



SIERRA CLUB

SANTA LUCIA

May 10, 2017

James Caruso and Brandi Cummings
SLO County Dept. of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408

RE: Public Review Draft, Cannabis Ordinance

Dear Mr. Caruso and Ms. Cummings,

Thank you for circulating the Draft Cannabis ordinance for public review. We greatly appreciate the County's efforts to craft regulations that will meet the challenge of the legal marijuana market, projected to exceed \$7 billion and raising myriad challenges in protecting the environment from the effects of commercial cultivation on a large scale.

In particular, the Sierra Club is concerned that each marijuana plant consumes about six gallons of water per day, and many growers use heavy doses of pesticides, fertilizers, herbicides and rodenticides, with the attendant issues these present in an environment as fragile as the Carrizo Plain. We hope to see the Ordinance establish clear environmental protections based on the need for water conservation, avoidance of the diversion of groundwater, and watershed and habitat protection. We also hope the County will commit the necessary resources for monitoring and enforcement of the Ordinance, and to monitor and report on existing resource use.

Following are our general comments on the Draft Ordinance:

- Growers should use "best practices" in their water use. New wells should be metered. Site Plan Reviews should include an environmental determination pursuant to CEQA when the site is located within a Sensitive Resource Area (SRA) or there is identified habitat for state or federally listed wildlife or plant species or designated critical habitat on or adjacent to the project site. The term "Disturbed Lands" is too ambiguous.
- In areas where "large" grows are prohibited, such as the Carrizo, grows for personal, or medical use will still be allowed. The number allowed should be by APN, with six plants, or up to thirty if the grower is a certified "Caregiver" of 5 patients, not 6 plants for each person living at the APN, nor up to 30 for each Caregiver.
- The Carrizo Planning Area needs to extend further to the north and the west. Cannabis prohibition should extend to the Northern Carrizo to highway 46 and west to Shell Creek Road.

- The County should require a bond to be used to insure a clean-up of all hazardous materials and waste products, and that facilities are reclaimed to original conditions when cultivation ceases. The amount of the bond should be dependent on the size of the land/facility.
- The use of pesticides, rodenticides or herbicides should be prohibited in SRA, ESHA, or critical habitat areas as a condition of approval.
- Provisions for a cap on the number of facilities and cultivations should be reinstated. The cap could be increased in the future if necessary. As a guideline, we refer to California ABC FAQ (https://www.abc.ca.gov/questions/licenses_faq.html) which states: “The number of off-sale beer and wine licenses is limited to one for each 2,500 people in a city or county....” Generally for a population of 250,000, 100 permits would be issued.
- We don’t understand how a baseline could have been established if there is no "grandfathering" from the Urgency Ordinance. All past grows were illegal and will be discontinued when a permanent ordinance is enacted. This Permanent Ordinance will establish a baseline.

Our suggestions for implementing these changes in the text of the ordinance are underlined:

22.40.030 (B) Requirements for Applications:

1. Site plan, floor plans, and a general description of the nature, size, and type of cannabis activity(ies) being requested.

a. Site Plan Reviews shall include an environmental determination pursuant to CEQA when:

- i. The site is located within a Sensitive Resource Area (SRA); or
- ii. There is identified habitat for state or federally listed wildlife or plant species, or
- iii. There is designated critical habitat on or adjacent to the project site.

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e. Growers must post a bond (in the amount of \$25,000 - 50,000 depending on the size of the grow) that will be returned when operations cease, to ensure a clean up of all hazardous materials, and waste products have been removed and have not created a public nuisance.

22.40.030 (C)

1 Cannabis Cultivation and Nurseries

a. All cannabis cultivation and nursery operations that existed as of August 23, 2016, and registered with the County under Ordinance 3334 by November 18, 2016, may apply for a Land Use Permit under this ordinance beginning on the effective date of this ordinance. Allows existing registered cultivation sites to close and relocate to new site within the same groundwater basin, which more fully meet the standards of this ordinance. Those operations located in the Carrizo Planning Area that existed as of or after August 23, 2016, are prohibited per 22.90.030 Cannabis Activities and shall not be permitted to relocate within the Carrizo Planning Area.

22.40.040. (F) Cultivation Standards

1. Water. Cannabis cultivation that requires a Land Use Permit and is located either in a groundwater basin at Level of Severity III pursuant to the last Biennial Resource Management System report or a groundwater basin at an unknown level of sustainability (such as the Edna or Carrizo basins) shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, and a detailed description of how the new water demand will be offset. New water demand shall be offset at a 2:1 ratio unless a higher offset is required by another section in this Title.

b. Cannabis cultivation existing as of August 23, 2016, that relocates the cultivation to a different groundwater basin with an unknown level of sustainability or at Level of Severity III pursuant to the last Biennial Resource Management System report shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, and a detailed description of how the new water demand will be offset. New water demand shall be offset at a 2:1 ratio unless a higher offset is required by another section in this Title.

c. All growers must use "best practices" in their water use. New wells will be metered.

22.40.040 G. Permit Required. The type of Land Use Permit required is generally based on site disturbance. However, regardless of site disturbance, a Site Plan Review which shall include an environmental determination pursuant to CEQA shall be required when:

- a. The site is located within a Sensitive Resource Area (SRA); or
- b. There is identified habitat for state or federally listed wildlife or plant species or designated critical habitat on or adjacent to the project site.

20.40.040 F. A.(1) "Caregiver" designation. Under California marijuana law, a primary caregiver:

- 1. has been designated for that purpose by a legal medical marijuana user
- 2. is consistently responsible for that person's housing, health, and/or safety
- 3. provides patient care independent of assisting the person in taking medical marijuana
- 4. has began taking care of the person at or before the time he/she assumed responsibility for assisting with medical marijuana.

California Health and Safety Code 11362.77(a): A qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient. In addition, a qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per qualified patient (max 5 patients per caregiver).

In areas where "large" grows are prohibited, such as the Carrizo, grows for personal, or medical use will still be allowed. The number of plants allowed will be by APN. Six plants, or thirty if the grower is a certified "Caregiver" of 5 patients.

22.90.030 – Cannabis Activities

All cannabis activities within the Carrizo Planning Area (which shall be extended to highway 46 to the north and Shell Creek road to the west) are prohibited.

22.40.100: County permits for cultivation shall be limited to 50 Countywide. The number of Permits for other cannabis uses shall be based on population density (i.e., Manufacturing: one permit for every 100,000 residents. Dispensaries: one permit for every 25,000 residents. Testing Facilities: one permit for every 250,000 residents. Cannabis Nurseries: one permit per District).

Thank you for this opportunity to comment,

A handwritten signature in black ink, appearing to read "Andrew Christie". The signature is fluid and cursive, with a large, stylized initial "A" and "C".

Andrew Christie
Chapter Director