

## Notes on Cannabis and the EIR for Cannabis in Santa Cruz County

Key: Yellow - my comments

October 2017

White - from County Documents

### FROM THE PROPOSED ORDINANCE:

WHEREAS, after the enactment of Chapter 7.126, County staff identified a sharp rise in illegal cannabis cultivation sites that constitute a public nuisance by degrading the environment, improperly diverting natural resources, creating fire danger, and negatively impacting the quality of life for residents of Santa Cruz County; (from the new proposed ordinance in the appendices)

I say this is exactly why we do not want this activity in our valley. In order to reduce Nitrate inputs and protect water quality, and enhance fish habitat in Aptos and Valencia Creeks And Aptos/Rio del Mar and Seacliff State Beaches, Cannabis farms should not be allowed adjacent to the watersheds in the Aptos Hills.

WHEREAS,

The Board of Supervisors has identified as its major policy goals concerning the cultivation of medical cannabis to be 1) an adequate supply of medical cannabis for local qualified patients; 2) protection of The environment; and 3) protection of neighborhood quality

I have witnessed a serious decline in our Neighborhood Quality over the last 5 years. Growers have run residents and Homeowners off the road, head-on collisions happen, trash never seen before is being tossed out on the road. While volunteering working on our Private road, I have been assaulted by growers in vehicles, several times. Not to mention the ten-fold increase in numbers of cars, trucks, and commercial vehicles on the road, impacting the condition of the road. Growers down on the Seath property, among others, seem to think it is ok to use firearms even during high fire danger days, like during the Cox Fire.

General Eligibility And Restrictions

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(a) Cultivation licenses may only be issued to applicants who provide the Licensing Official with sufficient reliable evidence documenting that they 1) have been cultivating cannabis in Santa Cruz County since January 2013; or 2) have been engaged in commercial farming or agricultural production unrelated to cannabis production for over 3 years in the CA zone district, and are applying for a Class CA license.

Nearly all of the growers cultivating in our neighborhood came here after January of 2013

(d) In issuing a license under this Chapter, the Licensing Official may place restrictions on canopy size to maintain consistency with other laws, agricultural uses, and neighborhood compatibility.

In my humble opinion, commercial cultivation of cannabis is NOT compatible with our residential Neighborhood at all.

(c) Cannabis shall not be cultivated within three hundred (300) feet of a State Park located within the urban area defined by the Urban Services Line.

(d) On parcels ranging in size from one to five acres, cannabis shall not be Cultivated within one hundred (100) feet of a public right-of-way.

(e) On parcels ranging in size from five to ten acres, cannabis shall not be Cultivated within two hundred (200) feet of a public right-of-way.

(f) On parcels over ten acres in size, cannabis shall not be cultivated within three hundred (300) feet of a public right-of-way.

(g) Cannabis shall not be cultivated within one hundred (100) of a perennial stream.

Most parcels up here are over 10 acres. Most all of the greenhouses up here are closer than 300 ft. to our main artery, and some are close to the Nisene Marks Park border.

#### (4) Neighborhood And Land Use Compatibility Restrictions

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(a) No license to cultivate may be issued if the Licensing Official determines there is substantial evidence that issuance of the license may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, which has not been previously considered by appropriate environmental review.

- (f) No lighting for cultivation purposes, except that necessary for security, shall be visible at cultivation sites from sunset to sunrise.
- (j) Outside of an emergency, generators may not be used as a power source for cultivation purposes.

#### (5) Indoor Cultivation Sites

- (a) Cannabis shall not be cultivated indoors unless the facility has a Commercial air scrubbing or filtration system sufficient to prevent the odors associated with cannabis production from escaping the structure where cannabis is cultivated.
- (b) No license may be issued to cultivate cannabis indoors unless all land use and building code requirements are met. Moreover, the applicant shall provide written certification from a licensed electrician that the cultivation location has all necessary electrical permits required by the California Building Codes to ensure that the growing operations can be carried out safely.
- (c) No license may be issued to cultivate cannabis indoors where plants or lights are visible from a public right-of-way, an adjacent private right-of-way with public access, or a habitable structure.

These I like, and I note that the desire for Cal-Fire to insist on 20-foot wide roadways should be implemented. This alone will help push Growers down into Agricultural areas like La Selva where they belong and where the County can control them.

In the County General Plan (2.31 (i) Fire Hazards states:

Due to the relative importance of Fire safety considerations, this factor shall be weighted more heavily than other concerns. Criteria for response times, secondary access roads, dead-end roads and road design standards are presented as part of the Counties Fire Safety Policies, and are included in this rating along with the location of the project relative to Critical Fire Hazard Areas. Critical Fire Hazard Areas are those locations in which a fire could, under certain conditions, spread uncontrollably.

Cal-Fire recognizes the Fire Danger, why does the County not recognize this very real issue. By allowing any Cannabis growing in the Mountains Fire Danger is multiplied and can be extremely damaging, as witnessed by the 4000 acre Loma Fire.

Protecting the environment of our precious redwood forests is more important than making money growing cannabis.

In the document Local Hazard Mitigation Plan 2015-2020 for Santa Cruz County it states: 5.3.3 – Assessing Wildfire Vulnerability (A):

Due to topography and limited access, both the protection plus potential reconstruction of these assets will be hampered.

The Impact of wildfire on a community is far-reaching.

The most significant impacts would be loss of life, environmental damage and loss of property.

Air Quality is also a major issue, which can force the closure of schools and businesses as well as limit human activity.

Damage To infrastructure such as culverts, roads and bridges can be difficult to locate and repair in a timely manner.

During the rainy season, burned-over areas are subject to mudslides and debris torrents, which can be exacerbated by infrastructure damage.

Sedimentation due to winter rains can destroy fish habitats, which can have a catastrophic effect on the eco-system.

<https://www.arcgis.com/home/webmap/viewer.html?layers=20cd486897424289b48ff954d20c846c>

This is a critical fire map of Upper Fern Flat Please note the critical fire zones.

I propose that allowing Commercial Cannabis in residential mountain areas that are rated Critical Fire Hazard areas is negligent to risk management, and should not be allowed. Cal-Fire has raised our hazard rating from 3 to 10, (10 is highest), in our neighborhood of Upper Fern Flat and Aptos View rd. Growers started the Loma Fire. Cal-Fire has stated that it will happen again.

Our road is adequate for homeowners. However, over the last 5 years, the proliferation of illegal grows in the neighborhood has created an untenable amount of traffic. We now see heavy water trucks, flatbeds,

and trucks with trailers hauling fertilizers, rodenticides, insecticides, and diesel fuel for their Generators. Just last week, we witnessed two 8x10' trailers carrying diesel generators up our road. A third trailer with a large generator flipped over down on Trout Gulch rd. near the meadow. The growers run bobcat tractors and larger tractors from grow to grow along our road, engaging in illegal grading. There are Grows on the southeast slopes that directly border Valencia Creek Watershed.

I implore the County to keep growers out of our Fern Flat Neighborhood, and allow us to return to a peaceful coexistence with the irreplaceable Redwood Forests that make Santa Cruz County such a special place.

## Addendum

ES 1. Hazards and hazardous materials impact HAZ – 3

I disagree that exposing people or structures to significant risks involve wild-land fires is less than significant. I feel that no cannabis cultivation should be located within high fire hazard areas.

HAZ – 4 states that unregulated cannabis cultivation, and storing hazardous materials located in high fire hazard areas exposes people and structures to significant risks involved in wild-land fires

I agree with this. Thus there should be no growing whatsoever in these areas.

Regarding hydrology and water quality. We already experience significant impacts to the Aptos watershed. We have seen an immense drop and fingerlings in the creek over the last five years in our neighborhood. Now we see foam balls from pollutants instead of fish in our creeks.

Our neighborhood is fed by private wells. We are very concerned that the excess water pulled out of the aquifer in our neighborhood will adversely affect the quality and quantity of water available for human consumption. Many of us have lived here half their life depending on this resource. Some wells in our neighborhood have already gone dry.

ES-1 Secondary Impact LU-3.

Commercial cannabis cultivation and manufacturing under the Program would potentially conflict with an applicable land use plan, policy, or regulation, an adopted habitat conservation plan in the County, or cause adverse effects on existing communities.

Impacts would be significant and unavoidable

This is already happening in our community and has become untenable to residents.

Land use LU-1,2,3

LU – 2 states that there will be no impact on existing community is due to increases in traffic, odors, noise or other quality-of-life issues.

This is not true.

The last five years has become very difficult on our private road from traffic and damage to the road due to increased heavy trucks like water trucks and we see large pickup trucks and many accidents involving growers. Our road was not built for heavy construction vehicles. This is a residential neighborhood and should not have commercial enterprise of any kind.

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I look forward to a response. There is no order of importance in this letter.