

FW: Letter from Julie Vance for Support of Medical Marijuana Urgency Ordinance, Banning Marijuana Cultivation in the Carrizo Plains Ecoregion

Board of Supervisors

Fri 9/16/2016 11:06 AM

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

1 attachments (2 MB)

09-16-2016 - To Board of Supervisors - Support for Medical Marijuana Urgency Ordinance, Banning Marijuana Cultivation in the Carrizo Plains Ecoregion.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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From: Shadle, Joshua@Wildlife [mailto:Joshua.Shadle@wildlife.ca.gov]
Sent: Friday, September 16, 2016 10:54 AM
To: Board of Supervisors <Boardofsups@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>
Cc: Vance, Julie@Wildlife <Julie.Vance@wildlife.ca.gov>; Hacker, David@Wildlife <David.Hacker@wildlife.ca.gov>; Sanderson, Brandon@Wildlife <Brandon.Sanderson@wildlife.ca.gov>; Stafford, Bob@Wildlife <Bob.Stafford@wildlife.ca.gov>; Thomas_Leeman@fws.gov
Subject: Letter from Julie Vance for Support of Medical Marijuana Urgency Ordinance, Banning Marijuana Cultivation in the Carrizo Plains Ecoregion

Here is an electronic copy of the letter that was sent out today.

Thank you,

Joshua Shadle
Staff Services Analyst/Assistant to the Regional Manager
California Department of Fish and Wildlife
Region 4, Central

Joshua.Shadle@wildlife.ca.gov

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September 16, 2016

Board of Supervisors
San Luis Obispo County Government Center
1055 Monterey St.
San Luis Obispo, CA 93408

Subject: Support for Medical Marijuana Urgency Ordinance, Banning Marijuana Cultivation in the Carrizo Plains Ecoregion

Dear Supervisors:

The California Department of Fish and Wildlife (CDFW) respectfully requests that the Board of Supervisors considers approval of the proposed urgency ordinance regarding marijuana cultivation in San Luis Obispo County. CDFW also recommends that the Board support a permanent ban on all marijuana cultivation on all lands within the Carrizo Plains ecoregion, not just on lots zoned Residential Suburban, due to the intense direct and indirect impacts of marijuana cultivation on wildlife.

CDFW conducted a preliminary investigation in late August 2016 and determined that marijuana cultivation in the Carrizo Plains is clearly displacing endangered species habitat, killing wildlife, and indirectly degrading the conservation value of mitigation lands conserved by the two local solar projects. Some of these lands are owned by CDFW, while CDFW holds a Conservation Easement on the others. Every one of the 200-300 marijuana plots in the Carrizo Plains has directly disturbed habitat occupied by the State and federally endangered giant kangaroo rat (*Dipodomys ingens*), the State threatened San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), among a long list of other special-status plants and animals.

GPS collar data from four San Joaquin kit foxes in August indicates that they regularly use the subdivision where marijuana growers are exposing them to risk of secondary poisoning from illegal rodenticide application (Exhibit A). Growers have undoubtedly poisoned all three of the aforementioned threatened and endangered species. Our documentation strongly suggests that direct and indirect impacts are also occurring to badgers, raptors, and other wildlife. CDFW staff easily found deceased kangaroo rats (Exhibit B) and rabbits at a grow site where a first-generation anticoagulant had been broadcast illegally around the site's perimeter including at a giant kangaroo rat precinct (territory/burrow complex). The San Luis Obispo County Sheriff's office and San Luis Obispo County Agricultural Department staff found illegal pesticide use at four of ten sites visited in early August.

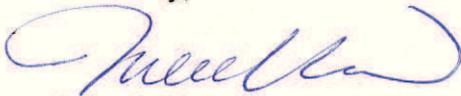
The Carrizo Plains (including the California Valley Subdivision) supports the greatest density of rare, threatened, and endangered species in California. Marijuana cultivation is not compatible with conserving habitat for or populations of these species. The California Valley Subdivision, despite being subdivided, is no exception. It is heavily colonized by giant kangaroo rats and kit foxes. The subdivision has extensive and unique alkali sink habitat and vernal pool systems that feed into Soda Lake and support rare plants and federally listed fairy shrimp. Approximately one-half of the subdivision is federally designated Critical Habitat for the federally endangered longhorn fairy shrimp (*Branchinecta longiantenna*).

Because of these attributes, CDFW, the U.S. Fish and Wildlife Service, and San Luis Obispo County accepted mitigation lands within the subdivision to offset biological impacts from the California Valley Solar Ranch. San Luis Obispo County further required both Carrizo Plains solar projects to fund an acquisition program to conserve additional habitat in the subdivision to protect the conservation value of the mitigation lands. In addition to comprising high quality habitat within its boundaries, the subdivision is the area that connects listed species populations on the majority of the solar project mitigation lands to those in the Carrizo Plains National Monument. That acquisition program has not protected any habitat to date. Conversely, tax-default parcels in the subdivision have continued to be auctioned off and some are now being converted to marijuana cultivation, which threatens the viability of rare, threatened, and endangered wildlife populations not only in the subdivision but also on adjacent conservation lands.

CDFW respectfully requests that the San Luis Obispo County Board of Supervisors to adopt the urgency ordinance and ban marijuana cultivation in the entire Carrizo Plains area as soon as possible to prevent further destruction of habitat and loss of threatened and endangered species. We offer our assistance in identifying sensitive resource areas for your consideration in developing the proposed permanent ordinance as well.

If you have questions regarding this letter, please contact Dave Hacker, Senior Environmental Scientist, at (805) 594-6152 or david.hacker@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

DGH

Exhibits

ec: Dave Hacker (CDFW)
Brandon Sanderson (CDFW)
Bob Stafford (CDFW)
Thomas Leeman (USFWS)
Board of Supervisors (boardofsups@co.slo.ca.us)

Exhibit A
Photo of First-Generation Anticoagulant Rodenticide Applied Illegally at California Valley
Marijuana Cultivation Site

Photos by Laura Ramage (County Department of Agriculture)



Blue spots are grain treated with diaphacinone and broadcasted around marijuana cultivation site.



Diaphacinone bag found on site.

Exhibit B
Three Kangaroo Rat Carcasses found at Site of Illegal Rodenticide Use



FW: Passage of Urgency Ordinance

Debbie Arnold

Fri 9/16/2016 2:25 PM

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

Jennifer Caffee

Legislative Assistant

5th District Supervisor Debbie Arnold

San Luis Obispo County

From: Patrick McGibney [mailto:patindi@aol.com]

Sent: Tuesday, September 13, 2016 6:07 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: Passage of Urgency Ordinance

September 13, 2016

San Luis Obispo County

Board of Supervisors

Supervisor: Debbie Arnold

Dear Supervisor Arnold:

As a resident of California Valley for the past 20 years, I have recently become concerned for my health, safety and welfare. I am turning 70 years of age and my wife has dust allergies and asthma. Our living conditions have deteriorated significantly over the past six months due to the influx of agricultural activities in our suburban/residentially zoned community.

Cannabis grows, ostensibly for medical purposes, have mushroomed throughout the valley. Many grows are being done by out-of-state residents who will undoubtedly transport their harvests across state lines. Many other grows are for profit and recreational uses. This is all fine and dandy, but their proximity to the elderly, children, pets and the infirm, is causing health and safety problems.

There has been a huge increase in traffic at all hours of the day and night, stirring up the dust which harbors Valley Fever. Many taking evening walks are endangered by the traffic of speeding trucks making water deliveries, or those checking on their grows as harvest time approaches, which is another safety concern.

Sheriff Parkinson has lobbied for the passage of this Urgency Ordinance because it gives his department tools to work with in protecting the communities that have no security plans when millions of dollars worth of cannabis is harvested. He has predicted that armed outside forces, as in organized crime and gangs, may descend on these communities when harvest is taking place. It is the County's responsibility to facilitate in the protection of its residents.

This comprehensive ordinance needs to be passed as is. It is well crafted, incorporating all the concerns articulated by the members of the Board of Supervisors, the Sheriff, County Planning, Cal Fire, and the public. Our welfare depends on it. Many of us have invested our lives in our homes and property. Though land values have risen due to this influx, home values will decrease unless the seller can find a buyer willing to pay for infrastructure that may not be needed. County codes are being ignored by the potential profit margins. In speaking with County Code Enforcement, I learned that the most expensive fine would be \$100 a day; that equates to roughly \$30,000 in ten months - just the cost of doing business for a several hundred thousand dollar or more crop.

I understand that there will be arguments on investments made, and that there were no County ordinances prohibiting large scale cannabis grows in residential areas when this "gold rush" began, but the communities shouldn't have to pay for the County's lack of oversight for this need. All counties surrounding San Luis Obispo, have adopted ordinances controlling this "specialty" crop. None allow large scale grows to take place in residential areas. While the County is developing its "permanent" cannabis ordinance, this Urgency Ordinance will give some direction to the County and some protection to the communities, even on a temporary basis.

I disagree with those who opine that this Urgency Ordinance is too restrictive. It is only temporary. It is much easier to loosen up on a restriction than to later restrict a lax policy. Please pass this ordinance when you meet on September 20th, and pass it as is.

Thank you for your consideration.

Sincerely,

Patrick McGibney

FW: Interim zoning/urgency ordinance prohibiting the cultivation of cannabis (marijuana) with certain exceptions in the unincorporated portions of San Luis Obispo County (Agenda Item 651/2016)

Board of Supervisors

Fri 9/16/2016 2:46 PM

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

1 attachments (16 KB)

draft ltr BoS 9-20.docx;

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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From: Simon [mailto:simon@simoncaleb.com]

Sent: Friday, September 16, 2016 2:42 PM

To: Board of Supervisors <Boardofsups@co.slo.ca.us>

Subject: Re: Interim zoning/urgency ordinance prohibiting the cultivation of cannabis (marijuana) with certain exceptions in the unincorporated portions of San Luis Obispo County (Agenda Item 651/2016)

September 16, 2016

San Luis Obispo County Board of Supervisors
County Government Center
Monterey Street
San Luis Obispo, CA 93408

Re: Interim zoning/urgency ordinance prohibiting the cultivation of cannabis (marijuana) with certain exceptions in the unincorporated portions of San Luis Obispo County (Agenda Item 651/2016)

Honorable Members of the County Board of Supervisors:

Thank you for the opportunity to comment on the proposed Interim Medical Cannabis Urgency Ordinance. We recognize the strain and tensions that the County is currently experiencing as a result of a wave of new cannabis cultivation entities locating in our community. Furthermore, we understand the need to stem the tide in order to protect the health, safety and welfare of the County. We recognize the need for a temporary moratorium on cultivation and appreciate the consideration given to San Luis Obispo residents that have been engaged in the responsible cultivation of cannabis in the County for some time. As such, we do not oppose the temporary ordinance in its current form.

However, we do have grave concerns that the adoption of this temporary measure could further delay efforts to move quickly to develop and adopt permanent cultivation regulations. As you are aware, the State of California has established a date of January 2018 to begin issuing state permits. A prerequisite of issuance of a state permit will be a demonstration by the applicant that a local permit has been received.

In the event that the County is not able to issue permits by the January 2018 deadline, San Luis Obispo residents will be put at a significant disadvantage. By delaying an application for state permits, local cultivators will be placed at the end of the statewide queue for permitting resulting in potentially months to years of delay in moving to legitimate business models.

We ask that the Board move today to direct staff to draft a permanent ordinance for your consideration at the earliest possible date.

We welcome an opportunity to be of assistance in any way in facilitating the expedient development and adoption of local regulations. In this regard, we offer the following as principles for the creation of a balanced and sustainable ordinance:

- We recommend that the local ordinance track state law as closely as possible. This will allow for more streamlined implementation and monitoring for the County, as well as a more user-friendly program.
- We recognize the valuable natural resources in the County that should be protected in the regulation of the agricultural industry. As such, the regulations should balance environmental stewardship with the goal of creating a sustainable cannabis industry.
- Collectively, the undersigned have lived and done business within the County for a total of 151 years. We hope that, like this urgency ordinance, the permanent ordinance will maintain a focus on independent, existing growers residing and doing business in the County.

We thank you in advance for your leadership in expeditiously bringing balanced regulations for the cultivation of cannabis for adoption.

Best Regards,
Simon Caleb
Cal Growers
Founding members of
Central Coast Growers

Simon Caleb (Board Member)
Alan (Board Member)
Bob (Board Member)
Tim (Board Member)
Mike (Board Member)

cc: Clerk of the Board

Agenda item no 21. Next hearing

Mr Eitzen <jackeno@hotmail.com>

Fri 9/16/2016 3:23 PM

To: cr_board_clerk Clerk Recorder <cr_board_clerk@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>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>;

September 16, 2016

Jack Eitzen

Agenda 651/2016

Agenda Item #21

Medical Cannabis Urgency Ordinance

[Cr board clerk@co.slo.ca.us](mailto:cr_board_clerk@co.slo.ca.us)

fmecham@co.slo.ca.us Frank Mecham

bgibson@co.slo.ca.us Bruce Gibson

ahill@co.slo.ca.us Adam Hill

lcompton@co.slo.ca.us Lynn Compton

darnold@co.slo.ca.us Debbie Arnold

Dear Supervisors:

I am a land owner in California Valley for the last 20 years. It has been brought to my attention that the Supervisors are voting on an urgency ordinance to place a moratorium on the cultivation of marijuana in California Valley.

You are basing your findings on complaints that the county already has laws in affect that address the issues that have been address by law enforcement and the other agencies. This is a unconstutional not allow owners to use of their land.

My personal experience with our new land owners has been very favorable I have found them hard working people and object to them being described at the last Board meeting as 'out of towners'.

I think a modification to the ordinance should be considered.

To allow the growing to continue based on California state law and have them pay a permit fee which would give money to the county and in the interim and in the mean time the county can look at their ordinances and tailor it to our area

Thank you

Jack Eitzen