsistencies, however traditional non-enforcement of even licensed cannabis activities introduce significant risk to our community. Based on the County's historical lack of enforcement, even with significant improvement of the mitigation requirements in the DEIR to protect us, we have no confidence that the County would enforce them. This makes the whole plan unacceptable.

Concerns for us in the mountains include: wild-fires; pollution of adjacent properties and streams, excessive water use, reckless driving, driving under the influence of drugs (including cannabis and alcohol). There has been significant increase in traffic and reckless/drug-influenced-driving by many growers appearing in our community since State legalization was approved. County Planning approved our living here (with the current zoning and land-use designations) and County government

must take full legal responsibility in approving new land-use designations which are clearly intended to accommodate cannabis growing.

Growers tell me that this area is ideal for growing cannabis, not only because it is remote and “at the end of the road” (which should not be an issue for licensed growers), but also because the microclimate is ideal. Residents, chose to live here because it is ideal for living a quiet life close to nature, and that’s what current land-use and zoning designations allow.

Our most significant concern is wild-fires. Cannabis grows have been proved time and again, to be the source of wildfires including last year’s Loma fire. Santa Cruz mountains are particularly vulnerable. Our property and those of 54 neighboring parcels depend on a single, dead-end, private road for access and egress—we have no second “escape route”. County Planning approved our living here (with the current zoning and land-use designations) and County government must take full legal responsibility in approving new land-use designations which are clearly intended to accommodate cannabis growers.

The loss of life, devastation of property and homes in the recent Sonoma and Napa fires should be a stark warning to Santa Cruz County. If such an event happens here, particularly in the mountains, a class-action suit could be mounted by mountain-dwellers against Santa Cruz County for fire losses and would likely be joined by both residents and growers.

There have been a wide variety of responses of other county governments to pending legalization of cannabis growing and distribution. Some have prohibited growing and distribution entirely. Our Supervisors have exhibited excessive permissiveness and encouragement of cannabis growing both in the allowable size and in location. State legalization of cannabis does not require this County to invite or facilitate growing or distribution, or change land-use policy specifically for this purpose.

Cannabis growing should best be done in warehouses/greenhouses and/or on farm land which is designated agricultural. Such structures already exist, or can be built in locations where access by fire equipment is rapid and fire can be contained. Instead of changing land-use policy in the mountains, legal cannabis growing could be allowed only on those parcels which are currently designated for agriculture land-use.

The “hoops” (designated in the DEIR) through which a cannabis grower must jump to be legal are onerous, though we support those listed as well as all the changes included in this document. Our concern is that there will be continued illegal operations and this area will simply be “illegal business as usual”, and that the County will do NOTHING.

The current Cannabis enforcement policies and process must be changed. They have clearly not been effective. Replace the Planning Department Snitching program with direct proactive enforcement by the Sheriff’s Department, Cal Fire, Cal Agriculture, Cal Fish and Wildlife and Licensing Officials. These organizations would be responsible for identifying and closing illegal grows, initiating raids, and enforcing the law, independent of the Planning Department. To fund this enforcement, the County must commit to reserve all cannabis licensing and tax revenues for enforcement and monitoring until all cannabis operations are legal and in compliance with County and State requirements. The penalties for growing cannabis illegally must be increased substantially including the possibility of loss of ownership of the parcel involved.

The language in *7.132.150 Enforcement* is confusing and must be explained with language showing County commitment to demand exclusively legal growers. It has been suggested by County officials that licensing officers will conduct unannounced inspections of cannabis growing facilities as they discover them, either through routine inspections of licensed facilities or based on other surveillance,

such as aircraft. This needs to be made clear in the document so that potential growers and the public clearly understands.

COMMENTS specific to the DEIR

Mitigations listed in the DEIR are weak and incomplete. Additional mitigations must be added to protect the public and to reduce wild-fire risks. As written, this DEIR is accommodating activities which are, in many communities, unwelcome, at community expense. What/who is the County protecting? the residents, the cannabis industry, a perceived revenue source, or is this simply a County CYA document?

- This document, as written, is changing the rights of those who have lived here legally because of its beauty and remoteness, in favor of recreational drugging. This is short-sighted and contradictory to the County's long history of environmentalism.
- Damage to the health and welfare of existing residents near cannabis growing areas needs to be addressed with rules and diligence at least as strongly as any other agricultural crop.
- Cannabis growers must be subject to the same Santa Cruz planning department rules for all their buildings and operations, such as plan checks, grading, inspections, and code requirements that are required of a person building a new home or placing a large new structure on their property. This needs to include projected water and energy use as well as sources. These projected levels must then be regularly checked against measured water and energy use by inspectors and reported in public documents.
- Potential increased cost of fire insurance for residents in wild-fire-prone areas near cannabis grows needs to be addressed. Our road association has already been denied insurance by some carriers because our area is known for cannabis production.

We exhort Santa Cruz County to allow cannabis growing only in currently designated agricultural areas and particularly to exclude all mountain areas from changes in zoning and/or land-use in this DEIR. Use transparent, public processes to review the General Plan zoning and land-use. What's the rush?

The following information is provided, in the event the County does not choose to exclude all mountain areas from changes in zoning and land-use. The following modifications to mitigations described in the DEIR would reduce the negative impact.

AT4.1a Require all processing and manufacturing which could result in causing a fire (such as flammable chemical use) be done in areas where fire equipment can respond rapidly and fire can be contained. This must preclude rural properties and mountain areas where fire equipment cannot respond rapidly, and fires cannot be easily contained.

AV1.3a Santa Cruz County has a history of failing to enforce laws regarding cannabis. To expedite enforcement and demonstrate commitment: all cannabis taxes collected must be reserved and used for enforcement until all cannabis growers are licensed and comply with all regulations.

Benefits to the County include increased tax collection, maximizing safety, and reducing risks associated with cannabis cultivation and processing as rapidly as possible.

AT1.3b Inspections/reports must occur at least annually for all growers/processors. If the County becomes aware of illegal grows/processing/sales, the County must close them immediately. Listing them in a monitoring report is insufficient.

All documents associated with inspections/monitoring and enforcement must be on file for public review.

Once illegal growers are eliminated, then sufficient cannabis tax revenues must be earmarked first for annual (and interim) inspections/reports and for continued enforcement.

AQ1.1-5 Odor, carcinogenic materials and airborne particulate risks must be evaluated by the County health- and California Agricultural-departments and certified as safe for human respiration on properties near cultivation. This includes all pesticides, fungicides, fertilizers and other tools used to grow cannabis. Any County- or State-restrictions on farmers that are more stringent than those specified in this DEIR must replace those in this DEIR.

Air flow in the mountains can be very restricted, particularly during temperature inversions, which occur frequently. Air circulation needs to be locally monitored, particularly during the summer and fall. Orders similar to “no-burn” days must be required and enforced to limit grower-activities dangerous to human health/respiration during these periods.

AQ 2.1 Traffic impacts including pollution and congestion can and should be reduced considerably as follows:

- Require automated/mechanized harvesting, trimming, and whatever other functions are or become mechanized.
- Separate functions necessary for processing/manufacturing cannabis-products. Encourage specialty businesses that can be used by all legal growers in commercial areas, for example: along public transportation routes such as Soquel and Capitola Road or Highway 9. Locate all dangerous/hazardous functions (and associated materials) in these specialty facilities and require that they be near fire stations so that potential fires can be contained.
- Staggering work periods to avoid the major traffic rush hours (school and commute) will reduce traffic density.
- In cases where workers must regularly travel to/from a growing site, require use of private buses or vans. The residence on the property should house staff and bunk houses should be provided for workers, thereby reducing trips.

BIO 1.1 Add *humans* living on adjacent properties to the special-status/end wildlife evaluation.

The requirements for cannabis growers should be no less restrictive than that for a homeowner building a new house and developing their property regarding protected or endangered species. If the homeowner couldn't build there, then the cannabis grower should not be allowed to grow there.

BIO1.1g Identify all products to be used for fertilizer, rodenticides, fungicides, sprays of any type for any purpose which may be used during cultivation so that each can be determined by the County Health Department and the California Agricultural Department to be safe and not to have detrimental health effects on the health of residents on nearby properties. (Also see AQ 1.1-5)

BIO 1.1h All wells, streams, and other sources of water (including that which is trucked in) must be measured. Wells, streams, and trucks must be fitted with appropriate flow measurement devices, and quantities fully documented, and reported by County licensing officers. These reports must be made public. Water agencies must approve all water plans, measuring methods, and monitoring in each District. Ground-water use limitations should be the same for cannabis growing as for homeowners.

LU-1.1-5.6 The same rules should be applied here as if the owner were building a new house on a rural property. The same (or most restrictive) permits, planning, and inspections should be required in addition to those required for growing.

Water-use plans must be submitted and approved which include predicted water use. Annual Inspections would then compare these predictions with the actual water use (See BIO 1.1h) in publicly accessible reports.

The most frequent cause of fire in cannabis cultivation and processing is poor wiring. It is essential that any wiring be code compliant and performed by professional electricians (see also AT 1.4a)

Renewable energy sources are “nice” but the real issue with regard to fire is Diesel-, gasoline-, or propane-fueled generators and fuel storage. All cannabis cultivation requiring electrical power must use commercial power generated by PG&E or other commercial power production entities and have Planning Department-inspected, professionally installed, code compliant- electrical panels, -wiring, and -lighting etc. If solar panels are used, wiring must be professionally installed and be inspected to see that it is code compliant. Diesel-, gasoline-, or propane-powered generators must be strictly prohibited to supply power for growing cannabis.

TRA-2.1 The County Licensing Officer must annually require proof that the owner(s) of parcel(s) upon which cannabis is cultivated or processed have paid their road dues to any private road associations responsible for road(s) serving their parcel(s).