

September 28, 2017

Cannabis Comments

C/O Matt Johnston  
Planning Department  
Santa Cruz County  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Dear Mr. Johnston,

You and your staff are to be commended on what is an extraordinary document to analyze the past and potential impact of Cannabis on the environment.

I own a nursery and have been a grower of floral crops for over 50 years. I'm a graduate of Cal Poly with a degree in horticulture and agri-business. I have served as chairman of the California Greenhouse Commodity Advisory Committee and was a member of the national Greenhouse Commodity Advisory Committee, was the facilitator for the Light Brown Apple Moth agriculture committee, and a member of a select committee under Supervisor Sherry Mehl to create greenhouse regulations, define cold frames, and, draft mitigations for greenhouse impacts. I served as President of the 14th Agricultural District, I am a member of the Farm Bureau and presently serving as Director of the PVWMA representing the farm community.

Issues of concern in the cannabis Draft EIR

- A. There is a need to include in the EIR an evaluation of CA and A land for siting Cannabis growing-**The Most Permissive Alternative project is not the most environmentally superior choice and the conclusion reached is indefensible because of the unreliability of data analyzed. sec 4.3 pgs 4-51 through 4-52. The most environmentally superior choice would be to use existing CA and A zoned lands especially where existing greenhouse crops are already being produced, consequently the EIR should address this option.** – The preparers of the DEIR document are to be commended on what is an extraordinarily difficult assessment of the past and future state of cannabis production in Santa Cruz County, unavoidably; much of the data is speculative. It has by the very nature of the “shadow” cannabis industry in Santa Cruz County created an unquantifiable analysis. Existing CA and A production facilities were not analyzed. From all aspects, the growing of Cannabis on CA zoned land permitted for nursery is a superior environmental choice.

Discussion: Established nursery operations, especially greenhouse floriculture businesses would in fact offer the most dependable, manageable and enforceable segment of cannabis production in Santa Cruz County. Revenue for enforcement would be dependable and steady

from operations producing up to 26 crops per year rather than indoor grows that use extraordinary energy and can only reach 4-5 crops per year. With 40- 80% of the cannabis production in the mountains being illegal, there needs to be a stronger program of enforcement that protects our watershed sources of drinking water and the forest environment that has witnessed unbelievable damage from cannabis grows. The most permissive alternative will not offer this, nor will it encourage the most egregious growers to come forward. Cannabis production has been in the shadows in the past and many of those that have been growing are accomplished at evading the law. It is a noble assumption that they will come forward to pay their taxes, follow environmental laws and adhere to regulations, however, this conclusion is not defensible.

**Points to consider:**

**CA zoned businesses with greenhouses offer the best solution for intensive cannabis production for the following reasons:**

- Consistent revenues for cannabis program operations including enforcement
- Track record of adhering to Clean Water Act, CARB regulations, motor carrier permits, OSHA adherence, EDD requirements, Workplace heat illness programs, Anti-Harassment programs, etc., etc., and a history of paying taxes
- Existing in-place waste water discharge permits
- Will not replace food crops, only floriculture crops
- Built under Fire codes
- Visual screening in place
- Are included in Right To Farm zones – allowing neighbors to be aware of operations
- Employee parking, offices that are easy to locate and substantial roads to allow large trucks.
- Easily identifiable on a satellite map
- Have utilities in place to support production
- Are permitted to grow green crops on their property.
- Do not harm forests or native land or species.

**B. Add to DEIR - No setbacks required of existing greenhouse structures and appurtenant buildings. -**

Many greenhouse structures and their appurtenant buildings were built at 25 to 50' setbacks from public roads, some even closer. The setbacks mentioned in the EIR and proposed regulations would make many existing legitimate growing operations in the county unusable. A visual barrier is already in place, however, could be required if not adequate.

Also, allowing CA and A existing structures that are within the 150' foot fire access zone to qualify as permissible growing sites would not trigger extraordinary road and turning radius construction that are required under the proposed 200' setback.

**C. Add to DEIR - Allow for increased canopy on CA and A zoned lands with existing greenhouses. –** Since this was not studied, there needs to be an evaluation of the potential

Allowing for more canopy cover on CA and A land with existing greenhouses makes sense. The establishment of maximum acreage allowed for cannabis production in the county will control unnecessary new greenhouse construction. Studying the available greenhouse space and those willing to convert would be a good place to start in evaluating the usable area for cannabis production. Also, the conversion of existing food crops on CA and A zoned land to cannabis production should be discouraged. Without these restrictions, the potential for the conversion of food crops to cannabis could be extraordinary. The county may consider no new greenhouses on undeveloped land

**D. Change wording - Table 3.0-4 Occupancy Types – define change of occupancy to not include existing CA and A structures presently in greenhouse crop production .**

There would be no change in occupancy (as defined in DEIR) in existing production facilities producing horticulture crops. **Many horticulture crops are cultivated no differently than cannabis.** From a cutting or seed to flowering there is no difference in production or the facilities needed to produce a poinsettia crop or other high heat requiring crops. DIFF practices and heat/venting moisture control are already in place. Page 3-11 of the DEIR: *When a structure is subject to review by the SCCFD, the Fire Marshall is responsible for determining the appropriate occupancy classifications of a structure when it is constructed and first occupied and when there is a change of use. Changing from one activity to another or from one level of activity to another is defined as a change of occupancy.* The significance of this point is consequential to the viability of using ag lands already in production of horticultural crops. If cannabis production is considered a new occupancy, it can trigger extraordinary and prohibitive costs excluding many sites of what would otherwise be an intelligent option for cannabis growing.

**Future considerations:**

CA and A land is variable in size, grade and facilities. There needs to be a process to understand how CA and A zoned businesses can become viable sites capable of meeting proposed Cannabis regulations. There needs to be an assessment of available land and how existing greenhouses can be utilized without triggering extraordinary costs and subsequently rendering those sites unusable. I look forward to that discussion and process and the forthcoming regulations that apply to existing greenhouse operations.

Sincerely,

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Cavanaugh Color, owner

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