850 Charlson Road
Aptos, CA 95003

October 30, 2017

RE: Cannabis EIR Comments

Planning Department c/o Matt Johnson
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

Dear Planning Department:

de Sieyes Brothers LLC is a small family-owned farming and redevelopment company focused on the restoration of agricultural properties in Pajaro Valley. We have a vested interest in the details of regulations set forth by the county supervisors, as we plan to use a number of our eligible agricultural properties for cannabis cultivation. We would like to make the following comments:

GENERAL: Our company agrees with the findings of the County Environmental Impact Report, and in general we believe that the proposed option referred to in the report as the "Most Permissive Alternative" strikes a fair compromise between the needs of all parties. We recommend that the County adopt the recommendations set forth in the "Most Permissive Alternative" studied in the report.

ZONING: We think that cultivation of commercial agricultural crops including cannabis should be limited to properties zoned specifically for the cultivation of agricultural crops, namely 'A' and 'CA'.

SENSIBLE FIRE POLICY: We believe that defining cannabis cultivation as a Type F-1 (Moderate-Hazard Factory Industrial) process, which includes significantly harder to meet requirements including water storage of 120,000 gallons and twenty foot wide access roads, is unduly onerous. These requirements are inconsistent with other agricultural crops and industries. It is not appropriate for an outdoor farm to be classified as a "Moderate-Hazard Factory Industrial" usage for code purposes. With respect to fire policy, agricultural growers cultivating cannabis outdoors in hoop houses should be held to a standard similar to those growing similar flowering and fruiting crops in hoop houses, such as cane berries.

SETBACKS: We are of the opinion that drug treatment facilities should be treated the same as habitable structures when determining the setback calculation. We recognize the

need to keep controlled substances away from people who are recovering from substance abuse problems; however, measuring the setback distance based on property line to property line is unduly punitive to property owners, for several reasons outlined below, and we believe the setback should be measured as the distance between the drug treatment facility and the proposed cultivation area rather than the distance between the parcel boundaries thereof. (Please note that we are also signatories to a letter submitted by Matthew Groves on behalf of a number of individuals and companies, which also outlines the following rationale for modifications to the setback measurement from drug and alcohol treatment facilities.) Our reasoning is outlined below.

- In an agricultural county, parcels can be quite large, and measuring the setback as property line to property line could exclude many otherwise suitable parcels where the proposed cultivation area might actually be thousands of feet away from the drug treatment facility, regardless of the distance between property lines. The ordinance should be protective of the drug and alcohol facility itself, not of the nearest boundary of the parcel housing the facility. In other words, property lines do not need protection; the facility itself does, along with its clients.
- Cannabis grown indoors or in mixed light greenhouses should have minimal to no impact on the drug treatment facility, considering the smell mitigation measures that are being contemplated in the draft EIR. There should be exceptions to the setback requirement based on cultivation methodology.
- There are going to be extensive security protocols in the final legislation, and all cultivated areas will need to be secured or fenced in. Given that the drug treatment facility property line is the furthest a patient could venture without trespassing, and that the cultivation area will be heavily secured, a 200 foot setback from property line to property line is more than is needed to prevent trespassing by recovering drug patients.
- Zoning should be taken into account when determining setbacks, as Commercial Agriculture (CA) zoned land is imbued with the Right to Farm. Cultivation should be guided to CA land as this is the most desirable area for the County to concentrate cultivation. There should be exceptions for land zoned for agriculture, where cultivation of crops complies with the General Plan.
- If drug treatment facilities setbacks must be measured by property line to property line, the setback requirement should be reduced from 300-600 feet to 200 feet consistent with the "Project" and "More Permissive Project" EIR recommendations habitable structure setbacks. A 200-ft setback from CA-zoned properties would also be consistent with the existing Commercial Agricultural Buffer already written into the county code.
- Finally, we recommend that the supervisors adopt regulations which allow planning staff the flexibility to make reasonable setback-related variance

decisions on a case-by-case basis. The ability to make limited exceptions for otherwise eligible individual parcels (without a lengthy, public variance process) should be the prerogative of the cannabis czar.

Respectfully,

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