

FW: Cannabis Cultivation Urgency Ordinance, Item #23, August 23, 2016

Lynn Compton

Sun 8/21/2016 10:17 PM

To: cr_board_clerk Clerk Recorder <cr_board_clerk@co.slo.ca.us>;

~ Jocelyn Brennan
Legislative Assistant District 4
San Luis Obispo County Supervisor Lynn Compton

[San Luis Obispo CA 93408](#)

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-----Original Message-----

From: Jan Seals [mailto:jan_seals@sbcglobal.net]

Sent: Sunday, August 21, 2016 5:33 PM

To: Lynn Compton <lcompton@co.slo.ca.us>; Frank Mecham <fmecham@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: Cannabis Cultivation Urgency Ordinance, Item #23, August 23, 2016

August 21, 2016

TO: San Luis Obispo County Board of Supervisors

RE: Cannabis Cultivation Urgency Ordinance, Item #23, August 23, 2016

Chair Compton and Supervisors,

In all likelihood Proposition 64 will be passed on November 8, legalizing marijuana for adults in California. This proposition includes common sense restrictions on cultivation and safeguards for those under the age of 21. In the 20 years that medical marijuana has been legal, SLO County has not created any local regulations. There is no need to jump into an urgency ordinance now, just eleven weeks before the likely passage of Prop 64.

Even without the impending passage of Prop 64, we question the necessity of an urgency ordinance. The statements of the high number of grow sites, confrontations with neighbors, gang related activities, etc. are very surprising and perhaps exaggerated--these problems certainly aren't making the local news.

We understand and agree with the need to regulate and even tax the cultivation of medical marijuana, which Prop 64 will do. We also agree that cultivation should not be a nuisance to neighbors. Not only is an urgency ordinance

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Meeting Date: August 23, 2016
Presented By: Jan & Gary Seals

Rcv'd prior to the meeting & posted on the web: August 22, 2016

8/22/2016

unnecessary, as written it is too restrictive. One example, it would be illegal for anyone on less than 9 acres to grow outdoors. Why shouldn't people living on smaller acreage be able to grow even one plant for personal use?

SLO County has a history of not doing anything until there is an immediate problem, and then trying to fix it with an urgency ordinance; such as our groundwater issues and oak tree protection. As our elected officials you should be looking to the needs of the future, not legislating with knee jerk reactions.

We do not support an urgency ordinance at this time. We believe the regulations in Prop 64 will be sufficient.

Sincerely,
Jan & Gary Seals
Rural residents, District 1

FW: Item 23 - support for Interim Ordinance

Board of Supervisors

Mon 8/22/2016 8:09 AM

To: BOS_Legislative Assistants <BOS_Legislative-Assistants@co.slo.ca.us>; cr_board_clerk Clerk Recorder <cr_board_clerk@co.slo.ca.us>;

For your review.

Thank you.

Blake Fixler
Administrative Assistant III
Board of Supervisors
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www.youtube.com/user/slocountygov

From: Susan Harvey [mailto:ifsusan@tcsn.net]
Sent: Saturday, August 20, 2016 1:15 PM
To: Board of Supervisors <Boardofsups@co.slo.ca.us>
Subject: Item 23 - support for Interim Ordinance

Dear Chair Compton and Honorable Supervisors Arnold, Gibson, Hill, and Mecham,

We urge you to adopt the interim ordinance establishing a moratorium on the cultivation of marijuana (Item 23).

We are not familiar with other areas but we know there has been an explosion of cannabis cultivation in California Valley, a small, very remote, community of suburban residential lots. Any area with ranchettes or residential housing is inappropriate for the cultivation of cannabis, regardless of lot size, because of the nature of the crop. Section 1: Findings and Declarations of the Interim Ordinance states the numerous issues related to marijuana cultivation so we won't comment further.

It is vitally important that the county consider the issue of cannabis cultivation in the county. We appreciate your Board tackling this issue sooner rather than later, and our thanks to the Supervisors who visited the California Valley area for a better understanding of the problem.

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Presented By: Susan Harvey

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We request that you adopt the Urgency Ordinance on August 23rd. Thank you for your consideration of our comments.

Regards,



Susan Harvey, President
North County Watch



North County Watch

Lookline Our Trees For Tomorrow

FW: San Luis Obispo NORML Letter Regarding Cannabis Urgency Ordinance

Board of Supervisors

Mon 8/22/2016 8:10 AM

To: cr_board_clerk Clerk Recorder <cr_board_clerk@co.slo.ca.us>;

1 attachment (277 KB)

ListofProblemwiththeSLODraftOrdinance (2).pdf;

For your review.
Thank you.

Blake Fixler
Administrative Assistant III
Board of Supervisors
San Luis Obispo County
www.slocounty.ca.gov

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www.youtube.com/user/slocountygov

From: Jason Kallen [mailto:slocountynorml@gmail.com]

Sent: Monday, August 22, 2016 7:31 AM

To: Frank Mecham <fmecham@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Vicki Shelby <vshelby@co.slo.ca.us>; Cherie McKee <cmckee@co.slo.ca.us>; Hannah Miller <hmiller@co.slo.ca.us>; Jocelyn Brennan <jbrennan@co.slo.ca.us>; Jennifer Caffee <jcaffee@co.slo.ca.us>; Board of Supervisors <Boardofsups@co.slo.ca.us>; Guy Savage <gsavage@co.slo.ca.us>

Subject: San Luis Obispo NORML Letter Regarding Cannabis Urgency Ordinance

Good morning Supervisors and Staff,

We have prepared this letter to the San Luis Obispo Board of Supervisors on behalf of our members. Please take a moment to review the issues we have with the cannabis Interm Zoning/Urgency Ordinance. If you have any questions, or would like to schedule a meeting to discuss this further. Please feel free to contact Jason Kallen at _

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Meeting Date: August 23, 2016
Presented By: Jason Kallen

Rcv'd prior to the meeting & posted on the web: August 22, 2016

.. 8/22/2016

Best Regards,
San Luis Obispo NORML
Jason Kallen



[Interim Zoning/Urgency Ordinance](#)

[SLO County Agenda Link for BOS Meeting on Tuesday August 23, 2016](#)

[SLO County NORML - FB Event for BOS Meeting on Tuesday August 23, 2016](#)

If you have any questions, please contact us at: slocountynorml@gmail.com/

Honorable Supervisors, Staff, and County Counsel:

Many members of the cannabis community were present at the July 26th Board of Supervisors meeting, where a staff report on medical marijuana was submitted. We understand the perceived problems the county is facing and your desire to issue an urgency ordinance.

We understand Sheriff Parkinson's position and his concerns over the expanding number of cultivation sites within California Valley (Cal Valley).

We believe staff was instructed to return with an urgency ordinance that would place a moratorium on **new** grows, intending to address the issues in Cal Valley. The urgency ordinance as proposed appears to be a **BAN** on **all** cultivation, and not limited to new grow sites. As currently written, it will unduly restrict cultivators in the entire county who are not violating any of the current laws, and this, in turn, will have negative impacts on safe access to medical cannabis for patients living in the county.

The following comment have been prepared by members of San Luis Obispo NORML, along with input from independent cannabis growers and businesses.

Section 1 Findings and Declarations:

We believe **Item E** will unduly restrict the ability of patients to have access to high quality marijuana medicines, therefore violating Proposition 215. This not applicable to state-legal medical marijuana cultivation, since the Ninth District Court of Appeals has just ruled that the DOJ may not interfere with states in this matter.

<https://cdn.ca9.uscourts.gov/datastore/opinions/2016/08/16/15-10117.pdf>

slonorml.org

slocountynorml@gmail.com -

- [facebook.com/SanLuisObispoNORML](https://www.facebook.com/SanLuisObispoNORML)

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Also relating to **Item E**: As stated in the urgency ordinance, *“State law further punishes one who maintains a place for the purpose of unlawfully selling, using or furnishing, or who knowingly makes available a place for storing, manufacturing, or distributing marijuana.”* Those businesses that have state, county and Federal licenses are not operating outside of the current laws.

We believe **Item J** addresses violations that are not specific to cannabis cultivation, but rather violations of building/health and safety codes.

Here are the titles →

http://www.slocounty.ca.gov/planning/General_Plan_Ordinances_and_Elements/Land_Use_Ordinances.htm

Furthermore, we believe **Item J-2** is addressing Cal Valley specifically, and is not representative of the numerous farmers within the unincorporated areas of the county who are established and compliant with state law, and not causing environmental or public safety problems.

We believe **Item J-3** addresses code violations for which CDFA has already put into effect codes and regulations for the safe storage of fertilizers, rodenticides insecticides and other harmful chemicals for other crops. Again, not specific only to cannabis cultivation.

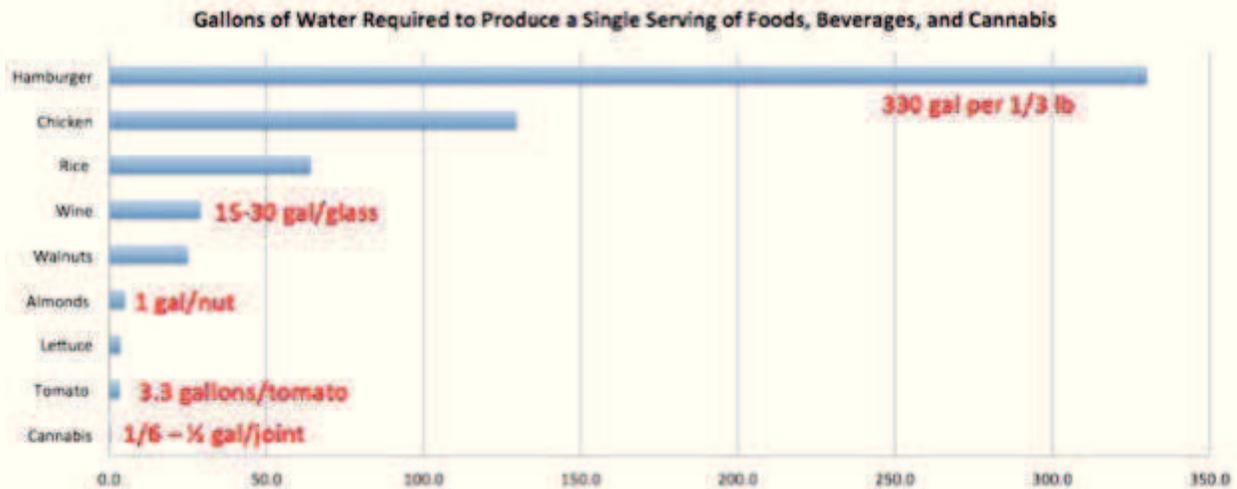
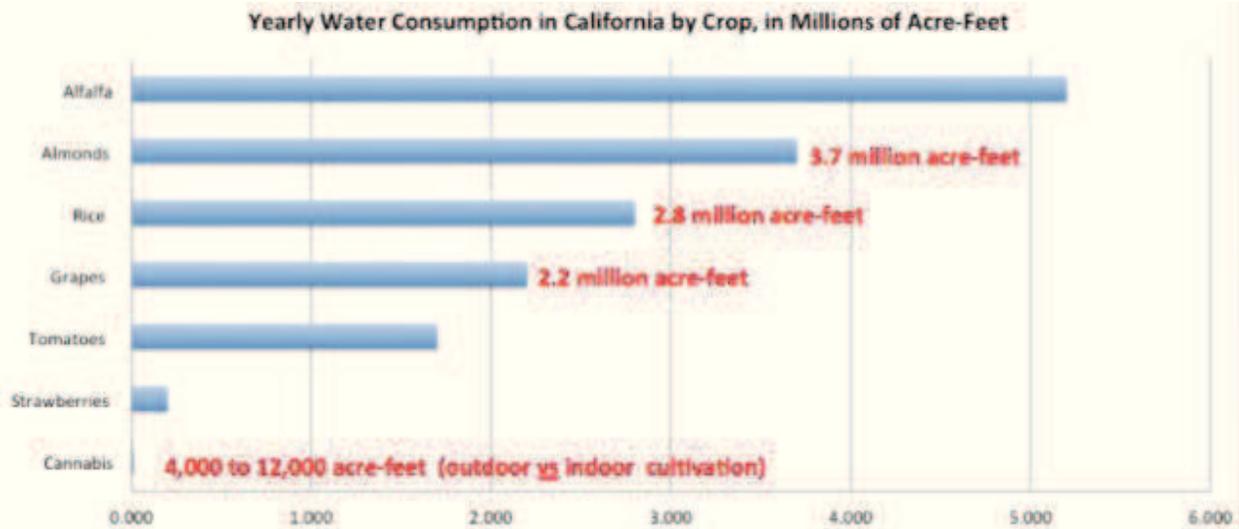
We believe **Item K-1** is a gross exaggeration of the potential value of salable cannabis flower. Using the figures quoted: \$240 an ounce, x 16 ounces in a pound would equate to \$3,840. This overestimates the value by almost double. Pounds sell for around \$2,000 on average, outdoor pound can go for as little as \$800. The price continues to drop every day, plus the prices are different depending on the growing environment used (indoor vs outdoor).

We believe **Item K-2** addresses code enforcement issues.

Furthermore, the DEA's statement (illegal water diversion, deforestation, etc.,) is a general statement and does not point to violations found in our county.

The statement that cannabis plants use 1,200 gallons is misinformative!

Regarding water consumption, studies have produced the following figures when comparing cannabis cultivation to other crops.



Link → http://www.canorml.org/news/on_water_and_weed.html

We believe **Item K-3** (salmon and steelhead trout) is not applicable to our county.

The good thing about **Item L** is that things *will* go downhill without regulation and standardization. We should be directing more effort towards this attitude rather than just stating it as a scare tactic to the public.

For clarification re: **Item M**: Cannabis is an annual, flowering herb.

Regarding **Item 0**: At the July 26, 2016 Board of Supervisors meeting we believe staff was instructed to return with an urgency ordinance that would place a moratorium on **new** grows. The urgency ordinance as proposed appears to be a moratorium on **all** cultivation, and not limited to new grow sites.

The following is an excerpt from p.6 of the minutes of the July 26th meeting:

*"The Board directs staff to bring back a draft urgency ordinance prohibiting **new planting** countywide; and ban cultivation in residential suburban zoning, exempting personal grows of 6 mature/12 immature plants."*

Section 4 Prohibition on Cultivation:

This section completely bans the cultivation of cannabis throughout the entire unincorporated area of SLO county. This section is not reasonable or tenable.

Section 5 Exemptions:

Item A: We believe this section means that cultivators in "Residential Suburban" areas will be subject to enforcement by the Sheriff as soon as this ordinance is passed, possibly as early as August 23, 2016.

This section also implies that any indoor and greenhouse growing sites will need to be shut down after December 23, 2016. This is unreasonable and unacceptable.

Item B Indoor Cultivation: A six-plant limit including mature and immature is more restrictive than Proposition 215, the voter initiative passed in 1996.

B-1: Cooperative or Collective cultivation is necessary to meet the needs of patients who are disabled, bedridden, or unable to grow their own cannabis. With this restriction *and* the six plant limit, the county would not be able to meet the needs of its patients. In fact, **more growers would be necessary**. Furthermore, Proposition 420 and Medical Cannabis Regulation and Safety Act (MCRSA) allow for collective cultivation.

B-2 (i): A 1,000-foot setback is inconsistent with state law of only 600 feet and that makes SLO even more restrictive.

B-4: Many of the cultivation sites in operation currently exceed 500 square feet, and would have to shut down immediately. Again, this small area would not produce enough medicine for multiple patients.

B-7: A maximum of 600 watts total lighting capacity would not be enough light to illuminate a 36 square foot area (6'x6'), let alone a 500 square foot area (22' x 22'). A 500 square foot area would require approximately 16,000 watts.

B-10: *“Cultivation does not adversely affect the health or safety of nearby residents, such as by creating glare, heat, noise, odor, smoke, traffic, or other impacts, or by the use or storage of fertilizers, pesticides, or waste, and does not exceed the noise level standards set forth in the County General Plan Noise Element.”*

These are code violations not specific to cannabis-cultivation-only; and can be handled by code enforcement.

Re: glare ... *Light and Glare. Facilities shall be designed to minimize new light, except for the minimum required for safety. In general, lighting fixtures shall be downcast and hooded. Night lighting for active sports fields shall limit spillover visible at sensitive uses such as residences to the maximum extent practical. Use of glare-producing materials shall be minimized.*

<http://www.slocounty.ca.gov/Assets/PL/Elements/Parks+and+Recreation+Element.pdf>

B-11: *“Inspections of the premises and buildings where cultivation, processing, or storage of marijuana occurs shall be open for announced or unannounced inspections by County officials and/or law enforcement personnel responsible for enforcement of this ordinance at any time without notice.”*

The announced/unannounced inspection gives the exempted grower less privacy or constitutional rights than the illegal grower. The reason for this is that a Sheriff needs a warrant to enter a grow site vs. a Code Enforcement Officer that can inspect randomly and without warning.

Item C Outdoor Cultivation: A 6 plant limit, including mature and immature, is more restrictive than the voter initiative passed in 1996 (Proposition 215). Prop 215 allows for a patient to grow 6 mature plants or 12 immature plants. It also allows caregivers to stack multiple patients.

C-1: Cooperative or Collective cultivation is necessary to meet the needs of patients who are disabled or unable to grow their own cannabis. With this restriction and the six-plant limit, the county would not be able to meet the needs of its patients. In fact **more growers would be necessary**. Furthermore, Proposition 420 and Medical Cannabis Regulation and Safety Act (MCRSA) allow for collective cultivation.

C-2(i): Many of your constituents have properties that are less than nine acres, yet the property is still a perfectly acceptable size to produce the six plants you are allowing in this urgency ordinance.

C-2(ii): As a property owner, lease-holder or tenant you should be able to grow on your land, whether developed or not.

C-2(iv): Many patients live in mobile home parks and this urgency ordinance will be taking away their right to grow and have access to their own [personal] medicine.

C-4: Many of the cultivation sites in operation currently are in excess of 500 square feet, and this would cause them to shut down immediately. Again, this small area would not be able to grow enough medicine for multiple patients. In addition, a six-foot limitation on plant height is not reasonable for true outdoor cultivation.

C-11: These are code violations not specific to cannabis-cultivation-only; and can be handled by code enforcement. (See B-10)

C-12: A written authorization for leased or rented sites should not be required annually. One letter of permission from the current owner should be adequate. Not to mention there is a 45-day sunset clause on this ordinance (unless extended), so what is the purpose of an annual renewal at this time?

C-13: *"Inspections of the premises and buildings where cultivation, processing, or storage of marijuana occurs shall be open for announced or unannounced inspections by County officials and/or law enforcement personnel responsible for enforcement of this ordinance at any time without notice."*

The announced/unannounced inspection gives the exempted grower less privacy or constitutional rights than the illegal grower. The reason for this is because a Sheriff needs a warrant to enter a grow site vs. a Code Enforcement Officer that can inspect randomly and without warning.

Lastly, we view this urgency ordinance as adding an extraordinary and unnecessary expense to our already overburdened county budget, and would like to know how this will be financed. Not only relating to the rewriting of county law and ordinances, but also to the cost of law enforcement. The later would be extraordinary: Who would pay for undercover agents? The helicopters for aerial surveillance? Enforcement needed to isolate and identify the alleged code violations? The eradication agents who would go out, cut and remove the plants?

We hear over and over that the sheriff's department is already understaffed and not even able to provide an officer to accompany a code enforcement agent in certain areas of the county. Perhaps addressing code infractions in those areas would remove a lot of the angst.

We, your constituents, urge you, Honorable Supervisors, to vote against this proposed urgency ordinance as written.

FW: BoS hearing 8-23-16, Item 23, Interim zoning/urgency ordinance prohibiting the cultivation of cannabis

Blake Fixler

Mon 8/22/2016 8:24 AM

To: cr_board_clerk Clerk Recorder <cr_board_clerk@co.slo.ca.us>;

For your review.
This is a District 5 constituent.
Thank you.

Blake Fixler
Administrative Assistant III
Board of Supervisors
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www.slocounty.ca.gov

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From: Sue Luft [mailto:luftsue@gmail.com]
Sent: Sunday, August 21, 2016 5:06 PM
To: Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Frank Mecham <fmecham@co.slo.ca.us>
Cc: Micki Olinger <molinger@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>
Subject: BoS hearing 8-23-16, Item 23, Interim zoning/urgency ordinance prohibiting the cultivation of cannabis

Chair Compton
Supervisor Arnold
Supervisor Gibson
Supervisor Hill
Supervisor Mecham

Supervisors,

Medical marijuana was legalized in 1996, with certain restrictions. Proposition 64, Adult Use of Marijuana Act, is considered likely to pass based on recent polling. This proposition will allow recreational use and cultivation of marijuana by adults in California. Your Board is considering an

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Presented By: Karl and Sue Luft
Rcv'd prior to the meeting & posted on the web: August 22, 2016

8/22/2016

urgency ordinance which goes far beyond the requirements of this initiative and current State law. Proposition 64 allows local control, so there is no hurry to adopt something to preempt the changes to State law which are included in Proposition 64.

The local press has not reported on problems with existing cultivation of medical marijuana in our county, other than the concerns in California Valley. Those concerns can be addressed without prohibiting the cultivation of marijuana anywhere in our county. It may make sense for an interim period to stop new cultivation sites and put some reasonable requirements on the existing sites.

Regarding cultivation by patients and caregivers, the proposed ordinance goes far beyond what is included in Proposition 64 for recreational use of cannabis. Proposition 64 says “reasonable” regulations can be adopted locally for personal cultivation. The lighting limits, parcel size, distance from the property line, and cultivation area limitations are all beyond what is reasonable. The announced/unannounced inspection give the exempted grower less privacy or constitutional rights than the illegal grower, and should not be included in this ordinance.

Proposition 64 allows plants within the person’s private residence or upon the grounds of that private residence, which must be in a locked space and not visible by normal unaided vision from a public place. Any additional regulations are not needed in an urgency ordinance. If additional restrictions are determined to be needed during the development of a permanent ordinance, those should be considered at that time.

Thank you.

Karl and Sue Luft
Rural El Pomar