Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program

Volume Two

SCH No. 2017071016

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Chapter 8
Public Comments and Response to Comments

Chapter 8 is organized as follows:

8.1 Introduction

8.2 Format of the Response to Comments: This section describes the format and organization of the comments received on the Draft Environmental Impact Report (EIR) and the responses to those comments.

8.3 Index of Comments Received: This section provides a list of the comments received on the Draft EIR by a member of the public, agency, company, or organization, and lists the unique number for each commenter.

8.4 Response to Comments: This section provides individual responses to comments provided in letters and oral testimony.

8.1 Introduction

Comments received during the 45-day public comment period for the Draft EIR, ending November 16, 2017, included written comments from 6 agencies, 3 cannabis industry businesses, and 72 companies. 24 oral testimonies were received from individuals during the Environmental Comment Hearings on October 12, 2017, and October 17, 2017. In accordance with CEQA and the State CEQA Guidelines, this chapter provides a written response to each of these comments, and describes any revisions to the EIR due to accepted comments and suggestions as well as reasoned analysis in response to specific comments and suggestions that were not accepted.

8.2 Format of the Response to Comments

Comments received on the Draft EIR are organized by written comments, then oral testimonies. Each comment letter or e-mail, and testimony is assigned a unique identification with each comment individually numbered as well, based on when the comments were received (from first received to last). Individual comments and issues within each comment letter or e-mail are numbered individually along the margins in Section 8.3. All comment letters are available in the Administrative Record for the Project.

8.3 Index of Comments Received

Table 8-1 lists all agencies, companies, organizations, and individuals that provided written and oral comments on the Draft EIR. As described above, each comment letter was assigned a unique nomenclature based on commenter name or organization, and each comment was assigned a number with a corresponding letter signifying with which organization the comment letter is associated, as detailed within the table.

Table 8-1. Index of Comments Received on the Draft EIR

Comment Set/ Number of Comments		Name of Commenter	Date Received	Comment and Response to Comment Location
		State Agency (S)		
S.1	1 - 2	California Coastal Commission	November 15, 2017	Page 8-16
S.2	1 - 15	California Department of Fish and Wildlife	November 16, 2017	Page 8-33
S.3	1	California Department of Transportation	November 16, 2017	Page 8-47
		Local Agency (L)		
L.1	1 - 4	Carpinteria Sanitary District	November 9, 2017	Page 8-49
L.2	1 - 60	City of Carpinteria	November 15, 2017	Page 8-69
L.3	1 - 6	Santa Barbara County Air Pollution Control District	November 16, 2017	Page 8-95
		Business / Industry (B)		
B.1	1 - 22	California Strategies	November 16, 2017	Page 8-110
B.2	1 - 4	Cannabis Business Council	November 16, 2017	Page 8-116
B.3	1 - 3	Hollister & Brace	November 16, 2017	Page 8-121
		Organization (O)		
O.1	1 - 10	Carpinteria Valley Association	November 13, 2017	Page 8-127
O.2	1 - 40	Cate School (Brownstein Hyatt Farber Schreck)	November 16, 2017	Page 8-146
O.3	1 - 4	Santa Barbara Channelkeeper	November 16, 2017	Page 8-164
O.4	1 - 3	Gaviota Coast Conservancy	November 16, 2017	Page 8-202
		Individual (I)		
I.1	1 - 2	Aaron Smith	October 3, 2017	Page 8-204
I.2	1	Karen Jowers	October 5, 2017	Page 8-207
I.3	1 - 2	Sandra Mezzio	October 11, 2017	Page 8-209
I.4	1 - 2	Denise Peterson	October 12, 2017	Page 8-211
I.5	1	Alyssa Moffitt	October 13, 2017	Page 8-213
I.6	1	Paul Ekstrom	October 13, 2017	Page 8-215
I.7	1 - 2	Susan Ashbrook (1)	October 13, 2017	Page 8-220
I.8	1	Kathryn Donovan	October 16, 2017	Page 8-223
I.9	1	Ken Volk	October 17, 2017	Page 8-226
I.10	1 - 2	Renée O'neill (1)	October 17, 2017	Page 8-242
I.11	1	Lillian Clary	October 18, 2017	Page 8-245
I.12	1	Michele Heintze	October 18, 2017	Page 8-247

Table 8-1. Index of Comments Received on the Draft EIR (Continued)

Comment Set/ Number of Comments		Name of Commenter	Date Received	Comment and Response to Comment Location
I.13	1	Sharon Murphy	October 18, 2017	Page 8-249
I.14	1	Derek McLeish (1)	October 19, 2017	Page 8-251
I.15	1	Susan Butler	October 19, 2017	Page 8-255
I.16	1	Gary Lange	October 23, 2017	Page 8-257
I.17	1 - 4	Dave Clary	October 24, 2017	Page 8-266
I.18	1	Judith Forsyth	October 26, 2017	Page 8-268
I.19	1 - 5	Thomas Walsh	October 31, 2017	Page 8-270
I.20	1 - 2	Derek McLeish (2)	November 1, 2017	Page 8-273
I.21	1	Darlene Prebyl	November 1, 2017	Page 8-275
I.22	1	Michael Cheng	November 4, 2017	Page 8-277
I.23	1 - 2	Caroline Woods	November 7, 2017	Page 8-280
I.24	1 - 4	Hunter Jameson	November 8, 2017	Page 8-283
I.25	1 - 9	Denise Ranch	November 9, 2017	Page 8-289
I.26	1 - 5	John Culbertson	November 10, 2017	Page 8-294
I.27	1	Kurt and Stephanie Souza	November 10, 2017	Page 8-297
I.28	1	Lori Greenburg	November 10, 2017	Page 8-299
I.29	1	Eric von Schrader	November 11, 2017	Page 8-301
I.30	1	Daniele Huerta	November 11, 2017	Page 8-303
I.31	1 - 7	Dave Clary (2)	November 12, 2017	Page 8-309
I.32	1 - 2	Jack Griffin	November 12, 2017	Page 8-311
I.33	1	Peggy Zachariou (1)	November 12, 2017	Page 8-313
I.34	1	Sandy Kuttler	November 12, 2017	Page 8-315
I.35	1 - 13	Cecilia Brown	November 13, 2017	Page 8-319
I.36	1	Tracey Reif	November 13, 2017	Page 8-324
I.37	1 - 3	Brian Touey	November 13, 2017	Page 8-327
I.38	1	Peggy Zachariou (2)	November 13, 2017	Page 8-329
I.39	1 - 2	Derek McLeish (3)	November 14, 2017	Page 8-331
I.40	1 - 5	Susan Ashbrook (2)	November 14, 2017	Page 8-333
I.41	1 - 16	Roxanne Lapidus	November 15, 2017	Page 8-344
I.42	1 - 11	Sally Eagle	November 15, 2017	Page 8-356
I.43	1	Rob Salomon	November 15, 2017	Page 8-361
I.44	1	Evan Turpin	November 15, 2017	Page 8-364

Table 8-1. Index of Comments Received on the Draft EIR (Continued)

Comment Set/ Number of Comments		Name of Commenter	Date Received	Comment and Response to Comment Location
I.45	1 - 3	Valerie Bentz	November 15, 2017	Page 8-367
I.46	1 - 7	Paul/Pablo Roberts	November 16, 2017	Page 8-371
I.47	1 - 3	Leo Elovitz	November 16, 2017	Page 8-376
I.48	1	Deanna Ryan	November 16, 2017	Page 8-378
I.49	1 - 5	Anna Bradley	November 16, 2017	Page 8-380
I.50	1	Beth Geiger	November 16, 2017	Page 8-383
I.51	1 - 4	Brian Adams	November 16, 2017	Page 8-385
I.52	3	Dan Fox	November 16, 2017	Page 8-388
I.53	1 - 6	David Van Wingerden	November 16, 2017	Page 8-391
I.54	1 - 8	Anna Carrillo	November 16, 2017	Page 8-398
I.55	1	John Thacker	November 16, 2017	Page 8-402
I.56	1	Helen Daniels	November 16, 2017	Page 8-404
I.57	1 - 2	Hans Brand	November 16, 2017	Page 8-407
I.58	1 - 2	Graham Farrar	November 16, 2017	Page 8-410
I.59	1 - 2	Kelly Clenet	November 16, 2017	Page 8-413
I.60	1 - 2	Michael Palmer	November 16, 2017	Page 8-416
I.61	1 - 2	Karen Bell	November 16, 2017	Page 8-418
I.62	1 - 5	Kyle Wolf	November 16, 2017	Page 8-422
I.63	1 - 8	Loren Luyendyk	November 16, 2017	Page 8-426
I.64	1 - 14	Merrily Peebles	November 16, 2017	Page 8-431
I.65	1 - 3	Thomas Martin	November 16, 2017	Page 8-435
I.66	1 - 4	John De Friel	November 16, 2017	Page 8-438
I.67	1 - 5	Paul Kowalski	November 16, 2017	Page 8-441
I.68	1 - 3	Renée O'neill (2)	November 16, 2017	Page 8-445
I.69	1	Sheelah and Douglas Smith	November 16, 2017	Page 8-447
I.70	1 - 2	Steve Junak	November 16, 2017	Page 8-451
I.71	1 - 8	Carl Stucky	November 16, 2017	Page 8-454
		Late Letters (X)		
X.1	1	Eric Bjorklund	November 17, 2017	Page 8-457

Table 8-1. Index of Comments Received on the Draft EIR (Continued)

Comment Set/ Number of Comments	Name of Commenter	Date Received	Comment and Response to Comment Location
	Oral Testimonies (T)		
Santa Barbara Hearing	Bruce Watkins Paul Ekstrom Cecilia Brown John De Friel Zach Schaefer Jesse Zaragoza Steve Decker John Stashenko	October 12, 2017	Page 8-458
Santa Maria Hearing	Hunter Jameson Renée O'neill Patricia Hansen Anita Lange Rory O'Reilly Mike Butler Susan Butler Derek McLeis Linda Tunnell Dave Clary Tim Bennett Lillian Clary Carmen Castro David Castro John Treur Steve Junak Robert Fedor	October 17, 2017	Page 8-462

8.4 Response to Comments

The following pages contain copies of the comment letters. Presented first is a copy of the comment letter with vertical lines indicating the extent of specific numbered comments, and on the subsequent pages are the corresponding numbered responses to individual comments.

The following section provides "Master Comment Responses," which are intended to address questions and concerns regarding key topics in the Draft EIR that were addressed in multiple public comments. Where appropriate, the responses to individual comments refer to the respective Master Comment Response, where a particular issue is addressed more comprehensively.

8.4.1 Master Comment Responses

MCR-1 **Project Development Process:** Several comments were received requesting more details about how the County developed the Project, including how setbacks were defined, appropriate zone districts selected, Project alternatives identified, and other process or regulatory items. The following discussion explains the County's process developing the proposed Project and its alternatives, which are analyzed in this EIR. This discussion augments the discussion in Chapter 2 of the EIR (*Project Description)*, of the Project background, including the County's history of local ordinances adopted in response to statewide legislation on cannabis. See Section 2.2.3, *Regulatory Context* for a detailed discussion of past actions and regulations.

The Project components analyzed in the EIR are described in detail in Chapter 2, *Project Description*. These components are the result of over a year of open and inclusive public process undertaken by the County that involved stakeholder engagement, public outreach, and consideration by the Board of Supervisors (Board) prior to analysis in this EIR, as detailed below.

In 2016, the Board adopted Ordinance No. 4954, which prohibited the cultivation and delivery of medical cannabis, except for cultivation for personal medicinal use in accordance with Medical Marijuana Regulation and Safety Act (MMRSA). Article X of the County Code provided a limited exemption for medical cannabis cultivation as a "legal non-conforming use" for cultivation sites existing on January 19, 2016, in compliance with State law. After California voter approval of Proposition 64 in November 2016, the County began its process to align local regulations with future state requirements, beginning with the assembly of an internal planning team and implementation of the 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program. Using Board policy direction, County departments developed draft Project components and options for consideration within the Board's broad policy structure. In June 2017, the Board considered a status report on the Project and the EIR, including review of the EIR's scope of work. The Agricultural Preserve Advisory Committee (APAC) also provided input to the EIR scope requesting analysis of an additional alternative to address Williamson Act consistency concerns. The EIR scope and analysis responds to the Board and the Board's appointees' direction as described in Chapter 2, *Project Description*.

The proposed Project involved public comment as part of the 30-day Notice of Preparation (NOP) scoping period. Two public scoping meetings were held on Wednesday, July 26, 2017, in Santa Barbara and on Thursday, July 27, 2017, in Santa Maria. From June to November, the planning team collected 506 registrant data sets from the Registry, and conducted ten site visits with local stakeholders, including both cultivators and concerned neighbors, at and near sites containing cannabis related operations. Further, direct outreach to existing commercial cannabis industry representatives, concerned neighborhood organizations, and public agencies occurred between July and November 2017. In order to understand cannabis operations in the County, County staff and the EIR consultant team conducted four interviews with stakeholders, including cannabis advocate groups and existing cannabis business operators. These meetings provided valuable information on the cannabis industry, including water and energy demand, employment, use of pesticide and organic techniques, manufacturing processes, business challenges, and other factors critical to understanding potential impacts of this emerging industry. One broader stakeholder meeting with the

Cannabis Business Council, representing cannabis industry operators, was also conducted. In order to more fully understand community and regulatory agency concerns, County staff and the consultant team conducted several meetings, phone conversations, and information from the County Sheriff's Office, Santa Barbara County Fire Department (SBCFD), the Santa Barbara County Air Pollution Control Board (SBCAPCD), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB), as well as other agencies. This extensive outreach provided relevant new information for the EIR, for both existing and potential future operations and support for impact analysis and development of mitigation measures.

Comments received during the early scoping period informed the approach to the Project's methodology for impact analysis as provided in Chapter 3, *Environmental Impacts Analysis,* as well as the range of alternatives analyzed in Chapter 4, *Alternatives Analysis* of the EIR. The alternatives analysis is consistent with Board policy direction and includes a range of alternate regulatory scenarios capable of reducing or avoiding potential environmental impacts while achieving all or most Project Objectives. The EIR also includes a range of alternatives, such as cultivation in residential areas, that were considered but discarded by the County as they would not implement major Project objectives aligned with the Board's policy direction.

Through the course of two attended County cannabis council meetings, six Board hearings, 10 interviews and site visits, two stakeholder meetings, early direct outreach to five key public agencies, and two EIR scoping hearings, the County refined the Project and its alternatives for environmental review. This process provided ample opportunity for public involvement regarding Project details prior to release of the Draft EIR.

MCR-2 **Odor Control Initiatives:** Several comments were received about odor concerns originating from existing cannabis activities within the County, particularly from cultivation within the City of Carpinteria and residents of the Carpinteria Valley. Residents have also expressed concerns over enforcement of odor related complaints. Odors originating from existing unregulated cannabis operations and associated regulatory agency responses to complaints cannot be compared to those for the future legal licensed cannabis industry which would be subject to odor control requirements, monitoring, and enforcement. A legal, regulated cannabis industry would be subject to clear permit conditions and requirements and be subject to penalties for noncompliance. In addition, effective technologies exist to suppress cannabis malodors. (See newly added Appendix F.) Activated carbon filtration systems have been proven to be effective for indoor cannabis facilities by Denver's Department of Environmental Health. Vapor-phase systems have been proven to be effective for outdoor odor mitigation by the City of San Diego's Department of Environmental Services, Air Pollution Control District, and Solid Waste Local Enforcement Agency. The same technology has also been shown to be promising for mixed light cultivation (e.g., greenhouses) by certain, established growers in Carpinteria. As discussed further below, these technologies could effectively reduce cannabis malodors in Santa Barbara County and now are recommended to be required for appropriate licensed cannabis operations as part of EIR mitigation measures. Buffer zones may be utilized which exceed many counties' standards of 100 to 300 foot recommendations (designed to address pesticides, dust, and odors); however, due to the primary public complaint of odor and distance that some odors may travel, buffer zones would likely be implemented more successfully in remote areas of the County.

The odor from cannabis is primarily caused by terpenes. Terpenes are what give all herbs and spices an aroma and pungent intensity. Due to terpene's property as an odor, terpenes bind to human receptors within the nasal passage and bloodstream. Of over 200 known terpenes, the following are the most widely known terpenes to exist in cannabis: (1) myrcene, which is also found in parsley, thyme, and hops, is the most common terpene found in cannabis, and has been utilized to provide peppery aromas to beer (Vazquez-Araujo et al. 2013), (2) pinene, which is also found in pine and fir and the most common terpene in nature, comprising most of trees' natural resin turpentine (Kent James 1983), (3) limonene, which is also found in citrus, formed from pinene, and is the main active ingredient in citrus cleaners widely used as a fragrance additive in cosmetics (Kim YW et al. 2013), (4) beta-caryophyllene, which is also found in black pepper, oregano, and cloves, and is the only terpene known to bind directly with CB2 receptors (Gertsch J et al. 2008), (5) linalool, which is also found in lavender, occurs in approximately 60 to 80 percent of perfumed hygiene products, is infrequently known to cause allergic reactions, and may account for some public irritation (Claessen 2009), and (6) humulene, which is also found in pine trees, orange orchards, sage, and sunflowers, and being studied for potential anti-inflammatory effects (Passosa & Fernandesa 2007).

As is widely understood and discussed within Section 3.3, *Air Quality and Greenhouses Gas*, odors from agricultural products vary widely. For instance, the odor from plants such as roses and lavender is not typically considered disagreeable, the odor from garlic is distinctive heading through Gilroy, and the odor from cauliflower and broccoli grown in North County is sometimes described as highly disagreeable. Opinions on the cannabis odors vary widely among members of the public as cannabis users find the odor strongly appealing while others do not. As noted repeatedly by Santa Barbara County residents in EIR comments, the odors perceived from the cannabis plant are highly contentious, and members of the public, community organizations, and agencies have cited adverse effects on individuals within the County.

According to LUDC Section 35.108.050.A Civil Actions, the definition of a Public Nuisance is, "[a]ny structure which is altered, constructed, converted, enlarged, erected, maintained, moved, or setup in conflict with the provisions of this Development Code, and any use of any land, premise, or structure conducted, established, maintained, or operated in conflict with the provisions of this Development Code, shall be and the same is hereby declared to be unlawful and a public nuisance." As the activities conducted under the Project and amended County codes would not consist of a land use conflict with the provisions of codes, the activities would not consist of a public nuisance per the County Comprehensive Plan. However, the EIR has deemed the odor a nuisance due to the amount of public concern and persistent, intrusive, and pervasive odor associated with certain cannabis activities, including cultivation.

Agricultural operations are not typically monitored for their odors and are generally protected from odor related and other complaints under the County's Right to Farm Ordinance. (See **Master Response 5 – Right to Farm Protections.**) However, because the EIR cites potentially significant cannabis related odor impacts and due to public concern and the potential for future odor related concerns associated with legal cannabis cultivation proximate to residential neighborhoods (e.g., Carpinteria Valley), the Project would be subject to a mitigation measure to require an Odor Abatement Plan as part of an application for a zoning permit for cannabis cultivation. In order to further reduce the severity of cannabis

related odor impacts, **MM AQ-5** has been amended to require odor reduction and control in areas proximate to residential neighborhoods.

Due to AG-I zoned lands designated for maximum agricultural productivity "within Urban, Inner-Rural, and EDRN areas," odor controls have been placed on AG-I areas to accommodate residential uses within, adjacent, or proximate to these uses, in addition to other zone districts, which balance potential agriculture supporting facilities with other land uses (including C-3, M-1, M-2, and M-RP). The OAP would not apply to AG-II areas, given the extensive protections for agricultural practices within these areas, the absence of urban, inner-rural, or EDRN areas with associated residential uses, and the prevalence of more intensive agricultural practices already allowed within this zoning district.

Within Section 3.3, *Air Quality and Greenhouse Gas Emissions*, per input from the Santa Barbara County Air Pollution Control Board (SBCAPCD), additional state and local agencies, and individuals, **MM AQ-5**, *Odor Abatement Plan*, has been updated to be more robust, as underlined:

> **MM AQ-5. Odor Abatement Plan (OAP)**. To reduce potential effects of nuisance odors to the extent feasible, all permits issued pursuant to the Project shall have an OAP, <u>which demonstrates that odors from the cannabis activity site are not persistent, intrusive, or pervasive within proximate residentially-zoned neighborhoods, ensuring that odors are abated for nearby residential areas and generally confined within the cannabis activity site property,</u> consistent with SBCAPCD requirements and approved by the Planning and Development Department. <u>The requirements of this mitigation are designed to be flexible, to balance the protection of residential neighborhoods with protection of the cannabis industry, including variations on technologies, siting, and similar decisions. Due to the innate need for the protection of agricultural land, cannabis activity sites within the AG-II zone districts would be exempt from this OAP requirement.</u> The approved OAP shall include, but not be limited to, the following elements to address issues from nuisance odors:
>
> - <u>Odor abatement strategies within the cannabis activity site that would be implemented to prevent persistent, intrusive or pervasive odors outside the property boundary, particularly within any nearby residential neighborhoods, including, but not limited to, the following:</u>
>   - <u>Activated carbon filtration systems, such as:</u>
>   - <u>Ventilation systems, in which odor-causing agents are adsorbed and filtered through activated carbon</u>
>   - <u>Canisters, in which activated carbon ventilation systems are supported by activated carbon gas canisters</u>
>   - <u>Vapor-phase systems, in which deodorizing liquids are vaporized and dispersed where necessary within the cannabis site, altering the chemical composition of cannabis terpenes into a neutralized chemical odor.</u>
>   - <u>The resulting odors must be odor-neutralizing, not odor-masking</u>

- The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus)
- Use of these systems must have supporting documentation which meet USEPA's Acute Exposure Guideline Levels (AEGLs) or similar public health threshold

  - Other odor controls systems or agricultural practices that can be shown to be effective in controlling odors.
  - Adequate distance from residentially-zoned neighborhoods, and the permitting official shall have the discretion to determine necessity of the system.

- The name and telephone number of a designated individual who is responsible for logging in and responding to odor complaints, 24 hours a day, 7 days a week;
- Providing property owners and residents of property within a 1,000-foot radius of the cannabis facility with the contact information of the individual responsible for responding to odor complaints;
- Policies and procedures describing the actions to be taken when an odor complaint is received, including the training provided to the staff on how to respond;
- Description of potential methods for reducing odors, including feasible add-on air pollution control equipment;
- Contingency measures to curtail odor emissions in the event of a continuous public nuisance**;**
- Require the designated individual to report all odor complaints to the appropriate County department within a reasonable time frame and to record and report the steps they took to resolve the issue; and
- For sites that generate recurring odor emissions that have been documented to be persistent, intrusive, or pervasive in nearby residential neighborhoods include an enforceable process to require additional control equipment or operational changes to mitigate odors.

Requirements and Timing. Each applicant for a cannabis permit and license shall prepare and submit an OAP to the Planning and Development Department. The Planning and Development Department shall review and approve the OAP prior to permit issuance.

Monitoring. The Planning and Development shall determine that a site adheres to **MM AQ-5** before issuance of a permit.

MCR-3 **Existing Developed Rural Neighborhoods:** Existing Developed Rural Neighborhoods (EDRN) typically consist of rural small parcel agricultural or residential neighborhoods within the County that are mapped and designated in the County's Comprehensive Plan.

These EDRN locations are mapped on parcels that may not necessarily be zoned for residential uses, but over time became part of a rural neighborhood environment. The EDRN description in the Comprehensive Plan is defined as "[a] neighborhood area that has developed historically with lots smaller than those found in the surrounding Rural or Inner Rural lands. The purpose of the neighborhood boundary is to keep pockets of rural residential development from expanding onto adjacent agricultural lands."

The Project would not permit cannabis activities within residential areas, due to potential conflicts between commercial operations and residential living such as from odors, traffic, noise, and employee trips. Consistent with typical land use planning under state Planning and Zoning Law, residential, commercial, manufacturing, and agricultural uses are divided pursuant to zoning and land use designations, to ensure compatible uses are established within areas designated for the uses. In the case of the EDRN locations, a majority have been established within AG-I areas, which have a primary use for agriculture, though EDRN regions also include residential, residential ranchette, and open space recreation zoning, typically characterized by larger "ranchette" size residential parcels (e.g., 5 to 20 acres) as part of a rural neighborhood, though some larger and smaller parcels of other zone districts are included. Therefore, while agricultural uses are typically allowed on all land zoned for agriculture, the EIR provides additional review to assess land use compatibility within areas that have been identified as containing an existing developed neighborhood within rural areas.

To further address potential land use compatibility conflicts between existing rural residential neighborhood areas and expanded cannabis activities with commercial purposes, staff will recommend to the decision makers that the Project be modified to require heightened discretionary review for any planned cannabis activity with an EDRN. County staff's recommendation to require heightened review for cannabis activities in EDRNs will be presented as an option to decision makers, though is not specifically related to a significant impact under CEQA. Per the policy recommendation, within an EDRN, applicants would be required to obtain Planning Commission approval, which would involve obtaining a conditional use permit (CUP). To ensure that cannabis licensing applications in EDRN areas are identified during the application process, the GIS overlay of these areas would be screened by the application intake planning staff. The primary locations with cannabis activity sites as indicated on Figure 2-2 affected by this mitigation measure would include properties in the vicinity of Tepusquet Road and Cebada Canyon Road, though other large holdings of EDRN occur within areas within Eastern Goleta Valley, Carpinteria, Santa Ynez and Buellton outskirts, and eastern Santa Maria. Under the modified Project, land use compatibility review would be part of the CUP process to address any public concern regarding the compatibility of commercial cannabis cultivation proximate to mixed residential, residential ranchette, and agricultural uses that occur within EDRN areas.

MCR-4 **Enforcement of Cannabis Operations:** Several commenters expressed concern and interest in the County's approach to enforcement of licensed and unlicensed cannabis activities under the Project. The following discussion provides an explanation of the County's existing and future approach to enforcement of legal/licensed and illegal/unlicensed cannabis activities in the County.

Existing enforcement approaches are primarily reactive to complaints about existing cannabis activities, which may or may not be legal under existing County Code. As discussed

in Chapter 2.2, *Existing Setting,* on January 19, 2016, the County adopted the use of "legal nonconforming uses" under Article X, which created challenges for the County to track, evaluate, and respond, if needed, to existing cannabis operations. After the passage of Article X, the County Sheriff's Office altered its cannabis enforcement approach to primarily investigate cannabis operations in response to complaints logged or as part of criminal investigations. Outside of the Sheriff's Office, the code enforcement staff from the County Planning Department also provides code enforcement of potential cannabis-related violations in response to complaints, focusing on County Code violations. Enforcement of existing County Code and state law has been conducted in a setting of existing unregulated/unlicensed cannabis operations, so there has not been a comprehensive program or system to track, manage, and enforce these operations. Rather, enforcement largely occurs in response to complaints and observed violations.

The County's approach to enforcement would dramatically change under the Project. Consistent with state law (SB 94), the Project would implement a licensing program to provide a clear nexus for the enforcement of cannabis sites that operate without a license from the County or state. The core purpose of SB 94 is to "[take] adult-use cannabis production and sales out of the hands of the illegal market and bringing them under a regulatory structure…" (SB 94 Section 182(a)). Additionally, key Project objectives involve maximizing the proportion of cannabis activities that participate in the Project to minimize unlicensed activities, and ensure adequate law enforcement and fire protection response to cannabis sites. The Project would involve licensing and permitting of an estimated 396 acres of existing cannabis canopy, which would involve enforcement of all regulations imposed by the Project and state law as an inherent part of the licensing and permitting process. Existing cannabis operations that cannot adhere to the regulations would not receive a license and/or permit and would be required to either cease operation or make changes to meet the Project requirements. Future cannabis operations that seek a license would also be subject to all local and state regulations on an ongoing basis. All licensed cannabis operations would be subject to annual renewal by the County and state to ensure ongoing compliance with Project regulations. In addition, the County Planning and Development Department would monitor an operation's compliance with the conditions of the permit that would be required for the operation. This licensing and permitting process would allow the County to effectively track and conduct licensing and permit compliance on an ongoing basis, in which the County may fine operators or revoke licenses and/or permits of operations that fail to comply with adopted County codes and regulations.

The EIR clearly acknowledges that the Project would not license and permit all cannabis operations in the County and that ongoing black-market operations would continue as they have for decades. While unlicensed operations with associated potential for significant environmental harm will inevitably continue, substantial numbers of such operations will be brought into full legal compliance under the Project. Unlicensed cannabis operations would be subject to code enforcement from the Planning and Development Department, similar to other illegal development activities in the County, with support from the County Sheriff's Office for penal violations. This approach to enforcement under the Project would improve the County's ability to more clearly discern between illegal and legal cannabis activities; essentially, any commercial cannabis operation that does not have a license and permit would be subject to enforcement, including closure or modifications to receive a license and permit. Effective enforcement requires adequate administration and funding, which may be partially

afforded by revenues from the cannabis industry in the County. The licensing and permitting of cannabis operations and the development of expanded enforcement programs would reduce the number of illegal cannabis operations that engage in nuisance or criminal activities, thereby addressing many of the issues historically experienced by existing land owners generated by unregulated and non-compliant cannabis operations.

The goal of the Project is to facilitate well-managed legal cultivation and improve local enforcement, which will allow the County to reduce the adverse effects of illegal cannabis operations on an ongoing basis. However, as disclosed in the EIR, ongoing enforcement under the Project would not entirely eliminate the adverse impacts of illegal cannabis operations. As analyzed in the EIR and demonstrated by the long history of the inability of past federal, state, and local enforcement campaigns (i.e., the "War on Drugs", the Campaign Against Marijuana Planting [CAMP], etc.) to completely eradicate illegal cannabis activities, enforcement is not likely to fully eliminate unlicensed cannabis activities in the future.

MCR-5 **Right to Farm Consideration:** There were a number of comments inquiring about the relevancy of the County's adopted Right to Farm Ordinance in relation to cannabis operations within the County. As discussed in 2.2.3, *Regulatory Context*, California passed the "Right to Farm Act" in 1981 to protect farmers from public nuisance concerns. The statute specifically states that it prevails over any contrary provision of a city or county ordinance or regulation, but allows cities and counties to require disclosures to be given to prospective home buyers that a dwelling is near an agricultural operation or agriculturally zoned land. While the law does not convey unlimited right to agricultural businesses to conduct operations in any desired manner, the Act provides that a farming activity cannot be a public nuisance in accordance with certain factors.

The County of Santa Barbara Right to Farm Ordinance contains standards based on the aforementioned state Act, which states:

> *No agricultural activity, operation or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began* (Right to Farm Ordinance 3778, Sec. 4).

One of the purposes of this legislation is to protect farmers who have been established within an area from being forced to move due to complaints from surrounding residential areas associated with standard and accepted farming activities (e.g., frost fans, air cannons, odors, and dust generation). Typically, this occurs when residential development is introduced to an area that has not historically contained such use.

For those existing agricultural activities, operations, facilities, and accessories, such as greenhouses, grow sheds, processing facilities, and more, which have been in operation for years within the County, even decades, the Right to Farm Ordinance protects these operators from public complaint. In return, the Right to Farm Ordinance acts as a civil agreement, in that it promotes:

> *a good neighbor policy between agriculturalists and residents by advising purchasers and residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living side by side to agriculture and be prepared to accept such problems as the natural result of living in or near agricultural areas* (Right to Farm Ordinance 3778, Sec. 3).

As discussed under the proposed Project, cannabis would be considered an agricultural product, commercially grown, operated, and sold within the County; cannabis activities conducted in agriculturally developed areas in line with the Project would be conducted in a manner consistent with accepted agricultural customs and standards. However, the County intends to treat cannabis differently from any other agricultural crop or product, due to the necessity for land use permits, business licenses, and associated taxation of the crop. Additionally, these actions include the decisions to regulate odor, lighting, noise, and allowing for continued nuisance actions (CZO § 35-144U.A.2). Though California defines medical and adult-use (nonmedical) cannabis as an agricultural product, CalCannabis has indicated that this identification as an agricultural product does not extend to other areas of the law. CalCannabis has stated that, "for example, cannabis is not an agricultural product with respect to local 'right to farm' ordinances". Nevertheless, The Board retains discretion over this matter, and would decide whether cannabis is included in the County's Right to Farm ordinance; however, until the Board makes such a decision, state law has not explicitly provided these protections to cannabis. Ultimately, under the newly adopted state regulations, legal cannabis activities are anticipated to expand within agricultural areas. Due to the highly regulated nature of the legal cannabis activities, additional restrictions have been placed upon this type of crop production.

Considering these factors, and based on community feedback during the NOP scoping period and comments provided on the EIR, farming activity associated with cannabis (primarily odor, though other concerns are present) has been identified as a public concern, notably by residents and schools within the Carpinteria Valley. Though some operators within the County have been operating for years with limited neighborhood complaint, especially within remote agricultural areas, Project objectives include developing a regulatory program that protects the public health, safety, and welfare through effective enforcement controls, including odors, neighborhood character, and quality of life issues within the surrounding communities, while considering the potential expansion of cannabis crop agricultural activities.

Therefore, in alignment with County and state initiatives to protect local community quality of life, the Project standards and mitigation measures that would be applied to the Project would further protect these communities. These initiatives include requirements for odor (please refer to **Master Comment Response 2 – Odor Control Initiatives**), and heightened enforcement opportunities (please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**). Ultimately, while farmers could potentially be protected under the County's Right to Farm Ordinance under the Project, the Board has discretion as to what limitations may be placed on activities associated with cannabis.

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST, SUITE 200
VENTURA, CA 93001
(805) 585-1800

November 15, 2017

County of Santa Barbara Long Range Planning Division
Attn: Jessica Metzger, Senior Planner
cannabisinfo@countyofsb.org
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Draft PEIR Cannabis Land Use Ordinance and Licensing Program

Dear Ms. Metzger:

S.1-1

Commission staff has reviewed the Draft Program Environmental Impact Report (PEIR) for the Cannabis Land Use Ordinance and Licensing Program dated October 2017 and we appreciate the opportunity to provide comments for your consideration. The program would facilitate the licensing, permitting, and regulation of commercial cannabis businesses in Santa Barbara County (County) consistent with the required State of California licensing regulations. While the PEIR addresses cannabis regulation throughout the County, the scope of our review and comments is refined to the geographic area of the coastal zone within the County and the County's certified Local Coastal Program (LCP). As identified in the PEIR, implementation of the program would require an amendment to the County's Coastal Zoning Ordinance (CZO) portion of its LCP.

S.1-2

Section 3.2 of the draft PEIR provides a discussion of the existing agricultural resources in the County, existing regulations, and an evaluation of impacts to agricultural resources that could result from the program. While Sections 3.2.3 and 3.2.4 of the draft PEIR addresses applicable provisions of the County's CZO regarding the proposed cannabis cultivation and manufacturing uses in agricultural zones, the draft PEIR lacks any analysis of the project's consistency with the applicable agricultural resource protection policies of the County's certified CLUP. Because the certified CLUP will be the standard of review for a future amendment to the CZO, it is important to understand whether the proposed program is consistent with the certified CLUP. Furthermore, the certified CLUP directly incorporates the Chapter 3 policies of the Coastal Act and any discussion should also include a consistency analysis of the project with those policies. Commission staff is concerned that the draft PEIR found that the cumulative cannabis-related development associated with the program would convert prime agricultural soils to non-agricultural use or impair agricultural land productivity (whether prime or non-prime), which would result in significant and unavoidable adverse impacts to agricultural resources. The proposal does not appear to be consistent with agricultural resource protection policies of the County's Coastal Land Use Plan (CLUP) portion of the certified LCP, which incorporates Sections 30241 and 30242 of the Coastal Act by reference. As such, the PEIR should include a more detailed analysis of the project's consistency with the applicable agricultural resource protection policies of the certified CLUP and alternatives to minimize cannabis-related development on agriculturally zoned lands in the coastal zone in a manner that would preserve agricultural productivity and potential to the maximum extent feasible consistent with CLUP policies should be more thoroughly evaluated.

Thank you for your consideration of these comments.

Sincerely,

Deanna Christensen
Supervising Coastal Program Analyst

Comment Letter S.1 – California Coastal Commission

S.1-1 All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

S.1-2 The County's Land Use Element, Local Coastal Plan, and Agricultural Element all contain policies which require protection of agricultural land, particularly prime agricultural soils. In terms of impacts to agricultural soils within the Coastal zone, the analysis in the EIR is countywide and that minimal potential for conversion or over-covering of primes soils within the Coastal Zone is anticipated. Section 3.2, *Agricultural Resources*, fully assesses impacts under both State and County CEQA threshold guidelines, as detailed within Section 3.2.4.1, *Thresholds of Significance*. An analysis of the Project's consistency with the agricultural land use policies is addressed within the EIR in Section 3.9, *Land Use and Planning*. This section addresses at least 26 adopted policies under the CLUP that may be affected by the Project within Table 3.9-2. This table addresses policies directly associated with agricultural resources that may be affected by the Project that are covered by the CLUP, including: Development Policies 2-9 and 2-11; Hillside and Watershed Protection Policies 3-20 and 3-23; and Agriculture Policies 8-5, 8-6, 8-7, 8-11, and 8-12. Additionally, the certified CLUP's inclusion of the Coastal Act is addressed, including analysis for Coastal Act Policies 30250, 30231, and 30251.

An analysis of the Project's consistency with Coastal Act Policies 30241 and 30242 has been integrated into Table 3.9-2 within the "Coastal Act Policies" section. The Project would be consistent with each of these Coastal Act Policies. The analysis of Project consistency with Impact AG-2 has also been revised to explain that, similar to existing agricultural practices, while the Project would potentially result in the loss of prime soils from the development of agricultural support structures, there would not be a conversion of prime or non-prime agricultural land to non-agricultural uses. The potential loss of prime soils under Impact AG-2 would be reduced with implementation of **MM AG-2**, *New Structure Avoidance of Prime Soils*, though the impact to prime soils remains significant and unavoidable. Similarly, the cumulative impact to agricultural resources would remain significant and unavoidable due to the potential cumulative loss of prime agricultural soil countywide; however as discussed within the EIR, there would not be a conversion of prime or non-prime agricultural land to non-agricultural uses with implementation of the Project. Additional discussion has been added to Section 3.2, *Agricultural Resources* of the EIR to clarify this matter, particularly with regard to land within the Coastal Zone.

State Agency

State of California – Natural Resources Agency
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

November 16, 2017

Ms. Jessica Metzger
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101
E-mail: cannabisinfo@countyofsb.org

SUBJECT: CANNABIS LAND USE ORDINANCE AND LICENSING PROGRAM DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SCH# 2017071016

Dear Ms. Metzger:

S.2-1

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the County of Santa Barbara (County) for the Cannabis Land Use Ordinance and Licensing Program (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code,§ 21070; CEQA Guidelines§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id.,§ 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code,§ 21069; CEQA Guidelines,§ 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code,§ 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

S.2-1

and Game Code §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: County of Santa Barbara

Objective: The Project proposes amendments to the Santa Barbara County - County Land Use and Development Code, Montecito Land Use and Development Code, County Coastal Zoning Ordinance, and other County documents and regulations to establish a new licensing program and regulate cannabis activities. The Project would adopt new cannabis regulations to address allowed uses and permit requirements for the cultivation, processing, manufacturing, testing, distribution, and sale of medical and non-medical cannabis within the County.

Location: The Project applies throughout Santa Barbara County and is primarily confined to agricultural, commercial, and industrial lands.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Comment #1: Environmental Thresholds and Guidelines

S.2-2

Issue: The DEIR presumes insignificant impacts to habitat for "small areas of non-native grassland if wildlife values are low" (page 3.4-33). In addition, several of the thresholds of significance listed in the DEIR are general and undefined (e.g., "substantially reduce", "substantially interfere", "substantially limit"). It is unclear how the County determined whether there would be a significant impact given that "low" and "substantially" have not been defined in the DEIR.

The DEIR also states that impacts are considered insignificant for "areas of historical disturbance such as intensive agriculture" while impacts to greater than 0.25 acres of native grasslands and loss of 10 percent or more individual native trees are to be considered significant (page 3.4-33; 3.4-35). Certain special-status plants have been discovered within non-native vegetation or flourishing after disturbance activities (e.g., fires and grazing). In addition, areas of less than 0.25 acres of native grasslands or areas with less than 10 percent of native trees may provide a niche for certain species, which could be considered significant impacts to biological resources.

Specific impact: CEQA Guidelines section 15064.7 defines a threshold of significance as "an identifiable quantitative, qualitative or performance level of a particular environmental effect, non"compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." Without clearly defined thresholds of significance, impacts to biological resources may not be adequately analyzed or disclosed in the DEIR. Appropriate avoidance, minimization, and/or mitigation measures would not be considered, which could contribute to statewide

S.2-2

population decline for the species or habitat or removal of critical habitat that was not appropriately identified.

Why impact would occur: Vegetation clearing and other ground disturbing activities may impact biological resources that are mis-identified as insignificant based on the current environmental thresholds. Project disturbance activities may result in loss of critical habitat that supports special status species or may cause direct species mortality.

Evidence impact would be significant: Adverse impacts to biological resources may occur because the DEIR does not clearly define the threshold criteria or consider potential exceptions (e.g., special status plants occurring within non-native vegetation), thus allowing Project impacts directly, or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the U.S. Fish and Wildlife Service (USFWS), which would be considered significant. Without clear environmental thresholds, Project impacts may continue to result in substantial adverse effects to biological resources.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Thresholds of significance should be specifically defined in the DEIR so the potential significance of the impact may be determined. Specifically, the DEIR should define and disclose "low" wildlife values, "substantial", "maximum extent feasible", and other terms within the thresholds of significance section.

Mitigation Measure #2: CDFW recommends that the DEIR identify potential exceptions to the threshold criteria and include conditions to ensure the exceptions are appropriately avoided, minimized, and/or mitigated. Focused species-specific protocol surveys should also be conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable.

S.2-3

Comment #2: Impacts to Special-Status Fish

Issue: The County's Setback Ordinance "ensures that no development... would occur within 50 feet of the top of the bank of any watercourse or within 200 feet of the top of the bank of any of the four rivers without special review" (page 3.4-38). The DEIR states that this ordinance, along with existing policies that require practices to prevent pollution to adjacent waterbodies, would not adversely affect special-status fish species, including the federally endangered unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*; UTS), tidewater goby (*Eucyclogobius newberryi*), and Southern California steelhead trout (*Oncorhynchus mykiss*; southern steelhead).

CDFW is concerned that the DEIR may not fully characterize the potential impacts to UTS given it is a fully protected species pursuant to Fish and Game Code section 5515. Except as provided in the Fish and Game Code (e.g. for necessary scientific research), take of any fully protected species is prohibited, and cannot be authorized by CDFW. In addition, given the unknown variability of site-specific cannabis activities, CDFW is concerned that the 50-200 feet setback may not be enough to conclude no take of UTS or adverse effects on any special-status fish.

S.2-3

Specific impact: Wastewater discharge and runoff from cannabis activities especially water containing pesticides, disinfectants, and/or fertilizers, may enter and alter existing streams or their function and associated riparian habitat on the Project site. In addition, the Project may induce special-status fish population declines or local extirpation of special-status fish species due to impacts from lighting, noise, vibration, or sedimentation from development, causing immediate death or injury, increased predation, or reduced reproductive success. The effects of these impacts would be permanent or occur over several years.

Why impact would occur: Impacts to special-status fish could occur from Project implementation due to the close proximity of cannabis activities to the stream. Lighting from cannabis activities may allow easier predation on native species; noise and vibration may cause stress and reduce reproductive success; wastewater discharge may contribute to acute or chronic pesticide poisoning; and sedimentation from construction, operations, and maintenance activities may bury spawning habitat or eggs, smother organisms which burrow in the top layer of soil, or cover food sources for aquatic species.

Evidence impact would be significant: UTS is listed as a fully protected species to provide additional protection given that it's rare and faces possible extinction. Impacts to UTS is prohibited and must be fully avoided. Tidewater goby and southern steelhead are designated as a federally endangered species and a state species of special concern. Project implementation allows cannabis activities that may directly impact, or indirectly through habitat modifications, species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS, which would be considered significant.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The DEIR should disclose UTS as a fully protected species pursuant to Fish and Game Code section 5515 where take is not authorized. CDFW recommends the DEIR include avoidance measures, such as restricting cannabis cultivation within streams and watershed where UTS is present, assumed present, or historically present.

Mitigation Measure #2: As previously stated in CDFW's August 10, 2017 Comments on the Notice of Preparation (NOP) letter for the Project, CDFW recommends a fisheries biologist with appropriate federal permits conduct surveys for tidewater goby in areas of ponded water with stands of cattail or burush prior to impacts. The biologist should follow survey techniques approved by USFWS.

Mitigation Measure #3: As previously stated in CDFW's August 10, 2017 Comments on the NOP, CDFW recommends that all permitted cannabis activities be limited to when there is no flow present in identified critical habitat steelhead streams.

S.2-4

Comment #3: Impacts to Nesting Birds and Habitat

Issue: The DEIR states, "activities associated with construction and operation would have the collective potential to result in the direct injury or mortality of special-status bird species occurring within the County," and proposed MM BIO-1b, Habitat Protection Plan (page 3.4-39). However, MM BIO-1 b does not include any avoidance or minimization measures specific to nesting birds.

S.2-4

Specific impact: The Project may result in population declines or local extirpation of special status birds, habitat loss and fragmentation, and reduced reproductive capacity.

Why impact would occur: Grading, vegetation removal, and other ground disturbances could result in direct mortality, disturbance to breeding behavior, or nest abandonment.

Evidence impact would be significant: All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. § 10.13). Sections 3503, 3503.5 and 3513 of the Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA. Project implementation allows cannabis activities that may directly impact, or indirectly through habitat modifications, native bird species, which would be considered significant.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW encourages construction related activities to occur during the non-nesting bird season. However, if ground disturbing activities must occur during the breeding season (February through mid-September), the applicant is responsible for ensuring that implementation of the Project does not result in any violation of MBTA or relevant Fish and Game Codes (i.e., FGC §§ 3503, 3503.5, 3511, and 3513). CDFW recommends the following language be included in the DEIR as part of the MM BIO-1b, Habitat Protection Plan:

> *Prior to Project-related activities commencing, including staging, clearing, and grubbing, surveys for active nests shall be conducted by an avian biologist following CDFW-approved protocols no more than 10 days prior to the start of activities and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by ground disturbance or other Project-related activities. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests shall be continuously surveyed for the first 24 hours prior to any activities to establish a behavioral baseline. Once work commences, all nests shall be continuously monitored to detect any behavioral changes. If behavioral changes are observed, the work causing that change shall cease and CDFW consulted for additional avoidance and minimization measures.*
>
> *A minimum no disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 foot no-disturbance buffer around the nests of unlisted raptors shall be maintained until the breeding season has ended, or until the avian biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers should be supported by the avian biologist and it is recommended CDFW be notified in advance of implementation of a no disturbance buffer variance.*

S.2-5

Comment #4: Pesticide, Herbicide, and Rodenticide Impacts to Sensitive Species

Issue: Project implementation would result in "both direct and indirect poisoning of sensitive species, either through the exposure to poison baits and chemicals or through the consumption of rodents or invertebrates that have consumed" pesticides, herbicides, and rodenticides (page 3.4-39). The DEIR states that implementation of MM HWR-1a, Cannabis Waste Discharge Requirements Draft General Order, which requires evidence of compliance with the State Water Resources Control Board's (SWRCB) requirements, would reduce these impacts. CDFW is concerned that the cumulative increase in pesticide, herbicide, and rodenticide use would significantly impact plants and wildlife on a regional-scale. In addition, MM HWR-1 requires compliance with a draft comprehensive Cannabis Cultivation Policy, which has not yet been approved.

Specific impact: The use of pesticides, herbicides, and rodenticides for cannabis activities may directly harm or kill plants and wildlife through acute or chronic exposure. For example, monarch butterfly (*Danaus plexippus plexippus*) and La Purisima blue butterfly (*Philotiella speciose purisima*) are locally rare species that occur in both cool riparian corridor systems and open space grasslands within the Project area. These species have a plant obligate relationship that could be harmed directly by either pesticide or herbicide applications. In addition, pesticides, herbicides, and rodenticides may impact fish and wildlife through secondary exposure as it moves up the food chain, resulting in reduced reproductive capacity, reduced immune system making animals more susceptible to other diseases, and population declines or local extirpation.

Why impact would occur: Without appropriate control measures, pesticide, herbicide, and rodenticide applications would result in acute or chronic poisoning that may kill or sicken wildlife. Anticoagulants, which are toxins found in major rodent poisons, and other rodenticides can have harmful impacts on non-target species, and secondary poisoning of wildlife may occur. Anticoagulants such as bromadialone and brodifacoum prevent clotting, causing animals to bleed to death internally. As these poisons move up the food chain, other wildlife including mammalian predators and raptors are unintentionally poisoned. Mortality from secondary poisoning has been documented in several predators including mountain lion and coyotes in the Santa Monica Mountains.

Evidence impact would be significant: The Project may substantially adversely affect any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS, through prolonged exposure to pesticides, herbicides, or rodenticides. In addition, MM HWR-1 may not be enforceable given that the SWRCB's draft comprehensive Cannabis Cultivation Policy has not yet been approved.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The DEIR should analyze the cumulative impacts of increased pesticide, herbicide, and rodenticide use and its effects on the non-target species. The DEIR should also address the use of pesticides, including but not limited to the risk of secondary poisoning to native species caused by the use of rodenticides. CDFW recommends the County develop a Project-wide Integrated Pest Management Plan to ensure protection of these species.

S.2-5

Mitigation Measure #2: CDFW recommends prohibiting anticoagulant use for cannabis cultivation. In addition, CDFW advises limiting grow site selection criteria to preclude cultivation in or next to special status species habitat.

Mitigation Measure #3: CDFW recommends MM HWR-1 be revised to include enforceable measures, such as limiting pesticide, herbicide, and rodenticide applications.

S.2-6

Comment #5: Impacts to Threatened and Endangered Individuals and Habitat

Issue: The DEIR states that the Project may impact several threatened and endangered species, including California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), least Bell's vireo (*Vireo bellii pusillus*), and arroyo toad (*Anaxyrus californicus*). CDFW described additional concerns for other threatened, endangered, and special status species in the August 10, 2017 comments on the NOP, including Swainson's hawk (*Buteo jamaicensis*), Coastal California gnatcatcher (Polioptila californica californica), coastal cactus wren (Campylorhynchus brunneicapillus), burrowing owl (*Athene cunicularia*); the State protected California sea otter (*Enhydra lutris*) and mountain lion (*Puma concolor*) and the State Fully Protected blunt-nosed leopard lizard (*Gambelia sila*). CDFW is concerned that the DEIR does not propose species-specific habitat assessments, focused surveys, or avoidance, minimization, and mitigation measures.

Specific impact: The Project may result in reduced reproductive capacity, population declines, or local extirpation of rare, special-status, or threatened and endangered species.

Why impact would occur: Project implementation could result in an increase in grading and maintenance activities associated with cannabis operations. Operations could result in vegetation removal; introduction of pesticides, herbicides, and disinfectants; and other disturbances, resulting in direct mortality, habitat degradation and additional stress to wildlife populations.

Evidence impact would be significant: CEQA provides protection not only for CESA-listed and candidate species, but for any species including California Species of Special Concern, which can be shown to meet the criteria for State-listing (CEQA Guidelines §§ 15380 (d), 15065 (a)). Without avoidance and mitigation measures, the Project may continue to result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Recommended Potentially Feasible Mitigation Measure

Mitigation Measure #1: Appropriate species-specific analyses and mitigation measures should be included for each potentially significant impact. On-site habitat restoration or enhancement should be considered and detailed for existing cultivation sites where impacts have already occurred unmitigated. If on-site mitigation is not feasible, then off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be considered.

Mitigation Measure #2: CDFW recommends the following language be included in the DEIR as part of the MM BIO-1b, Habitat Protection Plan:

S.2-6

Focused surveys shall be conducted for special status species following CDFW and USFWS-approved survey and monitoring protocols and guidelines (available at https://www.wildlife.ca.gov/Conservation/Survey-Protocols) prior to initiating disturbances within Project activity areas. The focused surveys shall be conducted within habitat described in the DEIR as supporting at least low-to-moderate habitat for special status wildlife species. For direct unavoidable impacts to special status wildlife, mitigation could include acquisition and protection in perpetuity of suitable occupied habitat for impacted species or mitigation payment to a CDFW-approved mitigation bank.

Mitigation Measure #3: CDFW provided several species-specific recommendations in the August 10, 2017 Comments on the NOP, including California tiger salamander, red-legged frog, blunt-nosed leopard lizard, Swainson's hawk, burrowing owl, mountain lion, and California sea otter. We recommend the County incorporate the recommendations into the DEIR's mitigation, monitoring, and reporting plan.

Mitigation Measure #4: CDFW recommends the DEIR include a mitigation measure that states whenever a CESA-listed species has been identified occurring on the project site, the project applicant shall consult with CDFW for any project activity that may result in "take" of the CESA-listed species, and that for unavoidable "take" the applicant shall submit an Incidental Take Permit (ITP) application to CDFW and receive authorization prior to receiving a cannabis cultivation license. In such cases where take is likely, early consultation with CDFW is encouraged because significant modification to a subsequent project activity and mitigation measures, and an additional CEQA environmental document, may be required. Additionally, "take" of species listed under the Federal Endangered Species Act would require a separate authorization from the USFWS and/or National Marine Fisheries Service.

Mitigation Measure #5: The DEIR should disclose blunt-nosed leopard lizard and mountain lion, as a fully protected species pursuant to Fish and Game Code section 5515 where take is not authorized. In addition, the California sea otter is protected under Title 14, California Code of Regulations, Section 460, which prohibits take of the species at any time. CDFW recommends the DEIR identify avoidance measures to ensure no take of these species.

S.2-7

Comment #6: Impacts to Streams

Issue: CDFW is concerned there is not adequate surface and subsurface flow in most streams to meet the water demand for cannabis cultivation and processing. Based on numerous field observations and ongoing research, CDFW believes that the overuse of surface water diversions for cannabis cultivation has and will continue to have a significant impact on aquatic resources.

Specific impacts: The Project may result in the loss of surface flow within streams and diminish the streams' and associated watershed's biological diversity. Increased water diversions and alterations to the stream's hydrogeomorphology could affect the riparian corridor, including change in sedimentation, nutrient loading, water quality, and water availability.

Why impacts would occur: Water use peaks in the heat of the summer, at the same time instream flow is at its lowest, creating a conflict between water demand and water availability for fish and wildlife resources. Water diversions or wastewater discharges may change the stream's velocity, depth, and turbidity, which can physically remove or otherwise alter existing streams or

S.2-7

their function and associated riparian habitat on the Project site. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project related activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern on the Project site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on-site or off-site of the Project, direct or indirect harm or mortality to aquatic species, and loss of stream habitat (e.g., spawning beds, pools, shaded micro-climates).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the County assess the aquatic carrying capacity of watersheds to support cannabis cultivation and propose a limit on density or number of cultivation sites. The assessment should take into account the cumulative impact of existing and future legal and illegal diversions. Without a defined cap on the number of cultivation sites, analysis of environmental impacts should assume that all parcels meeting zoning criteria could be used for cannabis cultivation.

Mitigation Measure #2: Pursuant to Business and Professions Code 26060.1 (b) (3) every license for cultivation issued by the California Department of Food and Agriculture (CDFA) must comply with Section 1602 of the Fish and Game Code or receive written verification from CDFW that a Lake and Streambed Alteration Agreement (LSA) is not required. Therefore, for any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether an LSA with the applicant is required prior to conducting the proposed activities. A notification package for an LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/conservation/lsa.

CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. However, the DEIR does not meet CDFW's standard at this time. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

S.2-8

Comment# 7: Impacts to Groundwater

Issue: Several groundwater basins in Santa Barbara County are generally in overdraft conditions. The DEIR states, "private wells account for over half (approximately 63 percent) of the irrigation water supply for the 134 known, existing cultivators" (page 3.8-17). Shared wells and supplies from municipal waters, which is largely supplemented by groundwater, also contribute to irrigation. CDFW is concerned that the increase in water demand for cannabis cultivation may cumulatively impact groundwater resources.

Specific impacts: Cannabis cultivation requires an average of one gallon of water per day per pound of cannabis produced or 6 gallons per plant per day (http://cannabishelpnw.com/irrigating-marijuana-with-rainwater/, https://www.marijuanaventure.com/report-on-water-usage/).

S.2-8

Given the large water demand for warehouse grows, CDFW is concerned the Project may result in the continued decline of groundwater in the County and the resulting further decline of biological resources that depend on groundwater availability.

Why impacts would occur: Additional groundwater use may lower the groundwater table, which could eliminate flows or flow duration in drainages and the occurrence and persistence of wetlands. Lowering of the water table can also take water beyond the root zone for riparian vegetative communities resulting in mortality and decline of vegetation and reductions in wildlife populations.

Evidence impacts would be significant: The Project could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). For groundwater basins that are already overdrafted, any additional groundwater extraction would be considered significant.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Without a cap on the number cultivation sites in each watershed, the DEIR should analyze groundwater extraction using the maximum permissible area. CDFW recommends the DEIR include recharge measures that will assure that the Project's use of groundwater will not further result in subsidence of the groundwater table.

S.2-9

Comment #8: Cumulative Impacts

Issue: The DEIR states the proposed Project, combined with other projects, would contribute to cumulative biological resource impacts within the County, but does not provide an analysis of the significance of the cumulative impacts. The DEIR proposes MM BIO-1a, 1b, 3, and HWR-1a, which requires protection of on-site habitat and mature trees and evidence of compliance with SWRCB's requirements; however, CDFW is concerned that these measures are for site-specific mitigation, which does not address the cumulative impacts on a regional scale. In addition, CDFW is concerned about cumulative impacts from illegal cultivation operations that may occur in areas such Los Padres National Forest or places with dense vegetation. Impacts to other environmental factors would occur due to lack of regulatory oversight for these illegal grows.

Specific impacts: The Project may result in population declines or local extirpation of plants and wildlife, habitat loss and fragmentation, and reduced biological diversity. Diversions from streams, springs, and groundwater hydrologically connected to surface waters are already adversely impacting watersheds throughout the state. Many watersheds may not be able to support the existing level of diversions, and new cannabis cultivation diversions would likely exacerbate this problem.

Why impacts would occur: Many impacts associated with cannabis cultivation that the Project seeks to regulate are exacerbated because they are not addressed by current regulatory processes of CDFW and other agencies regulating natural resources impacts. For example, impacts from conversion of upland habitat (e.g., grassland, oak woodland, and forestlands) are not typically addressed in Regional Water Quality Control Board Orders or by CDFW's LSA

S.2-9

Program. Unpermitted cannabis cultivation would not provide any avoidance, minimization, or mitigation measure to offset their impacts to biological resources. Without meaningful enforcement and penalties for non-compliance, the number of unpermitted and noncompliant cultivation sites with their associated environmental impacts will continue to increase.

Evidence impacts would be significant: Discussion of cumulative impacts is required by CEQA Guidelines section 15130, which also includes "past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside "the control of the agency...." CDFW is concerned cumulative impacts from projects in the County on biological resources similar to the proposed project may be considerable, as defined in CEQA Guidelines section 15065 (a)(3) and 15064 (h)(1), especially for unpermitted cannabis operations that would not be mitigated.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Without a cap on the number cultivation sites in each watershed, the DEIR should analyze impacts based on the maximum acreage that could be converted to cannabis cultivation in each watershed if all parcels in all allowable zoning districts elected to cultivate up to the maximum permissible area. Based on this data, CDFW recommends that the County establish maximum limits of allowable cultivation sites in a given watershed to minimize cumulative impacts.

Mitigation Measure #2: CDFW recommends the Project be amended to include very specific penalties or remedies for permit non-compliance and post-permit environmental remediation, and provide adequate staffing to conduct enforcement efforts and compliance review. The County should develop specific policies and regulations to ensure compliance, particularly with consistent monitoring, enforcement, and substantial penalties for violations.

Mitigation Measure #3: CDFW recommends the County demonstrate that adequate funding and personnel are available, and meaningful enforcement is implemented concurrently for permitted cultivation operations, as well as those not in compliance with County Code.

S.2-10

Comment #8: MM BIO-1a Tree Protection Plan

Issue: MM BIO-1a requires a Tree Protection Plan (TPP) to be developed "to determine whether avoidance, minimization or compensatory measures are necessary. In addition, the TPP shall determine whether specific restoration measures are required where disturbance associated with previous cannabis activities on the property being considered for permitting or licensing has occurred" (page 3.4-44). CDFW is concerned that this measure defers mitigation to a future date. In addition, MM BIO-1a states, "The replacement trees shall be a native species, planted at a 2:1 ratio" (page 3.4-46). CDFW is concerned that a 2:1 ratio is not sufficient to fully mitigate impacts to trees, especially when it is unclear what type of tree has been impacted. CDFW concurs that individual trees should be protected and mitigated; however, we are concerned that the measure does not take into consideration the entire habitat, including understory species.

S.2-10

Specific impact: Although CDFW acknowledges the programmatic nature of the DEIR, which makes it impossible to identify site-specific impacts, without proper disclosure or analysis, the Project may result in impacts to native trees that support rare, sensitive, or listed species. In addition, it is unclear how the County determined that a 2:1 ratio would fully compensate for the loss of native trees, including large, mature, well-established trees and its associated understory habitat.

Why impact would occur: This measure defers analysis of foreseeable project impacts and mitigation to a future date after the Project has already been approved. Future cannabis construction and operations, including grading, herbicide applications, and irrigation, may cause direct mortality or affect the function and value of native trees and their associated habitat.

Evidence impact would be significant: CEQA Guidelines section 15126.4(a)(1)(B) states "Formulation of mitigation measures should not be deferred until some future time." CDFW considers the planned preparation of a Tree Protection Plan as a deferral of mitigation until some future date. Deferred mitigation may not adequately avoid, minimize, or mitigate significant impacts that would normally be disclosed during the EIR review process. In addition, without appropriate measures that would demonstrate fully mitigated impacts, cannabis activities may substantially adversely affect, either directly or through habitat modifications, native trees and their associated habitat that are considered locally significant under CEQA or rare by CDFW.

Recommended Potentially Feasible Mitigation Measures

Mitigation Measure #1: CDFW recommends that the DEIR define and disclose criteria that the County will use to determine whether any cultivation project requires site-specific CEQA review, such as impacts to trees. Disclosure through the CEQA process will assist the County in identifying significance of impacts and appropriate mitigation measures.

Mitigation Measure #2: CDFW recommends the following replacement ratios for native trees using locally collected acorns or saplings grown from collected acorns:

a. trees less than 5 inches diameter at breast height (DBH) should be replaced at 3:1
b. trees between 5 and 12 inches DBH should be replaced at 5:1
c. trees between 12 and 36 inches DBH should be replaced at 10:1
d. trees greater than 36 inches DBH should be replaced at 20:1

Mitigation Measure #3: CDFW recommends MM-BIO 1a state that tree replacement occurs prior to initiation of impacts. If impacts occur before mitigation has been implemented, the County should revise the mitigation to account for temporal impacts.

Mitigation Measure #4: The Tree Protection Plan should include specific tree and understory performance criteria. CDFW recommends that the tree mitigation site be monitored and managed for a minimum of 10 years to ensure success of the restoration effort.

S.2-11

Comment #9: MM BIO-1 b Habitat Protection Plan

Issue: MM BIO-1b requires a Habitat Protection Plan (HPP) to be developed "to determine whether protected species, habitat, or sensitive communities may be present, and whether

S.2-11

avoidance, minimization or compensatory measures are necessary. In addition, the HPP shall determine whether specific restoration measures are required where disturbance associated with previous cannabis activities on the property being considered for permitting or licensing has occurred" (page 3.4-46). Similar to MM BIO-1 a, CDFW is concerned that this measure defers mitigation to a future date.

MM BIO-1 b also states, "No alteration to stream channels or banks shall be permitted until the licensee demonstrates receipt of all authorizations from the California Department of Fish and Wildlife (CDFW) and/or federal agencies for any planned alteration to stream channels or banks" (page 3.4-47). CDFW is concerned that this condition defers mitigation to another agency rather than conducting its own impact analysis and mitigation proposal.

Finally, CDFW is concerned that the DEIR does not provide any mitigation for permanent impacts.

Specific impact: Although CDFW acknowledges the programmatic nature of the DEIR, which makes it impossible to identify site-specific impacts, without proper disclosure, analysis, or mitigation for permanent impacts, the Project may result in impacts to native habitats that support rare, sensitive, or listed species. Without analysis and mitigation proposals for stream alterations, the DEIR cannot certify that impacts are reduced to less-than-significant levels.

Why impact would occur: This measure defers analysis of foreseeable project impacts and mitigation to a future date after the Project has already been approved. Future cannabis construction and operations, including grading, herbicide applications, and irrigation, may cause direct mortality or affect the function and value of sensitive habitats. Ground disturbing activities from grading, water diversions, and wastewater discharge would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project related releases of sediment and altered watershed effects resulting from Project activities.

Evidence impact would be significant: CEQA Guidelines section 15126.4(a)(1)(B) states "Formulation of mitigation measures should not be deferred until some future time." CDFW considers the planned preparation of a Habitat Protection Plan as a deferral of mitigation until some future date. Deferred mitigation may not adequately avoid, minimize, or mitigate significant impacts that would normally be disclosed during the EIR review process. In addition, Authorizations from other agencies does not certify that a cultivation site is adequately mitigated to less-than-significant levels. Finally, without appropriate measures that would demonstrate fully mitigated impacts, cannabis activities may substantially adversely affect, either directly or through habitat modifications, native trees and their associated habitat that are considered locally significant under CEQA or rare by CDFW.

Recommended Potentially Feasible Mitigation Measures

Mitigation Measure #1: The habitat assessment that is required in MM BIO-1b should evaluate existing biological conditions within the cultivation site including but not limited to complete and current mapping of the entire proximity of the project, regardless of footprint; an analysis of endangered, threatened, candidate, and locally unique species; wildlife migratory corridors; and the type, quantity and locations of the habitats, flora and fauna that may be impacted by cannabis cultivation activities.

S.2-11

Mitigation Measure #2: CDFW recommends that the DEIR require thorough, recent, floristic-based assessments of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see http://www.dfg.ca.gov/habcon/plant/); floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at subsequent Project sites and within the neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008[2]). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

Mitigation Measure #3: CDFW recommends the DEIR include appropriate species-specific analyses and mitigation measures for each potentially significant impact. On-site habitat restoration or enhancement should be considered and detailed for existing cultivation sites where impacts have already occurred unmitigated. If on-site mitigation is not feasible, then off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be considered.

Mitigation Measure #4: CDFW recommends the County develop thresholds that define the extent of loss or type-conversion by alliance level in each watershed and cumulatively within the County.

S.2-12

Comment #10: Noise Impacts

Issue: Section 3.10 of the DEIR considers noise impacts from the perspective of neighboring properties and does not address the potential for noise impacts on wildlife. CDFW is concerned that cannabis activities that occur in undeveloped and/or rural areas are adjacent to natural/native habitats and communities, which may be considered as a sensitive receptor, especially if threatened and endangered species inhabit those areas.

Specific Impact: The Project may induce population declines or local extirpation of wildlife species due to impacts from noise and/or vibration from grading activities or use of generators for cannabis operations.

Why impact would occur: Noise, particularly chronic noise pollution, creates negative impacts on wildlife. On a watershed scale, the chronic noise pollution from numerous cannabis cultivation site generators has the potential to result in substantial habitat loss or degradation to a number of wildlife species. Generator-produced noise pollution can be especially harmful to night-foraging animals such as owls and bats, which hunt for prey primarily through hearing. Noise impacts can cause nesting birds to abandon their eggs. Noise at even moderate levels (40-60 dB) is associated with physiological and behavioral changes in birds, terrestrial mammals, amphibians, and bats.

Evidence impact would be significant: Project implementation allows cannabis activities that may impact directly, or through habitat modifications, on wildlife, including native bird species

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[2] Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed.

S.2-12
that are protected under MBTA and sections 3503, 3503.5 and 3513 of the Fish and Game Code, which would be considered significant.

Recommended Potentially Feasible Mitigation Measures

Mitigation Measure #1: The DEIR should analyze cannabis cultivation related noise contributions to ensure that loud pumps and generators do not significantly impact the local fauna.

Mitigation Measure #2: CDFW recommends that the County develop noise restriction and minimization guidelines, such as use of low-noise technology equipment or building noise-reducing structures to house noisy equipment, that will be protective specific to wildlife and their habitat areas on the cultivation parcel as well as on adjacent lands.

Editorial Comments and/or Suggestions

Comment #1: Fish and Game Code

S.2-13
Several Fish and Game Code sections apply to activities that the County would permit under the Project. In addition to Fish and Game Code section 1602, other applicable sections include, but are not limited to, section 2050 *et seq.* (CESA), section 5650 (prohibits water pollution), section 5652 (prohibits refuse disposal in or near streams), section 5901 (prohibits any device that impedes fish passage), and section 5937 (requires sufficient water bypass and fish passage, relating to dams). CDFW recommends the Final DEIR include these relevant Fish and Game Code sections as part of the regulatory setting in Section 3.4 – Biological Resources and Section 3.8 – Hydrology and Water Resources and analyze the potential impacts to these regulations.

Comment #2: MM AV-1 Screening Requirements

S.2-14
CDFW believes there is a typo in the Requirement and Timing section for the Screening Requirements Mitigation Measure, which states, "The Planning Direction shall determine the appropriate The Screening Plan shall be part of the Landscape Plan." CDFW recommends the County revise this sentence to clarify its meaning.

ENVIRONMENTAL DATA

S.2-15
CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code,§ 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at: http://www.dfg.ca.gov/ biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

S.2-15

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW strongly supports efforts to regulate cannabis cultivation and to address the numerous and substantial environmental impacts. We believe that greater regulatory oversight and enforcement by local Lead Agencies can help minimize the environmental impacts of cannabis cultivation. CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts on biological resources. CDFW recommends addressing the information raised in this letter in the final CEQA document.

Questions regarding this letter and further coordination on these issues should be directed to Victoria Tang, Senior Environmental Scientist at Victoria.Tang@wildlife.ca.gov or (562) 430-5082.

Sincerely,

for Betty J. Courtney
Environmental Program Manager I
South Coast Region

ec: Christine Found-Jackson, CDFW, Newbury Park
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Comment Letter S.2 – California Department of Fish and Wildlife

S.2-2 The County shares CDFW's interest in protecting and conserving the County's sensitive habitats and wildlife resources and the County has an extensive set of adopted policies designed to achieve that goal. Future cannabis projects would be subject to review for consistency with these policies and appropriate conditions imposed to protect sensitive resources. In addition, CEQA provides broad latitude to a lead agency in selecting thresholds of significance for use in an EIR. The thresholds used in this EIR are based upon the County's adopted *Environmental Thresholds and Guidelines Manual*, agency standards, and the professional recommendations of EIR authors. When considering the potential for significant effects, the total projected amount of cultivation area is approximately 1,136 acres *countywide,* with the majority of cultivation predicted to occur within existing greenhouses or hoop houses, resulting from a change in crop type on already cultivated land or from conversions of grazing land to cultivated land. This would substantially limit the acreage of conversion of currently undeveloped native habitats to cannabis grows or associated activities. The analysis of the potential loss of, and other impacts to, biological resources is based on these facts.

A decisive definition of a significant effect is not possible due to the fact that the significance of an impact may vary with its setting. However, according to CEQA Section 21083, (Significance Guidelines) and CEQA Guidelines Section 15065 (Mandatory Findings of Significance), a project may have a "significant effect on the environment" if one or more of the following conditions exist:

- The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.
- The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

For a countywide Program EIR, the document includes a relatively exhaustive analysis of the Program's potential to substantially degrade environmental quality or reduce fish or wildlife species habitats or populations. The EIR also analyzes the potential long-term effects on fish and wildlife resources as well as cumulative effects. This review accounts for the County existing regulatory and policy framework, including a countywide oak tree protection ordinance and substantial policy requirements for protection of rivers, creeks, and wetlands. Where needed to reduce or avoid impacts, the EIR identifies mitigation measures.

In addition, the County's *Environmental Thresholds and Guidelines Manual* indicates that the determination of impact is done on a case-by-case basis. Because of the complexity of

biological resource issues, substantial variation can occur between cases. As detailed in Section 3.4.4.1 of Section 3.4, *Biological Resources*, the County of Santa Barbara Environmental Thresholds and Guidelines provide an extensive list of ways in which disturbances to habitats or species would potentially be significant, and a list of questions and factors to be used in assessing the significance of project impacts on biological resources. The examples of areas of insignificant impacts are given as guidelines as what is typically found to occur in these areas, but if a special-status plant is found to occur on one of these sites, or a site is found to provide important habitat for a special-status species, the appropriate thresholds and protections would be applied to the proposed cannabis activity. For example, the federal- and state-endangered Gaviota tarplant (*Deinandra increscens*) has a high potential of inhabiting disturbed or ruderal areas, but this would not preclude this special-status plant from receiving protection under the Project. However, in response to CDFW's concerns of potential exceptions to the threshold criteria, **MM BIO-1b**, *Habitat Protection Plan*, has been amended to ensure that potential exceptions are avoided, minimized, and/or mitigated under the purview of **MM BIO-1b**.

S.2-3 As noted in **Comment Response S.2-2** above**,** impacts to native habitats and fish and wildlife are anticipated to be limited, as the total projected amount of cultivation area is approximately 1,136 acres *countywide,* with the majority of cultivation predicted to occur within existing greenhouses or hoop houses, resulting from a change in crop type on already cultivated land or from conversions of grazing land to cultivated land. The unarmored threespine stickleback is only known to occur in creeks and ponds within Vandenberg Air Force Base, which is not eligible land under the Project. The tidewater goby is known to occur in brackish water habitats along the coast of the County, and the southern steelhead is known to occur in rivers and creeks throughout the County. As described in Section 3.4.3 of Section 3.4, *Biological Resources*, biological resources are governed by federal, state, and local laws and ordinances. State regulations that are directly relevant to future commercial cannabis cultivation and manufacturing under the Program include California Fish and Game Code regulations such as Streambed Alteration Agreements and regulations protecting from all forms of "take." The EIR acknowledges that the California Department of Fish and Wildlife (CDFW) exerts jurisdiction over the bed and banks of rivers, lakes, and streams according to provisions of Sections 1601–1603 of the Fish and Game Code. Where CDFW has jurisdiction, the County will of course cooperate and coordinate licensing activities. While the habitats of special-status fish such as unarmored threespine stickleback, tidewater goby, and southern steelhead would largely be protected by existing laws and ordinances, such as the County's Development Along Watercourses Ordinance[1], the EIR still provides mitigation to further reduce potential impacts, such as prohibiting all ground disturbances and vegetation removal in a 200-foot setback from either side of the top-of-bank of watercourses that support a sensitive riparian habitat area (**MM BIO-1b**), and requiring adherence to state waste discharge regulations on pesticide use (**MM HWR-1**). Further, as described above, additional mitigation language has been added to require review of conversion of all native and/or sensitive habitats and ensure species-specific surveys where warranted. As referenced in the special-status fish section of Impact BIO-1, Section 3.8, *Hydrology and Water Resources*, addresses degradation of surface water quality. Prior to permit review and issuance, the

[1] The Ordinance establishes a 50-foot setback requirement from the top-of-bank of any watercourse and a 200-foot setback requirement from the top-of-bank of any of the four rivers in the County (Santa Ynez, Santa Maria, Sisquoc, and Cuyama rivers) – SBCC Chapter 15B, Ordinance No. 3095

Planning and Development Department would review proposed site plans and determine the need for a grading permit. The Project includes requirements to protect water quality, such as prohibiting cultivation within proximity to streams or within the high-water mark (HWM) of a water body. Further, cannabis cultivation associated with all grow types would be required to adhere to state and local regulations, such as the California Food and Agriculture Code, CCRWQB Order R3-2017-0002, the SWRCB's Cannabis Waste Discharge Requirements General Order, and the goals and policies of the County's Comprehensive Plan. In addition, cannabis operations would be subject to compliance with policies and regulations adopted for the purpose of identifying, protecting, enhancing, and restoring Environmentally Sensitive Habitat Areas (ESHAs) within the County, which include avoidance of development near ESHA or riparian corridors and associated buffer areas and requirements for conformity with applicable habitat protection policies which would reduce impacts from cannabis operations on these sensitive resources. Adherence to these regulations would reduce the potential for sediment and pollutants to enter receiving water bodies. With implementation of **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order*, the County Planning and Development Department would ensure that impacts to surface waters from hazardous materials would be minimized by reviewing and approving compliance with the requirements of the SWRCB, and would ensure residual impacts were *less than significant with mitigation.* In addition, **MM BIO-1b**, *Habitat Protection Plan*, has been amended to require licensees to develop a Pest Management Plan to be reviewed and approved as part of the licensing process. Impacts to special-status fish habitat in riparian or wetland areas are addressed in Impact BIO-2, and implementation of **MM BIO-1b** would reduce these impacts to *less than significant with mitigation*.

Both the Project and EIR address light pollution and noise generation, and contain standards and mitigation measures to reduce or avoid any potential impacts. For example, *all lighting shall be shielded to prevent light trespass* into the night sky and/or glare onto lots other than the lots that constitute the project site or rights-of-way, *generators are banned* except as emergency backup power sources, and *all noise-generating equipment and uses shall be located, shielded, and/or otherwise controlled* to avoid exposure of incompatible noise to nearby sensitive receptors, in compliance with the Santa Barbara County Noise Element. (See Section 2.3.3, *Proposed Development Standards.*) In addition, compliance with regulations of the Santa Barbara County Noise Element would ensure cannabis operations do not result in significant increases in ambient noise levels, such that wildlife or human receptors would not be exposed to substantial noticeable increase in ambient noise levels.

S.2-4 This comment sets forth concerns regarding population declines or local extirpation of special-status bird species, but does not provide evidence to substantiate this concern**.** As stated in **Comment Responses S.2-2 and S.2-3** above, most cultivation is anticipated to be confined to existing greenhouses, hoop houses, or cultivated land, substantially limiting potential for such impacts. However, to further address impacts to nesting birds, **MM BIO-1b**, *Habitat Protection Plan*, has been amended to include nesting birds as a trigger to requiring a Habitat Protection Plan for a site. Further, the suggested language specific to nesting bird surveys has also been added to **MM BIO-1b**.

S.2-5 The EIR addresses the potential impacts of pesticide and rodenticide use on non-target wildlife species and sensitive habitats in Section 3.4, *Biological Resources.* (See Impact BIO-1.). In particular, the EIR acknowledges the adverse statewide impacts of use of rodenticides by past illegal unregulated cannabis grows and impacts to valuable non-target wildfire

species. Due to the need for concealment, such grows were often located in sensitive mountainous areas including riparian and oak woodlands. However, similar concerns cannot be directly applied to a fully licensed and regulated cannabis industry which would be conducted in the open or within greenhouses or hoop houses and subject to careful review and inspections. Furthermore, although not a requirement, many of the existing cannabis sites visited during preparation of this EIR are low-impact operations that employ many sustainable practices such as pesticide-free cultivation, water recycling, and use of areas that were previously cultivated with other crop types and abandoned processing facilities to minimize adverse environmental consequences. In addition, **MM BIO-1b**, *Habitat Protection Plan*, has been amended to require licensees to develop a Pest Management Plan to be reviewed and approved as part of the licensing process, and would give licensing priority to applicants who indicate on their license application that no rodenticides will be used on their site at any point during the term of their license. This aspect of the mitigation would provide a record of licensee's actions in terms of pesticide, herbicide, and rodenticide use, and would encourage the use of non-toxic alternatives. Finally, as discussed in detail below, the County is preempted by state law from imposing regulations that are more restrictive than the regulations that the California Department of Pesticide Regulation (California DPR) enforces.

As stated in Impact BIO-1 of Section 3.4 of the EIR, rodenticides pose a potentially significant impact to biological resources from homeowners, businesses, and agricultural operations, including legal and illegal cannabis operations. However, cannabis is only a partial contributor to the issue and there are significant differences between the operation of heavily regulated and monitored legal cannabis operations that would be allowed under the Project, and illegal unpermitted operations that are not subject to any regulation or monitoring. Licensed cannabis businesses would be subject to County regulations and the mitigation measures of this EIR to control and minimize the effects of pesticides and rodenticides, unlike unregulated cannabis uses and other land uses in the County, which are not subject to mitigation. Also, a substantial portion of proposed cannabis cultivation would occur within existing structures or greenhouses, limiting potential non-target wildlife exposure to rodenticides. Further, according to the 2017 Cannabis Registry, 23 percent of existing cannabis cultivators in the County use pesticides, and only 2 percent use rodenticides. While these are not guarantees of eliminating potential for rodenticide use and non-target wildlife exposure, they are indicators that potential impacts are likely to be limited to a small minority of registrants and future licensed cannabis cultivation operations, which would be addressed through mitigation and licensing review. Regarding CDFW's recommendation to ban anticoagulant rodenticides, the County is preempted from enacting an outright ban by state law and programs. Rodenticides are heavily regulated by the California DPR. California Food and Agricultural Code Section 11501.1 renders any regulation or ordinance of local governments attempting to prohibit or regulate the use of rodenticides/pesticides void. Only the Director of the California DPR can regulate the use of rodenticides/pesticides. Therefore, although other jurisdictions have adopted resolutions urging residents to avoid purchasing or selling certain rodenticides, the use of rodenticides is preempted by the California DPR, and the outright banning of rodenticides by a local jurisdiction is not allowed under state law. Further, California DPR has determined that commercially grown cannabis is an agricultural commodity and, therefore, cannabis cultivators under the Program are subject to the requirements of Division 6 and 7 of the Food and Agricultural Code and the associated administrative regulations (ENF 17-03). These laws and regulations set requirements for the legal use of rodenticides/pesticides and are enforced by the County of Santa Barbara Office of

the Agricultural Commissioner. Commercial agricultural operators that use pesticides/rodenticides must obtain an Operator Identification Number from the Agricultural Commissioner's Office before purchasing or using pesticides/rodenticides. Section 3.8.3.2 of Section 3.8, *Hydrology and Water Resources*, has been updated to include the recently issued SWRCB statewide general order, WQ 2017-0023-DWQ, which was adopted on October 17, 2017. **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order*, has also been amended to reflect this recent change. Therefore, **MM HWR-1** is enforceable as of October 17, 2017.

S.2-6 This comment does not set forth substantial evidence to support the claim regarding population declines or local extirpation of special-status species**.** As noted in **Comment Responses S.2-2, S.2-3,** and **S.2-4** above, most cultivation is anticipated to be confined to existing greenhouses, hoop houses, or cultivated land, substantially limiting potential for such impacts. However, the EIR still provides mitigation to further reduce potential impacts and as described above, additional mitigation has been added to require review of conversion of native habitats and ensure avoidance of impacts to special-status species.

As described in Section 3.4.2.1 of Section 3.4, *Biological Resources*, Special-status animals are considered animal species that are:

- Listed or proposed for listing as threatened or endangered under the federal ESA (50 CFR 17.11, and various notices in the FR [proposed species].
- Candidates for possible future listing as threatened or endangered under the ESA.
- Listed or proposed for listing by the State of California as threatened or endangered under CESA.
- Candidates for possible future listing as threatened or endangered under CESA.
- Animal species of special concern to CDFW.
- Animals fully protected in California (California Fish and Game Code, Section 3511 [birds], Section 4700 [mammals], Section 5050 [amphibians and reptiles], and Section 5515 [fish]).
- Species that meet the definitions of rare or endangered under CEQA (State CEQA Guidelines, Section 15380).

While the EIR includes analysis of potential impacts to 17 federally listed and 18 state-listed rare, threatened, or endangered wildlife species in Table 3.4-3, a full list of special-status wildlife species within the County is provided in Appendix D. The blunt-nosed leopard lizard is already acknowledged as a protected species and is listed in Table 3.4-3 of the EIR. The Swainson's hawk and burrowing owl are listed in Appendix D. Although these species were not captured by the countywide CNDDB search conducted for the EIR due to lack of CNDDB-recorded occurrences of these species within the County, the coastal California gnatcatcher (*Polioptila californica californica*), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), and southern sea otter (*Enhydra lutris nereis*) have been added to the EIR and Appendix D where appropriate. If these species were found to have the potential to occur within a cannabis site, a habitat assessment required in **MM BIO-1b**, *Habitat Protection Plan*, would ensure the appropriate focused surveys and avoidance, minimization, and mitigation measures would be taken. Language mentioning the indirect rodenticide poisoning of non-

target species, including the mountain lion, has been added to Impact BIO-1. Impacts are not expected to occur to the southern sea otter, as the Project would not induce any significant changes in runoff associated with cannabis activities. As mentioned in **Comment Response S.2-5**, many existing cannabis operations utilize water recycling, and existing regulations as well as **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order,* and **MM HWR-3**, *Water Conservation–Water Efficiency for Cannabis Activities*, would ensure that impacts related to contamination of surface or groundwater from construction and operation of cannabis activities would be *less than significant with mitigation*. In addition, **MM BIO-1b** has been amended to require licensees to develop a Pest Management Plan to be reviewed and approved as part of the licensing process, which would further reduce impacts to water quality due to pesticide contamination.

For the purpose of this programmatic analysis, a description of the general condition of special-status species within the County is suitable for providing an understanding of the potential significant effects of the project on the environment based on the thresholds utilized for this analysis. The CEQA Guidelines (Section 15146) state that "the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." Given the inability to accurately predict the exact location and extent of all potential future licensed cannabis operations that would result from the Project, which involves amendments to existing County codes and regulations, a greater degree of specificity regarding the discussion of biological resources across the County is not required for this programmatic analysis. The EIR provides an analysis of Countywide impacts at a programmatic level as appropriate for a long-term program. Potential significant impacts to special-status species are discussed in the EIR, particularly in Impact BIO-1, and extensive mitigation measures are required to reduce or avoid impacts. **MM BIO-1b**, *Habitat Protection Plan*, requires the applicant to submit a Habitat Protection Plan (HPP) to the County Planning and Development Department prepared by a Planning and Development Department-approved biologist and designed to determine whether protected species, habitat, or sensitive communities may be present, and whether avoidance, minimization or compensatory measures are necessary. This mitigation measure would ensure that the appropriate measures are taken, depending on the species found and its species-specific recommendations for avoidance measures. As a programmatic EIR, species-specific mitigation measures for each species potentially encountered is not necessary, because the existing mitigation measures (based off of the County of Santa Barbara's standard conditions of approval) would encompass these. The Project and EIR provide for comprehensive biological surveys and mitigations where appropriate, and where located in or even near sensitive areas, such operations may be subject to rigorous review and mitigation as needed, including consultation with CDFW as appropriate. Such restrictions are similar to those applied to residential, commercial, and industrial development. County policy requires protection of sensitive fish and wildlife resources and in practice the County rigorously protects such resources, in cooperation with CDFW, USFWS, and/or NMFS. The County will continue to do so as it regulates cannabis cultivation countywide. The County believes that the EIR presents a reasonable worst case analysis and that required mitigation measures are both effective in reducing impacts and proportionate to the degree of impacts given the relatively small size of the legal cannabis industry and the strict regulatory environment in which it will operate. The County will continue to cooperate with CDFW to ensure that a legal cannabis industry is implemented in a manner that protects fish and wildlife resources.

S.2-7 Chapter 2, *Project Description*, describes past instances of diversion of natural streams on illegal and unregulated cannabis sites in remote areas of the County. Due to the need for concealment, such illegal grows were often located in mountainous areas including riparian and oak woodlands and sometimes used stream diversions as a water source. However, similar concerns cannot be directly applied to a fully licensed and regulated cannabis industry which would be conducted in the open or within greenhouses or hoop houses and subject to careful review and inspections. In addition, according to the 2017 Registry Data, 9 percent of current cultivators get their water from "other" sources, which could include stream diversions. Section 3.8.2.6 of Section 3.8, *Hydrology and Water Resources*, also discusses the issue of illegally procured water for cannabis activities. However, SB 837 addresses the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. Under the state's licensing program (CalCannabis), growers that propose to divert surface water for cannabis cultivation must register and attain water rights prior to license authorization. Further, Section 3.8.3.2 of Section 3.8, *Hydrology and Water Resources*, has been updated to include the recently issued SWRCB statewide general order, WQ 2017-0023-DWQ, which was adopted on October 17, 2017. This General Order implements the Cannabis Policy requirements, which describe the overarching water diversion and waste discharge requirements associated with cannabis cultivation activities. **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order*, has also been amended to reflect this recent change. Therefore, licensed cannabis operations under the Project would be required to adhere with these state water diversion requirements. Additionally, as described in Section 3.13, *Utilities and Energy Conservation*, applicants would be required to demonstrate that an adequate and approved water source is available for proposed cultivation via receipt of permission from appropriate agencies or owners of the rights to such water sources prior to issuance of a permit under the proposed Project, pursuant to the SWRCB water rights, and cannabis activity permitting and licensing requirements. Impact HWR-3 explains where surface water sources have not been adjudicated, receipt and demonstration of rights to such supplies would ensure that licensing and operation of future cannabis activities would not result in significant impacts to these supplies. While these impacts are already considered less than significant under the Project, implementation of Recommended **MM HWR-3**, *Water Conservation–Water Efficiency for Cannabis Activities*, would further reduce impacts by ensuring water efficiency is maximized for each cannabis site prior to permitting.

Although California Code of Regulations, Sections 1600–1616 in Section 3.4.3.2 of Section 3.4, *Biological Resources*, inherently includes these requirements, this section has been updated to include specific language pertaining to Lake and Streambed Alteration Agreements. Biological resources are governed by federal, state, and local laws and ordinances. State regulations that are directly relevant to future commercial cannabis cultivation and manufacturing under the Program include California Fish and Game Code regulations such as Streambed Alteration Agreements and regulations protecting from all forms of "take." The EIR acknowledges that CDFW exerts jurisdiction over the bed and banks of rivers, lakes, and streams according to provisions of Sections 1601–1603 of the Fish and Game Code. Where CDFW has jurisdiction, the County would coordinate permitting activities.

S.2-8 As discussed in more detail below, potential impacts to County groundwater resources are anticipated to be relatively limited as the total projected amount of cultivation area is approximately 1,136 acres *countywide,* with the majority of cultivation predicted to occur

within existing greenhouses or hoop houses, resulting from a change in crop type on already cultivated land or from conversions of grazing land to cultivated land, limiting net increases in water demand. For comparison purposes, there are currently more than 125,000 acres of irrigated cropland countywide, so at most cannabis cultivation would increase irrigated cropland and associated water demand by less than 1 percent countywide. However, because a large portion of cannabis cultivation is anticipated to displace existing crops, cannabis cultivation would likely increase irrigated cropland and associated water demand by less than ½ of 1 percent countywide. This water demand would be spread across more than six major groundwater basins countywide and a number of smaller basins or aquifers, further diminishing potential for substantial increases in demand from any one water source. However, as discussed in detail below, the EIR provides detailed analysis of the potential impacts associated with such possible increases in water demand, especially in areas with more limited supplies (e.g., Tepusquet Canyon) and requires mitigation where appropriate.

As discussed in Section 3.2, *Agricultural Resources*, nearly 93 percent of the County is zoned for agricultural uses, with 712,823 acres of harvested agricultural acreage in 2016. Compared to the existing amount of agricultural operations within the County, the known amount of existing cannabis activities represents less than 0.06 percent of the harvested agricultural acreage in 2016. Future cultivation demand by Project registrants would potentially comprise 0.2 percent of eligible land area designated by the County for agricultural uses. Future cannabis activity site expansion would represent approximately 1 percent of the County's 67,202 acres of prime farmland (if entirely located on these areas, though highly unlikely), or less than 0.1 percent of all County farmland. Cannabis requires the use of soil, water, and environment control similar to agricultural crops of the cut flower industry. Also, much of this change could come from a conversion of existing crops with little or no net change in water demand. As discussed in Section 3.13, *Utilities and Energy Conservation*, the EIR conservatively estimated a demand of 0.07 gallons per day per square foot of cannabis canopy, bringing the total annual water demand associated with existing cannabis activities to be approximately 471.2 acre-feet per year (AFY), which accounts for less than 0.01 percent of the total 2015 metered municipal water demand. Based on water demand factors of typical commercial agricultural products, as well as anecdotal information on average water demands associated with cultivation operations, the EIR estimated that new cannabis cultivation licensed under the Project would potentially result in water demands between 1 to 5 AFY/acre. Based on assumptions for growth in the cannabis industry anticipated to occur under implementation of the Project and anecdotal information regarding cannabis water demands, Project water demands are projected at 2,420 AFY. Considering known existing cannabis operations that currently demand 471.2 AFY of water supplies, net new water demand under the Project would potentially be an estimated 1,948.8 AFY. Of these supplies and based on results of the 2017 Cannabis Registry, approximately 39.5 percent of future cannabis operations would rely on municipal water supplies, resulting in a total demand for 769.8 AFY of municipal water supplies, or approximately 1.1 percent of the County's existing municipal water demand and 2.6 percent of the County's existing surplus water supply. Compared to projected future municipal water supply and demand, estimated Project water demands would account for 1.1 percent of projected future demand and 1.8 percent of projected future surplus water supply. When compared to existing agricultural operations, projected water demands for future cannabis cultivation would account for a small percentage of the demand of many of the County's most productive agricultural crops; compared to water demand of rotational crops, projected new cannabis water demands

would equate to 1.2 percent of the estimated 2016 water demand. Based on existing and projected water supplies, County water supply would accommodate future cannabis water demands.

The EIR acknowledges that development and operation of licensed cannabis cultivation activities under the Project would potentially unsustainably draw groundwater resources or inhibit groundwater recharge in Section 3.8, *Hydrology and Water Resources*. This increase in groundwater extraction would impact the level of supply available in the aquifers, especially in areas of scarce groundwater supplies, such as Tepusquet Canyon. However, as an agricultural product, cannabis is similar to other high demand and high value crops in the County, such as strawberries. The testing, manufacturing, distribution, and retail processes would be expected to incrementally increase water demand; however, the increase is anticipated to be negligible when compared to available water supplies in any one groundwater source. Additionally, as described in Section 3.13, *Utilities and Energy Conservation*, licensees would be required to demonstrate that an adequate and approved water source is available for proposed cultivation via receipt of permission from appropriate agencies or owners of the rights to such water sources prior to issuance of a license under the proposed Project, pursuant to the SWRCB water rights, and cannabis activity permitting and licensing requirements. Limits to the availability of water from municipal sources or from groundwater management agencies may limit the licenses if a licensee cannot demonstrate an adequate source of water, including groundwater. Where groundwater sources have not been adjudicated, receipt and demonstration of rights to such supplies would ensure that licensing and operation of future cannabis activities would not result in significant impacts to these supplies. Given these requirements, impacts to groundwater supplies would not be anticipated. While these impacts are already considered less than significant under the Project, implementation of Recommended **MM HWR-3**, *Water Conservation–Water Efficiency for Cannabis Activities*, would further reduce impacts by ensuring water efficiency is maximized for each cannabis site prior to licensing.

S.2-9 The EIR provides an analysis of the significance of the cumulative impacts; Section 3.4.4.3 states that the combined effects of the proposed Project and the cumulative projects, including the Unlimited Area Cultivation component, would potentially result in potentially significant, cumulative biological resources impacts. With the implementation of **MM BIO-1a**, *Tree Protection Plan*, **MM BIO-1b**, *Habitat Protection Plan*, and **MM BIO-3**, *Wildlife Movement Plan*, as well as **MM HWR-1a**, *Cannabis Waste Discharge Requirements General Order*, each licensed cultivation site would be required to fully mitigate impacts to biological resources, which would reduce the cumulative effect of the Project with other ongoing development in the County. Further, ongoing permitting of development in the County would also be subject to federal, state, and local regulations protecting sensitive biological resources; and the Project would not make a cumulatively considerable contribution to cumulative biological resources impacts.

To the extent that such unregulated and hidden activities can be known, the EIR provides a substantial description of existing illegal cannabis grows. However, the EIR does not include illegal cannabis activities as part of the cumulative impact analysis, because these unregulated activities are not considered other projects under CEQA. In addition, as the extent and location of illegal grows cannot be fully known or described, to provide detailed analysis of potential impacts within the cumulative impact section would be speculative.

CEQA Guidelines Section 15130 states, "An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in Section 15065(a)(3). As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." CEQA Guidelines Section 15378 states,

> *'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700. (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.*

Illegal cannabis activities do not constitute a "project" under CEQA, and would change and fluctuate in response to the Program's type and degree of restrictions. Instead of analyzing unregulated cannabis activities in the cumulative impact discussions, they are characterized in Chapter 5, *Other CEQA Considerations*, for each resource area. Identifying such secondary impacts of future additional or expanded unlicensed cannabis activity as associated with implementation of the Project is a conservative programmatic approach. These illegal activities would not necessarily adhere to existing County regulations and/or mitigation measures in this EIR and, therefore, could cause adverse impacts.

The requirement for additional law enforcement and regulatory oversight of licensed cannabis operations is currently included in the process being undertaken by the County for this Project. Consistent with state law (SB 94), the Project would implement a licensing and permitting program that would prohibit and address illegal cannabis sites. Additionally, key Project objectives involve maximizing the proportion of cannabis activities that participate in the Project to minimize illegal activities, and ensure adequate law enforcement and fire protection response to cannabis sites. Future cannabis operations would be subject to all local and state regulations and monitored on an ongoing basis. All permitted cannabis operations would be subject to annual renewal by the County and state to ensure ongoing compliance with Project regulations through review by the County Planning and Development Department, including permit compliance, if needed. This licensing and permitting process would allow the County to effectively track and conduct permit compliance on an ongoing basis, in which the County may take enforcement actions against operators who fail to comply with adopted County codes and regulations. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

S.2-10 This mitigation measure does not defer analysis of foreseeable project impacts and mitigation to a later date, but rather requires action by the applicant on a site-by-site basis prior to licensing and initiation of any cannabis activities. The proposed Project consists of a licensing and permitting program, that would include an evaluation of cannabis activities on a case-by-

case basis, and would allow a cannabis operation only when the applicant fulfills all the requirements of the Project and its mitigation measures for the proposed site. CEQA Guidelines Section 15126.4(a)(2) states, "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding agreements. *In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design* (emphasis added)." The Project consists of new cannabis regulations to address allowed uses, licensing requirements, and permitting requirements for the cultivation, processing, manufacturing, testing, distribution, and sale of medical and non-medical cannabis within the County. The Project would involve: amendments to the Santa Barbara County Code (County Code) to establish a new licensing program for cannabis activities; amendments to the County Land Use and Development Code (LUDC), the Montecito Land Use and Development Code (MLUDC), and the County Coastal Zoning Ordinance (CZO) to address cannabis activities; and other amendments to County documents and regulations to address specific aspects of cannabis activities. Therefore, the mitigation measures proposed in the EIR would be fully enforceable through permit conditions under the Project. Further, this EIR is a Program EIR as defined in CEQA Guidelines Section 15168. **MM BIO-1a**, *Tree Protection Plan*, requires applicants to submit a Tree Protection Plan (TPP) to the Planning and Development Department for review and approval prior to issuance of any applicable permit by the Planning and Development Department and issuance of a license by the County. The applicant is required to install tree protection measures onsite prior to commencement of cannabis activities. A 2:1 ratio is determined to be adequate for tree replacement in combination with a monitoring plan to ensure the success of replaced trees, which is included as part of **MM BIO-1a**. However, **MM BIO-1a** has been amended to include stricter replacement ratios for oak trees. These ratios are in accordance with or exceed the County's standard thresholds for tree replacement. Further, as discussed in **Comment Responses S.2-2, S.2-3, and S.2-4**, the total projected amount of cultivation area is approximately 1,136 acres *countywide,* with the majority of cultivation predicted to occur within existing greenhouses or hoop houses, resulting from a change in crop type on already cultivated land or from conversions of grazing land to cultivated land. Therefore, potential for tree removal is anticipated to be limited.

S.2-11 This mitigation measure does not defer analysis of foreseeable project impacts and mitigation to a later date, but rather requires action by the applicant on a site-by-site basis prior to licensing and initiation of any cannabis activities. The Project is a licensing program, that would license cannabis activities on a case-by-case basis, and only when the applicant fulfills all the requirements of the Project and its mitigation measures for the proposed site. Please also refer to **Comment Response S.2-10**. The requirement of licensees demonstrating receipt of relevant authorizations from CDFW does not defer this mitigation to another agency, but rather requires proof of the applicant's action in acquiring authorization prior to license approval. **MM BIO-1a**, *Habitat Protection Plan*, requires applicants to submit a Habitat Protection Plan (HPP) to the Planning and Development Department for review and approval prior to issuance of any applicable permit by the Planning and Development Department and issuance of a license by the County. The applicant is required to install habitat protection measures onsite prior to commencement of cannabis activities. Please refer to **Comment Response S.2-7** for discussion of stream diversions under the Project. As discussed above, in response to CDFW's concerns, **MM BIO-1b**, *Habitat Protection Plan*, has been amended. The measures described in the commenter's "Recommended Potentially Feasible Mitigation Measures" would be captured by the required HPP as part of **MM BIO-1a**. Please also refer to

Comment Response S.2-6 for discussion of adequacy of the EIR's proposed mitigation measures related to appropriate species-specific analyses and mitigation.

S.2-12 Please refer to **Comment Response S.2-3** for discussion of noise impacts under the Project. Since generators are banned except as emergency backup power sources, and *all noise shall be located, shielded, or controlled* to avoid exposure of incompatible noise to nearby sensitive receptors, in compliance with the Santa Barbara County Noise Element, noise is not expected to impact biological resources.

S.2-13 As described in Section 3.4.3 of Section 3.4, *Biological Resources*, biological resources are governed by federal, state, and local laws and ordinances. Therefore, all applicable regulations would be required to be adhered to under the Project. Where CDFW has jurisdiction, the County will coordinate permitting activities. However, Section 3.4.3 and Section 3.8.3 have been amended to include CDFW's suggested Fish and Game Code sections.

S.2-14 This sentence has been amended for clarification.

S.2-15 Please see Section 1.6 of Chapter 1, *Introduction*, for a summary of the environmental review process. This comment does not raise a significant environmental issue that warrants a response.

State Agency

DEPARTMENT OF TRANSPORTATION
CALTRANS DISTRICT 5
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Making Conservation a California Way of Life.

November 15, 2017

SB Various - Countywide
SCH# 2017071016

Jessica Metzger, Senior Planner
Planning and Development Department
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101-2058

RE: COMMENTS TO CANNABIS LAND USE ORDINANCE AND LICENSING PROGRAM DEIR

Dear Ms. Metzger:

S.3-1

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the proposed Cannabis Land Use Ordinance and Licensing Program. Caltrans understands that the Project will consist of amendments to the Santa Barbara County Land Use and Development Code, Santa Barbara County Montecito Land Use and Development Code, and Santa Barbara County Coastal Zoning ordinance to allow certain types of cannabis activities by zone district. The Project also involves other amendments to the County Code, in order to establish a County licensing program for cannabis-related activities.

In concurrence with the DEIR, Caltrans notes that potentially significant traffic and circulation impacts may result from the distribution of cannabis, the establishment of cultivation sites, and from consumers traveling to and from commercial retail locations. Therefore, Caltrans requests the opportunity to review and comment on any traffic impact studies conducted for proposed cannabis-related facilities and operations. In concept, Caltrans supports the implementation of Traffic Demand Management measures and the payment of proportionate Transportation Impacts Fees to mitigate impacts identified through the permit and license review process. Traffic studies conducted to review these types of projects should consider existing state highway traffic volume data, project trip generation/distribution, vehicles miles travelled (VMT), level of service (LOS) calculations, accident data, and safety issues; identify long-term operational impacts associated with development; and evaluate the project's cumulative effects to traffic and transportation based on regional development trends. Generally speaking, when reviewing local development projects for transportation-related impacts, Caltrans will consider how the development project promotes the six principles of the California Smart Mobility Framework: Location Efficiency, Reliable Mobility, Health and Safety, Environmental Stewardship, Social Equity, and Robust Economy.

S.3-1

Caltrans looks forward to continued involvement in the traffic impact review of proposed cannabis-related facilities and operations, including the opportunity to review and comment on draft environmental documents and associated studies. If you have any questions, please contact me at Michael.Hollier@dot.ca.gov or (805) 549-3131.

Sincerely,

MICHAEL D. HOLLIER
LD-IGR Coordinator
Planning District 5, South Branch

Comment Letter S.3 – California Department of Transportation

S.3-1 The County will coordinate and involve Caltrans throughout Project implementation, particularly with regard to the evaluation of traffic impacts set forth in traffic impact studies and environmental documents that would be prepared for cannabis-related facilities and operations. All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Local Agency

From: Lance Lawhon <lancel@carpsan.com>
Sent: Thursday, November 09, 2017 8:37 AM
To: Metzger, Jessica
Subject: Cannabis Land Use Ordinance

The Carpinteria Sanitary District (District) has reviewed the Cannabis land Use Ordinance and have the following comments:

L.1-1

- The EIR inadequately addresses the issue of wastewater management at cannabis growing operations in the Carpinteria Valley.
- The State Water Resources Control Board (SWRCB) Cannabis General Order effectively directs indoor growing operations to discharge wastewater to the public sewer system.

L.1-2

- The District expects to receive requests for service from these facilities, particularly when on-site wastewater management options become restrictive or prohibitive.
- Extension of sewer service to meet these requests is in conflict with County Land Use Policy 2-10. We recommend that the EIR fully address wastewater management at cannabis growing and processing facilities with respect to public sewer service requirements and policy consistency.

Lance Lawhon
Carpinteria Sanitary District
5300 Sixth Street
Carpinteria, California, 93013
(805) 684-7214 x13

Comment Letter L.1 – Carpinteria Sanitary District

L.1-1 While this comment states that the EIR inadequately addresses wastewater management in the Carpinteria Valley and that the State Water Resources control Board (SWRCB) directs indoor growing operations to discharge wastewater to the public sewer system, it does not state a specific inadequacy of the EIR. The EIR acknowledges that agricultural runoff generated by outdoor cultivation and other similar agricultural activities is regulated separately from indoor operations which may typically utilize hydroponic systems or require for the disposal of hydroponic waste and other irrigation water which may contain elevated concentrations of pesticides, fertilizers, and/or other chemicals. However, when considering potential impacts, it should be noted that many of the existing greenhouse operations in the Carpinteria Valley already have water recycling programs and primarily discharge any wastewater into Onsite Wastewater Treatment Systems (OWTS) or in limited instances directly into the sewer system. Further, because greenhouses support plants with nutrients, water, and light, infrastructure is generally fixed, and a change in crop types within these existing greenhouses is unlikely to result in changes of flows to the sewer system. Finally, because of the relatively large inventory of greenhouses within the Carpinteria Valley and the expense and complexity associated with new greenhouse development, little or no greenhouse expansion is anticipated as a result of this Program. However, in recognition of the recent adoption of the SWRCB's General Order, Section 3.8, *Hydrology and Water Resources,* has been revised to include reference to the regulations required as part of this General Order (refer to Section 3.8.3.2 of Section 3.8 of this EIR). Please also refer to **Comment Response S.2-7.**

L.1-2 Under the Project, licensed cannabis sites located within urban areas and within the service boundary of a local wastewater service provided which require or proposed connection to wastewater services would be subject to the policies and regulations related to the development or extension of wastewater services within the respective district. Within rural regions, licensed cannabis operations would utilize OWTS. As noted in Comment Response L.1-1 above, a majority of cannabis operations are anticipated to be located within existing greenhouses, packing sheds and other existing structures, which normally have an OWTS, or in limited instances, into the sewer system. All OWTS are overseen by the County Environmental Health Services to ensure adequacy. In the anticipated limited instances where a new cannabis facilities may be proposed within a rural area or outside the wastewater service boundary, it is anticipated that such facilities would be served by an OWTS. Any request for the extension of wastewater systems into the inner rural or rural area outside of existing sewer district boundaries would be subject to existing Local Coastal Plan and Local Agency Formation Commission policies which generally prohibit such extension of services. To further ensure wastewater is managed appropriate, the Project would subject cannabis licensees to existing permitting review requirements of the County, which would serve to determine the necessity for expansion of existing wastewater facilities or infrastructure. Please also refer to discussion of Impact UE-1 in Section 3.13, *Utilities and Energy Conservation.*

Local Agency

CITY of CARPINTERIA, CALIFORNIA

November 14, 2017

Attention Ms. Jessica Metzger
County of Santa Barbara Planning and Development Department
Long Range Planning Division
123 East Anapamu Street
Santa Barbara, CA 93101-2058

Re: Public Comment - County Cannabis Land Use Ordinance and Licensing Program Draft Environmental Impact Report

Dear Ms. Metzger:

L.2-1

Thank you for the opportunity to comment on Santa Barbara County's (County's) Draft Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program (DPEIR). Due to the City of Carpinteria's (City's) immediate adjacency to extensive agriculturally designated lands in the unincorporated area of the County, expanded cannabis-related operations in the Carpinteria Valley will uniquely impact the City, its residents, visitors, businesses, and natural resources. Our comments focus on areas of particular importance to the City, including those identified in the City's Notice of Preparation and Scoping of an Environmental Impact Report comment letter, dated August 10, 2017.

Project Overview

The project under consideration is the Santa Barbara County Cannabis Land Use Ordinance and Licensing Program (Project) which would allow commercial cannabis cultivation, manufacturing/processing with non-volatile and volatile extraction, post-processing and packaging, testing, distribution, and retail. It would also facilitate the licensing, permitting, and regulation of commercial cannabis businesses consistent with required State of California licensing regulations (DPEIR, p. ES-1). (Unless otherwise stated, references to page numbers herein refer to the October 2017 DPEIR.) The Project consists of three components: amending the County Land Use and Development Code (LUDC), the Montecito Land Use and Development Code (MLUDC), and the Santa Barbara County Coastal Zoning Ordinance (CZO) (collectively referred to herein as the Cannabis Zoning Ordinance); implementing the licensing program through amendments in the County Code to track and oversee cannabis activities in the unincorporated areas of the County; and amending other regulations and policies of the County Code to address specific aspects of cannabis activities (p. 2-1).

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The City offers the following comments regarding the DPEIR:

Overall Structure of Analysis

L.2-2

The County prepared a program-level EIR for the Project. The purpose of a program EIR is to consider the broad implications and impacts associated with the Project while not requiring a detailed evaluation of individual properties. The DPEIR divides the County into five regions: Santa Maria, Lompoc, Santa Ynez, Cuyama, and South Coast (pp. 2-3 to 2-7). The DPEIR states that the purpose of dividing the County into regions is to "facilitate Project data and impact analysis within this EIR" (p. 2-3). However, the DPEIR appears to arbitrarily analyze impacts at the regional level for only some issue areas. This regional analysis typically includes qualitative statements about anticipated higher concentrations of cannabis activities in certain regions which could result in greater impacts in these regions, but does not fully analyze or attempt to quantify regional impacts. Further, impact significance determinations are only at the County level, which results in a failure to disclose the full scope of impacts and dilutes potentially significant regional or sub-regional impacts. (See *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431 [EIR requires some degree of forecasting and an agency must use its best efforts to find out and disclose all that it reasonably can].) Proposed mitigation measures also apply at the County level rather than addressing region-specific impacts that could be more effectively mitigated with region-specific mitigation.

L.2-3

In addition, while the DPEIR recognizes cannabis cultivation sites tend to be concentrated in certain communities or sub-regions, including the Carpinteria Valley, it does not evaluate impacts that may be unique to these sub-regions and/or may be more concentrated in these areas. For example, with regard to land use compatibility and air quality, the proximity of a large residential population in the Carpinteria Valley that are adjacent to agricultural land where cannabis activities will be concentrated will result in greater impacts to sensitive receptors than in other parts of the County. Mitigation that takes into account this close proximity, as well as the difficulty in pinpointing the source of an odor issue when uses are concentrated, must be included in the DPEIR to address this sub-regional impact.

L.2-4

The same issue applies in the Coastal Zone where analysis specific to protected coastal resources is necessary to fully disclose and evaluate how the Project will impact coastal areas of the County. For example, the Coastal Act and the County's Local Coastal Plan identify prime and non-prime agricultural land as a protected resource. (See e.g., Pub. Res. Code § 30241, 30242; County LCP Policies 8-11, 8-12.) However, the DPEIR's agricultural resources analysis fails to disclose the potential impact of the Project on coastal agricultural land. Without this analysis, the reader cannot fully understand the potential impacts of the Project and the County cannot adequately mitigate for these potential impacts.

L.2-5

Even if an impact is ultimately determined to be significant and unavoidable, CEQA still requires full disclosure of the extent of the impact as well as mitigation to minimize those impacts to the maximum extent feasible. (Pub. Res. Code §§ 21002, 21002.1(b), 21100; Practice Under the California Environmental Quality Act (2d ed Cal CEB) §§ 17.8, 13.26.) For many of the issue areas evaluated in the DPEIR, a regional and sub-regional analysis of issue areas is necessary to meet this requirement, as further detailed in the comments below.

Proposed Zoning Ordinance Amendments

L.2-6

Applicability of and Enforcement for Existing Cannabis Activities. The proposed Cannabis Zoning Ordinance identifies the zones in which various cannabis-related uses are allowed, the permit requirements for said uses, and applicable specific use regulations. It states that all cannabis activities shall comply with the provisions of the "Cannabis Regulations" section of the ordinance regardless of whether the activity existed or occurred prior to the effective date of the ordinance (DPEIR Appendix B, CZO §35-144S[1]). The project description and ordinance should clarify how these requirements will be enforced for uses that existed or occurred prior to the effective date of the ordinance. Are all existing uses required to obtain the permits specified by the Cannabis Zoning Ordinance? How do the provisions apply to uses that are legal, nonconforming uses? Would existing uses that do not conform to the specific use regulations of the Cannabis Zoning Ordinance have to be brought into compliance with the Ordinance? If so, how long would these existing uses have to comply with the new Ordinance requirements? How would CZO § 35-144S.B.a which states "[t]he required permit shall be obtained and all applicable conditions of the permit shall be satisfied prior to the commencement of the cannabis activity" apply to existing cannabis activities? We are aware the County is considering a process for determining the legal nonconforming status of existing operations which may address these questions. A discussion of this process in the DPEIR is necessary because the process, or lack of process, could have environmental effects which must be disclosed and analyzed.

L.2-7

Applicability of CEQA to at the Project Level. The Project description and the Cannabis Zoning Ordinance should clarify whether each of the cannabis-related uses that are identified as "P" (permitted use) or "S" (permit determined by specific use regulations) require ministerial or discretionary approvals. It appears, given the proposed permit process and lack of a requirement for a public hearing in most cases, that many of the cannabis-related uses identified as "P" or "S" would require only ministerial approvals, which are generally not subject to review under CEQA. This is contrary to what is implied in the impact analysis in many sections of the DPEIR, which indicates that while impacts cannot be fully evaluated at the program level, project level impacts would be considered on a case by case basis (see e.g., Section 3.4 Biological Resources, Section 3.5 Cultural Resources, Section 3.9 Land Use and Planning, Section 3.10 Noise, Section 3.12 Transportation and Traffic). The DPEIR is wholly inadequate as a project-level analysis. If any cannabis operations permitted under the Cannabis Zoning Ordinance could be approved without any subsequent CEQA review, the DPEIR must incorporate a more specific impacts analysis and proposed mitigation measures to adequately address such projects.

L.2-8

Principal Permitted Use in Coastal Zone. The Project description and the proposed amendments to the CZO should clarify whether cannabis-related uses that are identified as "P" in the CZO are considered principal permitted uses in the coastal zone.

L.2-9

Residential Uses Are Sensitive Receptors. Most County policies, regulations and CEQA thresholds identify a broader list of uses as "sensitive receptors" than those identified in the Cannabis Zoning Ordinance. While we understand SB 94 specifically requires setbacks from schools, day care centers, and youth centers, these should not be regarded as the only sensitive receptors for purposes of this Project. Typically, sensitive receptors include not only schools, youth centers, and daycares (as this term is

[1] These comments include reference to CZO code sections. However, the same language is included in proposed amendments to the LUDC and MLUDC and these comments apply to those codes as well.

L.2-9
defined in the Cannabis Zoning Ordinance), but hospitals, convalescent homes, residential, and sometimes recreational land uses (see, e.g., p. 3.3-2). We recommend the DPEIR and Cannabis Zoning Ordinance include the more commonly recognized, broader list of sensitive receptors, which would include residential uses. If certain protections required in the Cannabis Zoning Ordinance are limited to schools, youth centers, and day care centers, we recommend using a different term to avoid confusion with other County policies and regulations.

Inconsistent and Unclear Use of Term "Sensitive Receptor." The Cannabis Zoning Ordinance uses terms associated with identified "sensitive receptors" inconsistently. For example, CZO § 35-144S.D.1.a requires a 600-foot setback from sensitive receptors (defined to include schools, day care centers and youth centers) and CZO § 35-144S.D.1.a.1 only requires the applicant to identify youth centers within 600 feet. The same issue applies in CZO § 35-144S.D.2.c and d. The provisions should consistently use the defined term.

CZO § 35-144S.E.3.b addresses measures "to avoid generating incompatible noise to sensitive receptors." In this context, does the term sensitive receptors refer to only schools, day care centers, and youth centers or does it include other sensitive receptors as the term is used in the County's Noise Element and Environmental Thresholds and Guidelines?

L.2-10
Retail Sales in Agricultural Zones. The Cannabis Zoning Ordinance does not allow retail sales licenses in agricultural zones. However, it is unclear whether any retail sales associated with manufacturing, processing, or distribution uses that are allowed in agricultural zones would be permitted. This requires clarification in the DPEIR because retail sales would result in unique impacts.

L.2-11
Security Standards for Non-Retail Uses. The Cannabis Zoning Ordinance includes development standards related to security for retail uses but does not include any security standards for non-retail cannabis activities. We recommend the ordinance identify appropriate security measures for non-retail cannabis activities, while taking into account the importance of protecting visual and aesthetic resources.

L.2-12
Fencing Development Standards. Development standards for fencing should include lists of both acceptable and prohibited materials to more effectively guide design. The list of prohibited materials should include barbed wire, razor wire, and concertina wire, as well as any other materials designed solely for security that provide no aesthetic value.

Project Buildout Assumptions

L.2-13
The assumptions used to estimate the existing baseline and the future cannabis canopy development potential under the Project are based solely on responses to the County's 2017 Cannabis Registry. However, the DPEIR acknowledges that registry responses were incomplete (p. 3-5). Further, the DPEIR provides no evidence to demonstrate the results of the 2017 Cannabis Registry reflect the total actual demand/potential for cannabis uses in the County. In fact, it is reasonable to assume that potential growers and others intending to open cannabis-related businesses did not know about, or chose not to respond to, the Registry. Further, the DPEIR states that the Registry data varies widely and "does not capture the whole cannabis industry in the County" (p. 2-18). By basing the projected cannabis canopy buildout under the Project solely on responses to the Registry, the DPEIR likely understates actual buildout. Further, because other uses including manufacturing, processing, and testing are based on the

L.2-13 estimated cannabis canopy buildout, these are also likely understated. CEQA analysis should be based on a reasonable worst case scenario. (See *Planning and Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 246.) The DPEIR assumptions should be revised to include some estimate of additional unreported demand for cannabis cultivation and related uses. We propose assuming demand would be 50 percent greater than that indicated in registry responses given the availability of land, the profitability of the cannabis industry relative to other agricultural crops, the generally permissive nature of the proposed Project, and the likelihood that many people did not know about and/or chose not to respond to the Registry. This would more accurately reflect a reasonable worst case scenario for buildout as required by CEQA.

Global Comment on Mitigation Measures

L.2-14 Many of the proposed mitigation measures rely on County staff inspections after permits have been issued. Are any permitting or licensing fees proposed that would be used for enforcement of the Cannabis Zoning Ordinance? If so, what portion of the fees collected would be used for enforcement and how was this amount determined adequate to effectively enforce the Project and its associated mitigation measures?

Agricultural Resources

L.2-15 *Carpinteria Agricultural Overlay District.* The DPEIR's Agricultural Resources (Section 3.2) analysis acknowledges that Carpinteria is the largest and most concentrated greenhouse district in the County and that all of these structures are located in the AG-I zone (DPEIR, p. 3.2-7). It also identifies the Carpinteria Agricultural Overlay (CAO) District as part of the regulatory setting along with its development cap and coastal development permit (CDP) requirements and states that CZO §§ 35-102F.2 through 102F.5 greatly limit the amount of impervious surfaces that may occur from the development of greenhouses in the Carpinteria Valley (pp. 3.2-14 and 3.2-20).

However, the DPEIR fails to include a sub-regional analysis of impacts that may result given these unique circumstances in the Carpinteria Valley and Coastal Zone. An assessment of impacts first requires a complete description of the environmental setting. The DPEIR must accurately establish the existing baseline conditions of permitted and unpermitted structures in Zone A of the CAO and specify how much capacity remains before the cap is met. Further, the DPEIR should address how unpermitted construction factors into the capacity determination.

The DPEIR asserts that a case-by-case review for consistency with CAO requirements would ensure policy consistency (pp. 3.9-34 and 3.9-36). However, without disclosure of existing conditions, this conclusion is not substantiated.

L.2-16 *Mitigation Measure (MM) AG-2 (New Structure Avoidance of Prime Soils).* MM AG-2 requires a case-by-case review of applications for new structures proposed for cannabis-related activities by the County Planning and Development Department (P&D) and states that any new structures proposed for development must be sited on areas of the property that do not contain prime soils, "to the maximum extent feasible." Even with this mitigation measure, impacts resulting from the loss of prime soils would be significant and unavoidable (Class I). Additional feasible mitigation is available that could reduce these impacts more effectively than leaving the interpretation of whether prime soils are avoided "to

L.2-16 the maximum extent feasible" to a staff determination on a case-by-case basis. Specifically, a more effective mitigation measure would be prohibiting or severely limiting non-cultivation cannabis uses on prime soil and/or within the coastal zone. (Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 17.8 [EIR must propose mitigation measures that will minimize the project's significant impacts and an agency should not approve a project if feasible mitigation measures exist].)

L.2-17 *Impacts of Limiting Volatile Manufacturing Primarily to Agricultural Land.* The proposed Project would allow volatile manufacturing in agricultural and some industrial zones, but not in commercial zones (p. 2-33). Given the DPEIR's findings that hazard impacts associated with these activities are less than significant or can be mitigated to less than significant (pp. 3.7-19 to 3.7-23), why would volatile manufacturing not be allowed in commercial zones? Limiting volatile manufacturing to primarily agricultural zones (given that there is very limited industrially-zoned land in the County) will result in further pressure to convert agricultural land to non-agricultural uses. The impacts of limiting volatile manufacturing to primarily agricultural zones must be analyzed in the DPEIR.

L.2-18 *Impacts to Coastal Resources.* Cannabis appears to be highly profitable relative to other crops, which will likely drive many agricultural operations to convert to cannabis. The County should evaluate the agricultural and land use/policy consistency impacts associated with the potential conversion of significant portions of agricultural land within the Coastal Zone to cannabis cultivation, manufacturing, and other cannabis activities. The Coastal Act identifies agriculture as a priority use (Coastal Act, § 30222 and 30224). However, the DPEIR does not address whether the County considers cannabis cultivation and related activities to be an agricultural use for purposes of implementation of its coastal policies. In a June 7, 2017 letter to San Luis Obispo County regarding its proposed Cannabis Ordinance (enclosed), Coastal Commission staff stated, based on its experience with the Commission's actions regarding other cannabis ordinances, "We do not believe that manufacturing...is an appropriate use of prime soils. Prime soils, as opposed to non-prime soils, should be reserved solely for agricultural cultivation and nurseries." The DPEIR should discuss the County's and Coastal Commission's interpretation of coastal policies as they relate to cannabis activities and analyze the Project's consistency with these policies.

Volatile and Non-Volatile Manufacturing

L.2-19 *Clearly Define Manufacturing Processes.* The DPEIR should be updated to include manufacturing process descriptions to allow the reader to accurately understand the risks associated with various processes. The DPEIR project description states these descriptions are included in Appendix C of the document but they are missing. Further, the proposed Cannabis Zoning Ordinance must clearly define volatile and non-volatile extraction processes to ensure the standards for each use are appropriately applied through the permitting process.

L.2-20 *Compliance with Current Code Requirements.* The DPEIR asserts that volatile manufacturing would occur in permitted structures subject to building codes and review by the Fire Department (pp. 3.7-20 to 3.7-21). Would use of an existing industrial building for volatile cannabis manufacturing constitute a change of use requiring the building to be brought up to current building and fire code standards? If not, the DPEIR should analyze the risks associated with volatile manufacturing uses being conducted in buildings that do not comply with current building and fire code regulations.

L.2-21

Comparison of Manufacturing Processes to Currently Allowed Uses in Agricultural Zones. The DPEIR analysis states that zone districts considered eligible for cannabis operations have been assigned based on consideration of the type of cannabis activities and their compatibility with other uses allowed within such zones and specifically references similar uses in heavy industrial and commercial zones (*id.*, pp. 3.7-19 to 3.7-20). However, the DPEIR does not specifically address how cannabis-related manufacturing compares to other allowed uses in agricultural zones. The DPEIR should compare volatile and non-volatile manufacturing to other allowed uses in AG-I and AG-II zones in determining the suitability of allowing these uses in these zone districts. Off-premise processing and "extensive processing" of other (non-cannabis) agricultural products is currently not permitted in the inland AG I zone and only conditionally permitted in AG-II and coastal AG-I zones. Where it is conditionally permitted, specific standards and limitations apply (see e.g., CZO § 35-68.4.3 and LUDC § 35.42.040). No such standards or limitations are proposed for cannabis manufacturing. The DPEIR must analyze the impacts in this proposed increase in the intensity of use in the agricultural zone districts.

L.2-22

Hazards Associated with Adjacent Incompatible Uses. The DPEIR must consider the hazards associated with incompatible uses in adjacent zones, for example, residential uses immediately adjacent to AG-I zones where volatile extraction activities would be permissible.

L.2-23

MM HAZ-3 (Volatile Manufacturing Employee Training Plan). MM HAZ-3 does not include any standards addressing what must be included in an Employee Training Plan. P&D staff, who likely have minimal experience in employee hazard training procedures, will be required to determine whether a plan is adequate. Further, the monitoring requirement for MM HAZ-3 states that the County shall review site conditions and the training plan log that is required to be maintained by the employer on an ongoing basis to ensure compliance. However, no frequency for ongoing monitoring is specified such that it is impossible to determine whether this mitigation measure will be effective. The DPEIR provides no discussion of how this ongoing monitoring would be staffed and funded. Given the County's budgetary constraints, it seems unlikely that this mitigation measure would be adequately enforced to ensure the potentially significant risks associated with volatile manufacturing operations are reduced to less than significant.

Impacts of Non-Cultivation Cannabis Activities

L.2-24

MM AG-1 (Cannabis Cultivation Prerequisite to Ancillary Use Licenses). The stated intent of *MM AG-1* is to ensure industrial uses are subordinate to agricultural uses. However, the mitigation measure does not limit the size of manufacturing and distribution uses relative to the cultivation use. The monitoring requirements for this mitigation states that staff will ensure uses are ancillary. However, without any quantification of what constitutes an ancillary use, this requirement is not enforceable and does not mitigate the potential loss of agricultural land. MM AG-1 should be revised to quantify what constitutes an ancillary use in terms of percentage of land area dedicated to the primary versus ancillary uses.

Housing & Population

L.2-25

Socio-Economic Impacts of Employment Growth. By only evaluating this issue area on a County-wide basis, the DPEIR ignores the fact that employment and housing demand will be concentrated in specific regions and sub-regions, such as the Carpinteria Valley, rather than distributed evenly County-wide, and

L.2-25

fails to address the cumulative socio-economic impacts that will likely result from the Project. This issue requires a sub-regional analysis.

Many data sources, including the UCSB 2017 Santa Barbara County Community Indicators report and UCSB Economic Forecast Project (http://www.efp.ucsb.edu/), and the 2017 Carpinteria Valley Economic Profile (Volume 3, May 2017), evaluate housing availability and affordability at the regional and sub-regional level. The data provided in these reports demonstrates a significant lack of available, affordable housing to meet the demand that will be generated by the Project. For example, the apartment vacancy rate in the Carpinteria area as of late 2016 was 2.3 percent (2017 Carpinteria Valley Economic Profile, p. 4). The average monthly rent in the Carpinteria Market Area in 2016 was $1,650 per month and has continued to rise (2017 Santa Barbara County Community Indicators, p. 45). Given the challenges that already exist related to the lack of affordable housing and farmworker housing, particularly on the South Coast, the DPEIR analysis should consider the socio-economic impacts of increased employment and associated housing demand at a regional level (e.g. South Coast, Santa Ynez, Lompoc, Santa Maria, and Cuyama). If this analysis finds that housing to meet the projected demand generated by the Project at a level that is affordable to employees is not available in a particular region, the most likely result will be overcrowding of existing housing stocks. The DPEIR must analyze the potential impacts of the likelihood of overcrowding at both a County-wide and sub-regional level.

L.2-26

MM PEH-1 (In-Lieu Fees). MM PEH-1 would require payment of in-lieu fees by applicants who propose a substantial number of net new employees consistent with Housing Element Policy 1.3. The stated purpose of this mitigation is to reduce population growth impacts and ensure Project generated housing demand is met, reducing the impact to less than significant. However, the County's 2015-2023 Housing Element does not include a Policy 1.3 and there does not appear to be any policy requiring payment of in-lieu fees for projects generating new employees. Further, it is unclear what constitutes "a substantial number of net new employees." As such, this mitigation measure appears unenforceable and would not effectively mitigate the potentially significant impacts related to population growth. The DPEIR should also consider whether in-lieu housing fees should be shared with neighboring jurisdictions to enable the creation of housing in the urban areas.

L.2-27

Other Feasible Mitigation for Housing Impacts. The County should consider other feasible mitigation to address the need for affordable housing generated by the Project including requiring or encouraging cultivation operations, particularly large ones, to provide on-site farm employee housing.

L.2-28

Impact of Cannabis-Related Tourism. The DPEIR should consider the potential for expanded cannabis-related supporting and complementary uses, including but not limited to tourism-based operations (e.g., tours, "tastings," "cannabis clubs," "farm stays," etc.). Would these types of uses be allowed and if so, how would they be regulated? Such uses could result in potential land use, traffic, public safety, and other environmental effects that must be evaluated in the DPEIR. If allowed at all, potential mitigation could include limiting where, when, and at what level of intensity such uses are permitted. Licensing/permitting of such uses should be required for these types of uses, or the ordinance should explicitly prohibit these types of uses outright.

Land Use Compatibility

L.2-29
Residential Uses Are Sensitive Receptors. The DPEIR acknowledges that cannabis activities occurring within or adjacent to existing communities could have quality of life impacts on residents and businesses. However, the analysis concludes that the development standards incorporated into the Project would result in less than significant impacts except with regard to cannabis uses being adjacent to public lands where recreational uses may occur (pp. 3.9-43 to 44). Both the Noise and Air Quality analyses of the DPEIR identify residential land uses as sensitive receptors, while the Air Quality analysis refers to recreational land uses as "moderately sensitive to air pollution" (p. 3.3-2 and 3.10-8). It is incongruous then that the Land Use and Planning analysis proposes mitigation to address potentially significant neighborhood compatibility and quality of life impacts for nearby recreational uses but fails to identify or mitigate the same potentially significant impacts for residential uses (see discussion of MM LU-1, p. 3.9-42 to 46).

L.2-30
Effectiveness of Proposed Setbacks. Further, the DPEIR provides no evidence to support the assertion that the proposed setback distances would reduce the identified traffic, odor, noise, crime, or other quality of life issues to less than significant for those uses it defines as sensitive receptors or that no setback is necessary for other sensitive receptors, including residences.

L.2-31
Cannabis Activities in Coastal Zone Prior to Commission Certification. The DPEIR does not indicate when the Coastal Commission would consider and potentially certify the portions of the Project in the coastal zone. However, it is reasonable to assume this would not occur until after the County's Nonmedical Marijuana Interim Urgency Ordinance is set to expire in March 2019. Therefore, the DPEIR should discuss what impacts could result if the urgency ordinance expires prior to Coastal Commission certification.

Traffic & Circulation

L.2-32
Sub-regional Traffic Analysis. The DPEIR's traffic analysis is at the programmatic level and does not consider specific intersections or road segments. The DPEIR acknowledges the Carpinteria Valley is an area where large amounts of future cannabis growth is expected, and existing roadways and intersections already operate at deficient levels of service, particularly along intersections with Highway 101 on- and off-ramps (pp. 3.12-26 to 28). However, it goes on to state that it would be "too speculative in this programmatic EIR to estimate potential impacts to specific road sections and intersections" (pp. 3.12-26 to 28). There are only a handful of roads and intersections that provide north-south connectivity from Highway 101 to the agricultural lands in the Carpinteria Valley. While it is not feasible to conduct a site specific traffic analysis, a sub-regional analysis of the likely impacts to the Carpinteria Valley based on the projected buildout in the sub-region appears feasible and would more accurately and thoroughly describe the Project's impacts.

L.2-33
Impacts Outside County Jurisdiction. The DPEIR acknowledges there will be significant impacts outside its jurisdiction, on city and state roads, for example. However, it claims the County has no control over implementation of mitigation measures to reduce these impacts (p. 3.12-30). When impacts from a project occur within the jurisdictional area of another agency, the lead agency should mitigate those impacts through actions within its jurisdiction or the payment of mitigation fees to the other agency. (See *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 366-367.)

L.2-33

The DPEIR should consider ways the County can coordinate with local and state agencies to address intersections in other jurisdictions that are impacted by the Project including but not limited to establishing a funding mechanism for intersection and road improvements in these jurisdictions. While the County cannot require implementation of mitigation outside its jurisdiction, it can and should make reasonable efforts to address the impacts on its neighbors. Such a mitigation measure was included in the Carpinteria Valley Greenhouse Program Revised FEIR, however, to date, it does not appear to have been implemented (Case No. 99-EIR-02 RV 1). Mitigation T-1 in the FEIR requires "New greenhouse development contributing to peak hour trips to the Santa Monica/Via Real/U.S. 101 NB ramp interchange and the Linden Avenue/U.S. 101 SB ramp interchange shall pay a pro-rata contribution towards future interchange improvements. A Memorandum of Understanding (MOU) to be developed by Public Works Department, Planning & Development Department, and the City of Carpinteria, shall establish appropriate mitigation fee calculation rates and procedures." In addition to considering a similar mitigation measure for this Project, the DPEIR should evaluate how the apparent failure to implement this mitigation measure for the Carpinteria Valley Greenhouse Program and the implementation of the proposed Project could result in cumulative impacts to Carpinteria area roads.

L.2-34

MM AQ-3 (Cannabis Transportation Demand Management) This measure would require all applicants for cannabis activities to prepare a transportation demand management plan identifying strategies for reducing vehicle traffic. However, this mitigation includes no measurable standards for determining its effectiveness at reducing vehicle traffic. Adequate mitigation must both identify methods to mitigate an impact and standards the agency commits to meet. (*North Coast Rivers Alliance v Marin Mun. Water Dist.* (2013) 216 CA4th 614, 647.)

L.2-35

Additional Feasible Traffic Mitigation. Even without site specific analysis, it is reasonably foreseeable that Project and cumulative traffic impacts will be concentrated in certain areas, including the Carpinteria Valley. Therefore, the DPEIR should consider mitigation to specifically address these impacts in addition to the proposed countywide mitigation. (Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 17.8 [EIR must identify feasible mitigation and project should not be approved if feasible mitigation measures exist].) The City suggests the following potential mitigations which do not appear to have been considered:

- Excluding truck traffic from certain streets or limiting new vehicle trips during peak hours.
- Improving site distances at driveways and intersections.
- Adequate loading and parking at operations sites.
- A funding mechanism for intersection and road improvements outside the County's jurisdiction (as discussed above).

L.2-36

Alternative Transportation. With regard to alternative forms of transportation, the DPEIR estimates approximately 1,992 work trips using these modes could result from the Project. It asserts that these trips would occur mostly in urban areas where infrastructure is already in place to accommodate them. Based on these assertions, the DPEIR concludes there would not be substantial new demand for alternative transportation facilities (p. 3.12-26). While bike lanes and public transit infrastructure are generally provided in urban areas within incorporated cities, most of the cannabis operations contemplated in the Project would occur outside of these urban areas where alternative transportation amenities (bike lanes, bus stops, etc.) are not generally provided or are very limited. The basis for concluding impacts related to alternative transportation would be less than significant appears to ignore

L.2-36
this fact. The analysis should be revised to consider impacts to rural areas where alternative transportation is not provided.

Visual Resources & Blight

L.2-37
Light Impacts. The DPEIR acknowledges that cannabis cultivation, manufacturing, testing, retail, and distribution activities have the potential to create disruptive light and glare in an area. The Cannabis Zoning Ordinance requires all lighting to be shielded to prevent light trespass into the night sky and/or glare onto lots, other than lots that constitute the project site or rights of way. Additionally, structures using artificial light must be completely shielded between sunset and sunrise (pp. 3.1-18 to 24). Please clarify whether this standard would apply to temporary structures such as hoop houses. If it does not, additional analysis is required to address potential impacts of light emitted from temporary structures.

L.2-38
Missing Mitigation Measure AV-1b. Mitigation to address lighting from cultivation using light deprivation and artificial lighting is necessary to avoid an identified potentially significant impact (Impact AV-1). While MM AV-1b is referenced as mitigation for this impact, the measure itself is not included in the DPEIR. The DPEIR should be revised to include this mitigation measure.

L.2-39
Applicability of Screening Requirements to Existing Cannabis Activities. It is unclear if existing cannabis sites will be subject to the screening requirements and other development standards of the Cannabis Zoning Ordinance. The DPEIR should specify this and analyze related impacts.

L.2-40
MM AV-1 (Screening Requirements). MM AV-1 requires a landscape/screening plan be reviewed and approved at the staff level on a case-by-case basis with only general concepts for applicants or staff to consider in determining what constitutes "the appropriate type of screening." Further, there is an inherent conflict between the concepts listed. Encouraging natural barriers to enable wildlife passage, preventing trespass, and be visually consistent are conflicting goals that cannot all be achieved "to the maximum extent feasible." Specific standards or guidelines regarding appropriate screening are necessary to make this mitigation measure enforceable and effective. These standards should be developed in consultation with biologists, landscape architects, and others with expertise in addressing the multiple and conflicting goals of this mitigation measure.

Further, implementation of MM AV-1 (Screening Requirements) would largely be done by P&D at the permit approval stage with the exception of the one subsequent review by code enforcement staff to ensure compliance with MM AV-1. This is inadequate monitoring to ensure screening requirements are complied with and the mitigation is effective over the long-term, particularly for natural barriers that will grow and are easily altered over time. The DPEIR also includes no assessment of whether the County has the staff and/or funds to carry out even these minimal inspections. Given current County budget constraints, it seems unlikely this mitigation measure can be adequately enforced.

Air Quality & Odors

L.2-41
Odor Impacts. The DPEIR includes an unsubstantiated statement that cannabis related odors are "not necessarily harmful to people" (p. 3.3-22). Information and analysis is necessary to substantiate this claim. It is reasonable to assume that strong, sustained odors, no matter what their source, are likely to have health and/or nuisance effects. Carpinteria High School students have reported experiencing

L.2-41 headaches from the strong odors at the school, resulting in them being sent home and detracting from the learning environment. (Tracy Lehr, "The Smell of Marijuana on a Local High School Campus Come from Growers, Not Smokers," KEYT.com (Oct. 31, 2017); Oscar Garcia, "Pot Stench in Carpinteria a Hazard," Santa Barbara Independent (Oct. 27, 2017).) The City and County have received numerous complaints over the past year from local residents stating that they are experiencing severe negative health and quality of life impacts caused by strong odors from cannabis cultivation in the Carpinteria Valley. At the very least, the odors represent a public nuisance. This is an important issue that requires a more detailed analysis in the DPEIR, supported by an expert study on the potential health and quality of life impacts caused by prolonged exposure to strong odors caused by cannabis or other similar crops.

L.2-42 *MM AQ-5 (Odor Abatement Plan).* MM AQ-5 is not adequate mitigation to reduce odor impacts to the maximum extent feasible. It attempts to mitigate the impact by responding to future complaints of the problem. This puts the burden on neighbors to complain after a permit has been issued rather than addressing the problem prior to authorizing the use. When odor is detected, particularly in an area where cannabis uses are concentrated, it is extremely difficult to identify the specific source of the problem. Further, the mitigation provides no means of requiring a permittee to address odor issues if the methods identified in the approved Odor Abatement Plan are not effective.

L.2-43 *Odor Impacts for Residential and Other Sensitive Receptors.* The DPEIR must include additional mitigation measures to reduce the impacts of odors on sensitive receptors, including residences, to the maximum extent feasible. This should include consideration of buffers between cannabis uses and adjacent residentially zoned property. The size of the buffer should be substantiated with evidence demonstrating the buffer distance will effectively reduce odor issues. Additionally, all cannabis operations with the potential to create odors, such as cultivation, manufacturing, and processing, should be required to implement the best available technology for odor control. Permits should include requirements that Odor Abatement Plans be updated as new technology to abate odors becomes available and when existing odor abatement methods are ineffective in avoiding exposing sensitive receptors, including residences, to objectionable odors. In addition, permittees should be subject to requirements for ongoing self-monitoring and reporting of the effectiveness of their odor abatement measures. This self-monitoring should be based on County-established objective, measurable standards for evaluating odor abatement effectiveness, which may include the use of available technology.

L.2-44 *Greenhouse Gas Emissions.* The DPEIR analysis states that it is not possible to quantify the amount of greenhouse gas (GHG) emissions the Project would contribute but "review of proposed activities on a site-by-site basis during permitting would identify potential review requirements for activities that may foreseeably result in potentially significant GHG impacts that interfere with the ECAP's GHG reduction target for 2020" (p. 3.3-22). Even though the DPEIR finds that impacts related to air quality and GHG would be significant and unavoidable, it is still required to mitigate those impacts to the maximum extent feasible. There are many examples of mitigation for GHG emissions in addition to implementation of transportation demand management as required by MM AQ-3 that can be included to further address impacts. For example, a menu of options for reducing emissions at the project level could be identified and included as mitigation for the Project to be implemented through case-by-case review. (See e.g., City of Santa Barbara Climate Action Plan, Appendix C, Initial Guidelines for Individual Projects.)

L.2-44 In addition, review requirements related to GHG emissions during project permitting should be identifiable now and should be described in the DPEIR (p. 3.2-22). This should include a description of policies and standards related to reducing GHG emissions that would apply at the project level and consider whether additional requirements, in the form of mitigation measures for the Project should be applied to reduce the Project's contribution to GHG emissions to the maximum extent feasible. GHG impacts are a broad cumulative issue that should be thoroughly analyzed in a programmatic EIR.

Noise

L.2-45 *Sensitive Receptors.* The DPEIR acknowledges that AG-I and AG-II zoned parcels may border a variety of land uses, including residential and specifically states that in the Carpinteria Valley, greenhouses located on AG-I properties abut large lot residential and single family neighborhoods in "limited locations" (p. 3.10-6). The DPEIR also identifies residences, transient lodging, schools, libraries, hospitals, retirement homes, parks, recreational areas, churches and places of worship as sensitive receptors (p. 3.10-8). The proposed Cannabis Zoning Ordinance must clarify whether the "sensitive receptors" referred to in development standards for noise includes those commonly considered sensitive receptors in the application of County noise policies or the term sensitive receptors as it is defined in the Cannabis Zoning Ordinance, which includes only schools, daycare centers, and youth centers (see e.g., Appendix B, CZO § 35-144S.E.3.b). If it is the latter, the DPEIR must analyze the noise and policy consistency impacts associated with not regulating noise adjacent to residences, libraries, hospitals, retirement homes, parks, recreational areas, and other uses commonly considered, and identified in County Environmental Thresholds as sensitive receptors with regard to noise.

L.2-46 *Non-Traffic Noise Impacts.* In addition to noise from vehicle traffic, the DPEIR should evaluate the potential impacts of noise from fans/ventilation systems and other operations systems associated with the cannabis industry. In particular this analysis should focus on impacts to nearby sensitive receptors, including residences, which are located in close proximity to agriculturally zoned land in the Carpinteria Valley.

L.2-47 *Generator Prohibition.* The proposed Cannabis Zoning Ordinance should prohibit the use of generators not only for cultivation but for all cannabis-related activities. If generators are not prohibited for all cannabis-related activities, impacts (e.g., noise and air quality) associated with their potential use must be analyzed in the DPEIR.

Public Facilities & Services

L.2-48 *Law Enforcement Services.* The DPEIR's conclusion regarding impacts on law enforcement service demands is unsubstantiated. The document provides no information on existing levels of law enforcement service or estimates of increased demand related to the Project to support its conclusion that staffing levels and police resources are adequate. Further, law enforcement is generally a regional or sub-regional issue. While one region or sub-region may have adequate capacity to meet projected increased demand, another region may not. Therefore, a regional or sub-regional analysis is necessary to adequately evaluate the impacts related to this issue area.

L.2-49 *Fire Protection Services.* As with law enforcement, the adequacy of fire protection services must be evaluated at the service-area level. This is particularly true for fire protection/emergency services that

L.2-49

require immediate response. Risks and increased service demand for fire protection in specific areas may exceed thresholds even if a consideration of County-wide impacts does not. Further, given that cannabis activities are anticipated to be concentrated in specific areas that are also high and very high fire hazard severity zones, including the Carpinteria Valley, impacts and service demands will be different than in other areas with lower fire risks and/or a lower concentration of cannabis activities. The analysis should include existing levels of service by fire district/service area and estimate the increased demand related to the Project and cumulatively. If there are potential impacts to areas expected to have high concentrations of activities, the DPEIR should consider caps in these high fire risk areas.

For the Carpinteria Valley sub-region, this analysis should evaluate consistency with the Carpinteria-Summerland Fire Protection District Standards of Response Coverage and Headquarters Staffing Adequacy Study (Study), dated July 27, 2016. This Study includes several findings related to existing service issues in the Carpinteria Valley and the need for a third fire station in the area. The Fire District currently has only two fire stations with a minimum of nine firefighters on duty and mutual aid engines are not located nearby. The Study finds that existing facilities are inadequate to provide timely, effective multiple-unit coverage to serious fires in the Carpinteria Valley portion of the district's service area (Study, p. 9). Further, the study found that "the District's fire station areas are too large, on a very constrained road network, to deliver travel times less than 6 minutes. Some of this is made worse when both Station 1 units are committed to an incident and Station 2 must cover from farther away. The only way to improve response times is to increase unit availability by properly locating a third unit to support the eastern District and limit the amount of occurrences Station 2 must respond to all the way into Carpinteria" (Study, p. 10). Given the existing setting, it appears likely any increase in fire protection and emergency service demand in the Carpinteria-Summerland Fire Protection District service area would result in potentially significant impacts.

Water Supply, Water Quality, Groundwater Recharge

L.2-50

Evaluate Water Supply at Groundwater Basin Level. The County's Groundwater Thresholds Manual for Environmental Review of Water Resources in Santa Barbara County requires an analysis of groundwater at the basin level. Additionally, given that the DPEIR predicts cannabis activities will be concentrated in specific areas, some of which have limited groundwater supplies, impacts can only be appropriately evaluated at the basin level. The County-wide analysis of water supply does not accurately disclose the potential impacts of the project on individual groundwater basins in the County. The analysis should also consider the potential cumulative impacts associated with over-drafted basins and sea water intrusion if the Project will contribute to these existing conditions.

L.2-51

Water Supply Impacts in Coastal Zone. Groundwater resources are identified as a protected resource in the Coastal Zone (see e.g., County LCP Policies 2-2, 3-19, 8-5). Therefore, an analysis of impacts within the Coastal Zone is necessary to adequately evaluate and mitigate potentially significant impacts in this area.

L.2-52

Ongoing Drought Conditions. The DPEIR fails to evaluate or even acknowledge the ongoing drought conditions in Santa Barbara County. Consideration of current and potential future drought conditions is essential to an adequate analysis of water supply and service availability.

L.2-53
Water Quality and Groundwater Recharge. The DPEIR fails to consider the cumulative impacts related to water quality and groundwater recharge that are likely to result from increased impervious surfaces, particularly in the Carpinteria Valley.

L.2-54
Chemicals Specific to Cannabis Activities. The DPEIR should address how chemicals used in the various types of cannabis manufacturing may compare to chemicals currently used in agricultural zones. If there is a substantial difference in the type and/or quantity of chemicals used in cannabis manufacturing, the DPEIR must evaluate the impacts of this new use, including impacts related to fire risk and other hazards, air quality, water quality, and land use compatibility.

L.2-55
Evaluate Water Quality at Groundwater Basin Level. As with water supply, water quality must be considered on a sub-regional or basin level. By evaluating this issue only at the County-wide level, the DPEIR does not consider impacts related to water quality or groundwater recharge that could result due to the concentration of activities in the Carpinteria Valley and in the Coastal Zone. This analysis is necessary for full disclosure of the Project's impacts. Existing conditions, such as the fact that the Carpinteria Salt Marsh is an impaired water body with known nutrient load issues, should be considered in this analysis.

Further, we question whether the County has adequate staffing and funds to conduct the inspections required by the mitigation measures. If adequate staffing and funding does not exist, these mitigations will not be implemented to effectively reduce the identified potentially significant impacts.

Biological Resources

L.2-56
Coastal Biological Resources. Given the many unique biological resources located in the Coastal Zone which are protected by Coastal Act and County LCP policies, a coastal zone specific analysis of biological impacts is necessary to adequately assess the potential impacts of the Project on these resources. If potentially significant impacts are identified, Coastal Zone specific mitigation should be proposed.

L.2-57
MM BIO -3 (Wildlife Movement Plan). The requirements of *MM BIO -3*, which is intended to require non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing, to allow passage by smaller animals would likely conflict with the security needs of cannabis operations. The DPEIR should consider whether implementation of this mitigation measure is feasible given these conflicting issues.

Project Alternative

L.2-58
The Project's environmental impacts will not be evenly distributed throughout the County but rather concentrated in specific areas, in particular the Carpinteria Valley sub-region. Therefore, it is appropriate that the County consider a project alternative that reduces and avoids impacts at the regional and sub-regional level. Alternative 3 reduces impacts by placing a County-wide cap on the number of licenses issued. However, it would more effectively mitigate impacts to apply caps on a regional and sub-regional level. Given the concentration of existing and anticipated cannabis activity demand in the Carpinteria Valley and the associated impacts that will result, a cap should be applied specifically to this sub-region.

L.2-58

We request that the DPEIR be revised to include an alternative that establishes a cap on the number of cannabis operations of each type that will be allowed in each sub-region, including the Carpinteria Valley. The cap should account for existing operations such that sub-regions with a high proportion of existing cannabis operations in comparison to the County as a whole, such as the Carpinteria Valley, do not experience a disproportionate concentration of cannabis operations. The cap for each sub-region should be set at a number sufficient to reduce all impacts to a less than significant level.

Conclusion

L.2-59

The DPEIR analyzes impacts on a county-wide basis, despite acknowledging that the Carpinteria Valley will see much more concentrated impacts as a result of the Project. The Carpinteria Valley and the Coastal Zone in general have significant unique attributes such as prime soils, high concentration of agricultural operations, and proximity to residential areas, that require more detailed analysis.

Although a program EIR is typically more general than a project EIR, it should still analyze known impacts in a comprehensive fashion. (See *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 234 Cal.App.4th 214, 233.) The DPEIR acknowledges that there is currently a higher concentration of cannabis operations in the Carpinteria Valley and that this is likely to continue after adoption of the County regulations. As detailed in this letter, there are many areas where the potential impacts of expanded cannabis operations on the Carpinteria Valley can be estimated and analyzed, including traffic impacts to roads within the City of Carpinteria and unincorporated area, odor impacts from increased cultivation, and loss of prime and/or coastal agricultural land. The DPEIR should more completely analyze these impacts and propose specific mitigation measures relevant to the Carpinteria Valley and the Coastal Zone.

L.2-60

Furthermore, it appears that cannabis operations in certain areas will be able to obtain required permits to begin operations without discretionary review. For example, an applicant proposing to cultivate and manufacture cannabis using non-volatile methods on property in the AG-I zone and outside of the geographic appeals portion of the Coastal Zone can obtain required permits based on a staff level determination. In many cases, it appears that CEQA review would not be required for such projects. The DPEIR is wholly inadequate for a project-level analysis. The DPEIR should clarify whether it is anticipated that any cannabis operations permitted under the County's proposed cannabis regulations could be approved without any subsequent CEQA review. If this is the case, the DPEIR must incorporate a more specific impacts analysis and proposal for mitigation measures to adequately address such projects.

The City requests that the DPEIR be revised to include a more detailed and specific analysis of impacts related to issues areas including agricultural resources, biological resources, water quality and supply, and land use compatibility and policy consistency in the Carpinteria Valley and Coastal Zone, and propose specific mitigation measures for significant impacts identified.

Our staff would be happy to meet and discuss our concerns and comments on the DPEIR with you. If you would like to set up such a meeting, please contact Senior Planner Nick Bobroff at 805-755-4407 or by email at: nickb@ci.carpinteria.ca.us. We thank you for taking the time to consider and address our comments.

Sincerely,

Fred Shaw, Mayor
City of Carpinteria

Enclosure: Letter from Coastal Commission to San Luis Obispo County, June 7, 2017

Cc: City Council
Dave Durflinger, City Manager
Steve Goggia, Community Development Director
Nick Bobroff, Senior Planner
Peter Brown, City Attorney

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June 7, 2017

County of San Luis Obispo Planning and Building Department
ATTN: Brandi Cummings
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Subject: Cannabis Ordinance/Local Coastal Program Amendment

Dear Brandi:

Thank you for the opportunity to review the County's proposed ordinance for cannabis regulations in the Coastal Zone. Our understanding is that this ordinance will be submitted to the Coastal Commission for certification into the County's Local Coastal Program (LCP) after final County approval.

In general, the six new uses (Cannabis Cultivation, Nurseries, Manufacturing, Testing Facilities, Dispensaries, and Transport and Distribution) have been closely aligned with existing LCP policies and standards for similar uses. For example, the new use "Cannabis Nurseries" has similar standards as those for "Nursery Specialties", including that it is allowed in the same land use categories, and requires the same setbacks, minimum site area, etc. None of the six uses have a lower permit requirement than existing similar uses. With that said, Commission staff would like to provide the following preliminary comments based on experience with the Commission's actions regarding other cannabis ordinances.

1. **Cannabis Manufacturing on Prime Agricultural Lands.** The County's proposal would allow cannabis manufacturing to occur on prime and non-prime soils within the County's Agriculture land use category. We do not believe that manufacturing, including the "*production, preparation, propagation or compounding of cannabis or cannabis products either directly or indirectly... at a fixed location, that packages or repackages cannabis or cannabis products, or labels its containers,*" is an appropriate use of prime soils. Prime soils, as opposed to non-prime soils, should be reserved solely for agricultural cultivation and nurseries. Therefore, we recommend that you delete cannabis manufacturing as an allowed use in the Agriculture land use category.

2. **CZLUO Section 23.08.421 Exemptions from Permit Requirements.** Section 23.08.421 identifies activities that would otherwise be exempt from permitting requirements. So there is no confusion about when a CDP is required, including if the activity constitutes "development" under the Coastal Act and LCP, we would suggest the inclusion of language into 23.08.421 that states that "any development, pursuant to 23.11.030 and Coastal Act Section 30106, located within the Coastal Zone of San Luis

Obispo County, and not exempted per the Coastal Act or applicable California Code of Regulations, requires a coastal development permit."

3. **Figures 8-1 and 8-2 - Nipomo Mesa Cannabis Control Area.** Figures 8-1 and 8-2 should include a Coastal Zone Boundary Line, and should ideally focus in on the areas of the Nipomo Mesa Cannabis Control Area that is *within* the Coastal Zone (perhaps through an additional inset map. A majority of what is shown in Figures 8-1 and 8-2 is outside the Coastal Zone, and thus has no applicability in terms of Title 23 and the LCP.

4. **23.08.423(e)(2) Screening.** Section 23.08.423(e)(2) requires all cannabis cultivation activities to occur *"within a secure fence at least (6) feet in height that fully encloses the cultivation area. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress. Said fence shall not violate any other ordinance, code section, or provision of law regarding height location materials or other fencing restrictions and shall not be constructed or covered with plastic or cloth."* We would not recommend the inclusion of language that outright requires fencing, which could have coastal resource impacts, particularly when said fencing would be placed in visually sensitive coastal, rural, agricultural areas. Currently, the LCP requires permits for any fence that will ***obstruct views of, or legal access to the tidelands*** (CZLUO Section 23.03.040), specifically to ensure discretionary review of fencing and potential impacts. We believe that there are other softer, less potentially visually intrusive methods (e.g., hedgerows, tree rows, growing cannabis in the middle of other agricultural crops, etc.) that could be used to screen cannabis cultivation, particularly within visually sensitive rural, agricultural areas, and thus would recommend again that fencing is not outright required for this activity.

Thank you again for the opportunity to review and comment on the County's proposed cannabis ordinance prior to the Board's consideration on June 20th. We look forward to continuing to work together on this ordinance so that it can be approved by the Coastal Commission. Please let us know if you have any questions or would like to discuss further.

Sincerely,

Daniel Robinson
Coastal Planner
Central Coast District Office

Comment Letter L.2 – City of Carpinteria

L.2-1 The County appreciates the City of Carpinteria's thoughtful review of the Draft Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. The County shares the City's concerns that a legal cannabis industry should operate in a manner that minimizes or avoid impacts on surrounding communities and has designed the Program and analysis within the EIR to achieve this goal. In addition, many of the City's comments arise from potential impacts of a largely unregulated cannabis industry, which currently is not subject to a regulatory program to address the adverse effects (e.g., odor) of cannabis activities. The County looks forward to working cooperatively with the City to ensure that a licensed legal cannabis industry is operated, regulated, and monitored in a manner that such an industry both benefits the Carpinteria Valley economy and avoids or minimizes adverse environmental impacts.

L.2-2 The comment correctly describes that some environmental topics are analyzed on a regional level, whereas others are analyzed at a sub-regional level. However, this is an appropriate methodology for a Program-level EIR that evaluates a proposed County-wide program. While some environmental topics have regional, or further reaching, impacts – such as air quality, greenhouse gas (GHG) emissions, and water quality – other environmental topics have site-specific impacts or those confined to a particular sub-region, such as those related to local water supply, geology and soils, and hazardous materials.

Impact determinations are focused at the county-wide or regional level given the countywide nature of the Program which applies to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issues within sub-regions, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts. This is appropriate because as described in Section 1.3, *Program-Level EIR Analysis*, the Draft EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines. As stated in Section 1.3, there are many reasons that a program-level analysis is appropriate for the proposed Project, including the fact that the proposed Program covers a defined geographic area with regional subareas with similar land use characteristics. Where characteristics vary within regions, the EIR provides clarifying information where relevant, such as within the Carpinteria Valley.

Regarding the degree of forecasting presented in the EIR, as described in Section 3.0.2, Assessment Methodology, and consistent with the requirements of CEQA Guidelines Section 15125, the baseline conditions used in the environmental analysis consisted of the local and regional physical environmental conditions as they existed on July 12, 2017—that is, at the time of publication of the Notice of Preparation (NOP). The EIR discloses all reasonably available information for such a countywide program, including citing Carpinteria Valley-specific issues as appropriate.[2] Because data on the existing cannabis industry is incomplete and difficult to confirm, this EIR discloses the best available information on existing cannabis activity conditions in the County to characterize a cannabis activity baseline for the purposes of impact analysis, without speculation. The existing data cannot provide a precise picture of

[2] See *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. The courts have looked for adequacy, completeness, and a good faith effort at full disclosure.

existing operations because the existing cannabis industry is unregulated and the locations and operations of the industry are, to a large degree, unknown. However, the collated information characterizes the general range, type, location, and resource demands of existing cannabis cultivation and manufacturing in the County to support an understanding of the environmental baseline sufficiently for impact analysis. Finally, to further address City concerns, as described in more detail below, the County has added new language and discussion to the EIR to address City concerns, including an expanded odor control mitigation measure and program enforcement information. Please see also **Master Comment Response 2 – Odor Control Initiatives** and **Master Comment Response 4 – Enforcement of Cannabis Operations**.

L.2-3 As discussed above, the regional and sub-regional level of impact evaluation is an appropriate methodology for a Program-level EIR that evaluates a proposed countywide program. While some environmental topics have regional, or further reaching impacts (e.g., air quality impacts, impacts related to greenhouse gas (GHG) emissions, and water quality impacts) other environmental topics have sub-regional or site-specific impacts, such as those related to geology and soils and hazardous materials. The County understands the City's concerns and is aware that along many of the urban-rural boundaries within the County (e.g., Carpinteria, Los Alamos, and Santa Maria), urban-rural conflicts between developed urban communities and rural agricultural regions can sometimes arise. In addition, as noted above in response L.2-2, the EIR fully discloses or discusses odor impacts, including those in the Carpinteria Valley.

As discussed in Section 3.3, *Air Quality and Greenhouse Gas Emissions*, the preparers of this EIR visited the Carpinteria Valley on several occasions, met with both cultivators and concerned citizens, detected noticeable cannabis odors, and identified potential impacts in the EIR, accordingly, both in the Carpinteria Valley and elsewhere (e.g., Cebada Canyon, Tepusquet Canyon, and Los Alamos). Further, odors associated with currently unregulated cannabis operations have not been subject to full odor control measures, using technologies that have been shown to significantly reduce or eliminate odors. Unlicensed growers have been reluctant to install such systems to date due to expense (e.g., as much as $300,000), and given the uncertainty of the licensing program pending potential Program adoption. However, such systems may be required by operators in order to comply with **MM AQ-5**, *Odor Abatement Plan*. Nonetheless, to further address the City's concerns and those of area residents, additional Carpinteria Valley specific discussion has been added to Section 3.3, *Air Quality and Greenhouse Gas Emissions* to address odor concerns.

Additionally, the comment does not include facts that support the assertion that certain impacts, such as those caused by odors, may not be accurately pinpointed. Rather, with standard enforcement investigations, the source of a nuisance could likely be pinpointed with some ease using olfactometers or other readily available commercial devices, if such impacts remain a public nuisance after application of odor removal or containment techniques and associated enforcement implemented under air quality **MM AQ-5**, *Odor Abatement Plan*. Please refer to **Master Comment Response 2 – Odor Control Initiatives**.

L.2-4 The comment addresses the potential for certain environmental impacts upon protected coastal resources and related effects upon coastal areas in the County. In contrast to what is stated in this comment, this EIR does, in fact, analyze the potential impacts from the conversion of both prime and non-prime agricultural lands—both within the inland and

coastal areas. The EIR is replete with information on local and regional environmental setting, and resource impacts within the coastal zone, including but not limited to Section 3-2 (Agricultural Resources) and 3-9 (Land Use and Planning), which evaluates consistency with the Coastal Land Use Plan. Prime and Unique Farmland, and Farmland of State and Local Importance in the Carpinteria Valley are identified in Figure 3.2-2. Section 3.2.2 and Table 3.2-3 (Summary of County FMMP Lands) identify the 3,417 acres of prime farmlands associated with the Carpinteria and Eastern Goleta Valley areas, coastal zoned agricultural lands, and bordering urban areas. As further disclosed in the EIR, the eastern-most portions of this region surrounding the City of Carpinteria supports the only mapped "greenhouse district" of the County, comprising the largest and most intensively developed agricultural greenhouse area within the County.

An analysis of the Project's consistency with the land use policies of the Comprehensive Plan and the Coastal Land Use Plan, is set forth in Section 3.9, *Land Use and Planning*, of this EIR. This section, specifically Table 3.9-2, addresses 44 adopted policies under the CLUP that apply to the Project. This table addresses agricultural resource protection policies set forth in the CLUP that apply to the Project, including: Development Policies 2-9 and 2-11; Hillside and Watershed Protection Policies 3-20 and 3-23; and Agriculture Policies 8-5, 8-6, 8-7, 8-11, and 8-12. Additionally, the CLUP's consideration for Coastal Act policies is addressed, including analysis for Coastal Act Policies 30250, 30231, and 30251. Analysis of Coastal Act Policies 30241 and 30242 has been integrated into Table 3.9-2 within the "Coastal Act Policies" section, and the Project is found to be consistent with each of these Coastal Act Policies.

L.2-5 The EIR provides substantial regional and sub-regional information as needed to support the program level impact analysis that is required by CEQA. As described in Section 1.3, this EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines, which addressed the impacts of a countywide program over hundreds of thousands of acres with potential effects on five major regions, eight cities, and 24 unincorporated communities. A program-level analysis for the proposed Project is appropriate for this EIR because it covers a defined geographic area with regional areas with similar land use characteristics. As further discussed in Section 2.2.2, *County Cannabis Regions*, the City of Carpinteria is described as being within the South Coast Region, which includes extensive tracts of agricultural lands bordering urban areas. Further, as described in Comment Response L.2-3 and L.2-4 above, the EIR provides substantial information on the Carpinteria Valley regarding impacts associated with odor and agriculture.

L.2-6 The comment requests clarification of methods by which the project description and ordinance will be enforced for uses that existed or occurred prior to the effective date of the ordinance. As discussed in Section 2.2.5, *Environmental Baseline Conditions*, some existing cannabis activities are considered non-conforming uses under Article X of Chapter 35 of the County Code, which provides that medical cannabis cultivation sites that were operating legally under local and state regulations as of January 19, 2016, are considered to be legal, nonconforming uses and may continue to operate under a legal, nonconforming status. Under County zoning ordinances, legal, nonconforming medical cannabis cultivation sites would be prohibited from expanding or otherwise changing the use that existed as of January 19, 2016. In order to obtain a state license, the operator of the legal, nonconforming use could apply for a state license, and while annual license approvals are pending, the operator can obtain a temporary license. As of the most recent regulations adopted November 16, 2017, the state bureau can only issue a temporary license if the applicant has a valid license, permit, or other

authorization issued by the local jurisdiction in which the applicant is operating. If an applicant for an annual license does not provide a local license, permit, or other authorization, the state bureau will contact the local jurisdiction to verify that issuing the license would not violate a local ordinance or regulation. After 60 days, if there is no acknowledgement by the local jurisdiction, the state bureau shall presume the applicant is in compliance and may issue a license. If, at a later time, the County decides that the license application for the nonconforming use should not be approved, this would be communicated to the state and the license would become invalid. Under the Project, based on registration information, operators of existing medical cannabis cultivation operations that are considered to be legal, nonconforming operations, would be required to seek and obtain both a local and state license to continue to operate within the County. Additionally, Article X provides that any legal, nonconforming status shall terminate six months after the operative date of the applicable County ordinance regarding medical cannabis cultivation that results from the Project or 18 months from the effective date of the applicable ordinance, whichever is longer.

L.2-7 The specific types of permits proposed under the Project are provided in Table 2-5, *Allowed Cannabis License Types by Zone District*. The Program EIR provides an extensive analysis of potential environmental impacts and, along with requirements of the Project itself, establishes a robust regulatory, mitigation, and monitoring framework to address potential environmental impacts. Where such impacts cannot be fully mitigated, the EIR so discloses.

All cannabis permits would be subject to both Program requirements and the mitigation measures in Section 3.4 (Biological Resources), Section 3.5 (Cultural Resources), Section 3.9 (Land Use and Planning), Section 3.10 (Noise), and Section 3.12 (Transportation and Traffic) that reduce impacts to a less than significant level. As with any follow-on projects subject to a previously certified EIR, each permit will be reviewed pursuant to CEQA Guidelines Sections 15162 through 15164 to determine whether its potential impacts were covered and whether the applied mitigation measures are sufficient.

L.2-8 As stated within Section 2.3.1, *Project Overview*, "The location, extent, and type of cannabis activities would be consistent throughout all unincorporated regions of the County, including within the coastal zone boundary." Therefore, the Project Description already indicates that cannabis-related uses identified as "P" in the CZO are considered permitted uses in the coastal zone.

L.2-9 This comment concerns the use of the term "sensitive receptor" and it's varied meaning related to state and local cannabis laws and general usage in planning and environmental analysis. Those who are considered "sensitive receptors" vary depending on the specific environmental or land use issue that is under consideration; what may be considered a "sensitive receptor" in one situation, might not be a "sensitive receptor" for a different situation. The environmental analysis correctly identifies "sensitive receptors" that are the subject of each environmental issue area.

For example, with regard to the health- and safety-related impacts that cannabis activities may have on youths, the Board considered the requirements of Proposition 64, which sets forth separation requirements between cannabis activities and youth-serving facilities. More specifically, Proposition 64 states in part, "A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued." However, such a definition of "sensitive receptor" is inappropriate when

considering air quality impacts. As stated in Section 3.3.2.2, *Sensitive Receptors*, "Residential land uses are considered sensitive to poor air quality because people in residential areas are often at home for extended periods and are therefore subject to extended exposure to the type of air quality present at the residence."

Section 3.3.2.6, *Cannabis Odors*, analyzes the impacts of odors on residents, or "sensitive receptors," who might be exposed to such odors. It states that "residents of Carpinteria and Tepusquet communities can often smell cannabis odors from nearby cannabis operations, and the County has received several complaints from residents related specifically to cannabis odors." The EIR provides a detailed analysis of potential odor related impacts, including those in the Carpinteria Valley, with regard to such "sensitive receptors." For such odors to rise to the level of a nuisance or significant environmental impact, the odors would need to be considered as persistent, pervasive, and intrusive, not an occasional, passing phenomena. As discussed under Section 3.3.2.6, *Cannabis Odors*, Impact AQ-5, and 3.3.4.3, *Residual Impacts*, available evidence indicates that in certain areas such as the Carpinteria Valley, odors from the currently unregulated cannabis industry, or at least some operators within that industry, are sometimes persistent and can generate a continuous public nuisance. While such odors may be more persistent and intrusive than those associated with legal regulated cannabis operations, all permits issued pursuant to the Project would require an Odor Abatement Plan (OAP) under **MM AQ-5**, *Odor Abatement Plan*. Additionally, while the EIR concludes on page 3.3-25 that no additional feasible mitigation beyond the requirement for an OAP has been identified which could ensure the containment, elimination of generation, or detectability of cannabis odors, and that residual odor impacts of the proposed Project would be significant and unavoidable, there are a variety of odor control techniques which can drastically reduce and potentially eliminate the odor from cannabis, and would be applied to cannabis operations, as appropriate given site- and project-specific considerations. (Please also refer to **Master Comment Response 2 – Odor Control Initiatives.**)

Regarding noise impacts, Section 3.10.10.3, *Human Response to Noise*, identifies a range of uses, including residential land uses, that may be affected by the implementation of the proposed Project. Section 3.10.2.2, *Sensitive Receptors*, also identifies a range of sensitive uses for the purposes of CEQA and states that "The definition of 'sensitive uses' found in the *County of Santa Barbara Environmental Thresholds and Guidelines Manual* includes residences, transient lodging, hospitals, and public or private educational facilities.

In short, the EIR impact analysis correctly identifies who qualifies as a "sensitive receptor" given the specific environmental or land use issue that is the subject of the analysis.

L.2-10 As shown in Table 2.5, *Allowed Cannabis License Types by Zone District*, retail sales would not be permitted in the County's agricultural (AG-I, AG-II) zones, but wholesale distribution would be permitted under a Major Conditional Use Permit in AG-I and as a permitted use in the AG-II. The impacts of distribution activities are evaluated throughout the EIR.

L.2-11 The comment addresses security standards for non-retail portions of the Program. The proposed Project includes General Development Standards in Section 2.3.3, *Summary of Proposed Project*, which apply to all cannabis sites and include standards to prevent individuals from loitering, restrict access to authorized personnel, require the use of secure storage facilities, and require that security cameras be installed at all cannabis sites and facilities. Furthermore, in order to obtain a state license, the recently-adopted emergency regulations include security related requirements such as employee badges, designated

limited-access areas, security personnel, 24-hour video surveillance for areas containing cannabis, alarm systems, commercial grade locks, and secure storage of cannabis and cannabis products.

L.2-12 The comment provides a suggestion that the fencing development standards should include lists of both acceptable and prohibited materials to more effectively guide fence design. One of the goals of the proposed Project is to ensure that cannabis facilities are attractive and help to maintain or improve the visual character of the community. As discussed in Section 3.1.3.1, *Local Regulations*, of the Draft EIR, LUDC Section 35.30.060, *Fences and Walls*, addresses development standards for fences in all areas. In addition, pursuant to CZO Section 35-12F.9, additional requirements in the Coastal Zone require the approval of a landscape plan that identifies fencing standards. Pursuant to Section 35.28.17, *Scenic Corridor – Mission Canyon (SM-MC) Overlay Zone,* fences in this planning area must be designed and constructed of natural materials. In addition to these development standards already in existence, the Project reiterates under Impact AV-1 that approved fencing shall be permanent and shall not consist of materials such as tarps, dust guard fencing, privacy netting, or polyethylene plastic. The Draft EIR also acknowledges under Impact AV-1 that opaque, chain linked, and barbed wire fencing could be built outside of the CA Overlay District. Because fencing has the potential to degrade or obstruct scenic views outside of the CA Overlay District, the Project would have a potentially significant impact on aesthetic resources, and requires the implementation of MM AV-1, *Screening Requirements*, which requires fencing, among other screening mechanisms, to be considered on a case-by-case basis the appropriate type of screening for a licensed grow site. Under this mitigation measure, the applicant also would be required to submit screening plans to the County for review and approval to ensure appropriateness of proposed screening (e.g., use of natural materials or compatibility of proposed fence's color with surroundings) prior to issuance of a cultivation license.

L.2-13 This comment addresses buildout of cannabis operations under the proposed Project. The EIR is designed to assess a conservative, yet realistic scenario. As discussed in Section 2.2.5, *Environmental Baseline Conditions*, and in response L.2-2 above, this programmatic EIR estimates the future build out of cannabis operations based on reasoned analysis supported by facts, and without speculation.

As stated in this EIR, in the past century, cultivation of cannabis and manufacturing of cannabis products has been illegal, which means that these activities have not been reliably documented. While it is known that a range of commercial cannabis businesses have and do exist within the County, much of the extent, location, and productivity of such businesses is unknown. This difficulty in quantification is due largely to the lack of record keeping for past or current cannabis-related activities, since cannabis activities have historically been illegal. Despite this, a range of data sources are available that, taken together, indicate the probable maximum and minimum level of activity.

The maximum level of activity represents the "maximum worst-case scenario" requested by the comment. Contrary to the commenter's assertion, the analysis set forth in this EIR is based on hundreds of sources of data, including County resources, such as the June 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program (Cannabis Registry) database, the County Sheriff's Office's list of enforcement cases, and interviews with community members and industry representatives conducted by staff members from the County and the EIR consulting team. As discussed in Section 3.3, *Assessment Methodology*,

there are an estimated 396 acres of existing cultivation in the County. The approximate additional 730 acres of cultivation is a potential indicator of future growth as a result of the Cannabis Registry, and would result in an estimated total of 1,126 grow acres. Based on existing trends in the cannabis industry, an estimated 21.97 acres of manufacturing, packaging, and distribution space may be necessary to accommodate the County's potential 1,126 acres of cannabis canopy. The EIR then acknowledges that as a "new industry with limited available data on existing and projected activities, the potential for future expansion of the industry cannot be fully predicted."

The comment does not justify how the *Planning and Conservation League v. Castaic Lake Water Agency (2009)* 180 Cal.App.4th 210, 246 applies. While accurate quantification of impacts was an issue of concern in that case, the accurate quantification in that case was tiered off a previous EIR that was being invalidated in a separate court case at the time that Draft EIR was prepared. This is not the case with the Program EIR for this Project, which is based on the best-available information at the time of preparation, especially given the illegal history of cannabis production over the last century. The comment provides no reasonable basis or meaningful evidence to support the requested assumption that demand would be 50 percent greater than registry response as an appropriate basis for analysis. Further, the EIR presents a range of likely levels and locations of commercial cannabis activities based on available data sources and field observations.

L.2-14 This comment addresses the funding of staff inspections. While it is the responsibility of the CEQA document to identify mitigation measures that reduce impacts and to determine the entity that is responsible for implementing those measures, it is not the responsibility of the CEQA document to identify the source of funding for the implementation of these mitigation measures.

Although this comment does not address an environmental issue that is the subject of CEQA, pursuant to the County's fee schedule for permitting and enforcement activities:

(1) The Permittee is responsible for paying the full cost of staff time and resources required to monitor the Permittee's compliance with the conditions of approval of zoning permits (e.g., mitigation measures from this EIR that would be applied as conditions of approval to permits for cannabis operations).

(2) With regard to enforcement of the zoning ordinances, for confirmed violations, the violator is responsible for paying the full cost of staff time and resources spent on the enforcement case. However, in the case of enforcement activities that do not result in a confirmed violation, the Board of Supervisor has allocated general fund revenue to cover the expense of staff time and resources spent on investigating the alleged violation.

The Board of Supervisors also will be considering whether to initiate a tax ballot initiative for either the June or November 2018 election, which if adopted could result in additional revenue for the purposes of zoning and law enforcement of cannabis regulations.

L.2-15 As discussed in Section 1.3, *Program-Level EIR Analysis* and in Comment Response L.2-2 above, this EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines. As mentioned in Section 1.3, there are many reasons that a program-level analysis is appropriate for the proposed Project, including the fact that the proposed Program covers a defined geographic area with regional subareas with similar land use characteristics. However, there

is no meaningful additional information that would result from a sub-regional analysis of potential impacts to the Carpinteria Agricultural Overlay (CAO) District because development of structures in the CAO District is self-limiting, in that greenhouse development cannot be exceeded beyond that permitted under CAO Section 35-102F, *Development Cap for Greenhouses and Greenhouse Related Development*. Further, the environmental impacts associated with the buildout of the CA Overlay zone was previously analyzed as part of the EIR prepared for the amendments that created the overlay zone. As this EIR does not require a redundant analysis of this greenhouse development, the EIR focuses primarily on the unique impacts of cannabis operations within this area, which were not analyzed within the prior EIR.

L.2-16 This comment addresses the feasibility of **MM AG-2**, *New Structure Avoidance of Prime Soils*, to adequately reduce the conversion of prime soils to a less than significant level. The County concurs that the mitigation measure is not as effective as it could be, and has revised the mitigation measure to require that if siting on prime soils is unavoidable, a discussion justifying the inability and/or infeasibility to avoid prime soils shall be provided to the County Planning and Development Department staff during the case-by-case review of applications for cannabis site development and licensing. Please refer to Section 3.2, *Agricultural Resources*, of this Final EIR for the proposed revisions to **MM AG-2**. Even with the revised mitigation measure, the County has determined that impacts resulting in the loss of prime soils would be potentially significant and unavoidable. Further, prohibiting or severely limiting non-cultivation cannabis uses would fail to meet a portion of the Project objectives.

L.2-17 This comment addresses potential conversion of agricultural lands to non-agricultural lands given volatile manufacturing uses are proposed to be permitted in agricultural zones but not in commercial zones. Volatile manufacturing operations may not always be appropriate in agriculturally zones lands, which is why a Major Conditional Use Permit is recommended as the permit type in agricultural zoning districts. In some cases, the siting of volatile manufacturing facilities near cultivation sites in areas zoned for agriculture may greatly reduce impacts that would otherwise result from transporting materials to industrial zones. As discussed in Impact AG-2, approximately 67,202 acres of prime farmland occurs in Santa Barbara County. Even if the future acres of cannabis activity expansion (730 acres of cultivation, 15.5 acres of manufacturing, and 60.5 acres of distribution) were to occur entirely on prime agricultural land (which is highly unlikely), it would represent less than 1 percent of all of the prime farmland in the County.

Finally, volatile manufacturing is a use that is inconsistent with the purpose of the C-1 zone. The C-1 zone is appropriate for both retail and service commercial activities that serve the local community and, in the Coastal Zone, the traveling public as well. This zone allows diverse uses, yet restricts allowable uses to those that are also compatible with neighboring residential uses to protect residential uses from negative impacts, including noise, odor, lighting, traffic, or degradation of visual aesthetic values. There are no similarly situated non-cannabis uses which are comparable to volatile manufacturing and currently allowed in the C-1 zone.

L.2-18 This comment is expressing concern that other agricultural operations in the Coastal Zone may convert to cannabis cultivation. The comment also states that the Draft EIR does not address whether cannabis cultivation, manufacturing, and related activities are agricultural activities for purposes of determining consistency with coastal policies. However, as

discussed in Section 2.2.4, *Current Agricultural Context of Cannabis*, cannabis cultivation is considered an agricultural use. This is further discussed in several places in Impact AG-I. For instance, per the California Health and Safety Code (HSC) and California Business and Professions Code, medical cannabis is identified as an "agricultural product" (HSC Section 11362.777). As such, applicants applying for cannabis licenses would be overseeing land used for agricultural purposes, and the growing of cannabis under SB 94 would constitute an agricultural use and resultant cannabis products as an agricultural product. Therefore, utilizing a license to grow cannabis would ensure agricultural purposes are carried out, and these actions would not convert associated FMMP farmland or prime agricultural soils to non-agricultural uses, nor conflict with existing zoning for agricultural uses. Further, per California Government Code Section 51201, an agricultural commodity under the Williamson Act is defined as "any and all plant and animal products produced in this state for commercial purposes," and an agricultural use consists of the "use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes." Additionally, guidance from the Department of Conservation has stated that cannabis is an agricultural product under the 2015 MCRSA statutes and that nothing in the Williamson Act prohibits the growth of cannabis on land enrolled in the Williamson Act. Moreover, Section 3.2, *Agricultural Resources*, fully assesses impacts under both State and County CEQA threshold guidelines, as detailed within Section 3.2.4.1, *Thresholds of Significance*. Finally, the analysis of the Project's consistency with the land use policies of the Comprehensive Plan and CLUP is addressed in Section 3.9, *Land Use and Planning,* of this EIR. This section addresses at least 26 adopted policies under the CLUP that may be affected by the Project within Table 3.9-2, including its incorporated Coastal Act policies.

Nonetheless, the proposed Project includes regulations to protect other beneficial uses in the Coastal Zone. While agricultural uses are permitted in designated agricultural and industrial zones in coastal areas, cannabis cultivation would be prohibited in Coastal Dependent Industry (M-CD), Coastal Related Industry (M-CR), Mountainous Areas, Environmentally Sensitive Habitat Overlay, and Resource Management (RES) zone districts. The Program allows for cultivation where public services would meet the needs of cannabis cultivation operations. County Planning and Development staff would also review all permit and license applications for cannabis cultivation, manufacturing, testing, distribution, and retail activities on a case-by-case basis. Through this project review process, the decision-making authority can make findings on whether the cannabis facilities meet applicable coastal policies. If in the event that the decision-making authority cannot make the requisite findings of approval to issue a coastal development permit, the application for a coastal development permit, or other required permit (e.g., Conditional Use Permit) must be denied.

L.2-19 A detailed description of the manufacturing processes is included in Section 2.2.4, *Cannabis Product Manufacturing*, as expanded upon in Appendix C of the Draft EIR. To ease the review and printing of the Draft EIR, technical appendices are provided as separate electronic files on the County of Santa Barbara's Planning and Development website. The Draft EIR and all technical appendices can be found at the following web address: http://longrange.sbcountyplanning.org/programs/Cannabis/cannabis.php The definition of volatile and non-volatile manufacturing processes can also be found in the proposed text of the Ordinances, which is included as Appendix B of the Draft EIR.

L.2-20 This comment requests clarification regarding whether cannabis manufacturing would be permitted in existing structures and what types of upgrades and code compliance would be

required to use an existing structure for cannabis manufacturing. As described in Chapter 2, *Project Description*, cannabis manufacturing may occur in existing buildings. If the existing building does not currently manufacture cannabis products, then the manufacture of cannabis products would be considered a change of use. Nonetheless, as discussed under Impacts HAZ-2 and HAZ-3, program implementation may require demolition or substantial retrofitting of existing structures to support manufacturing or construction of new buildings. Further, County Fire and Building Code requirements for cannabis related activities within structures would likely require site improvements (e.g., adequate water supply, fire sprinklers, road improvements, defensible space, etc.). Indoor cultivation and manufacturing operations under the Program would occur within permitted structures subject to building codes, electrical codes, and review by the County Building Official and Fire Department. Demonstration that proposed or existing development comply with these codes would be required prior to the issuance of a building permit.

L.2-21 This comment addresses compatibility of cannabis-related manufacturing with other allowed uses in the AG-I and AG-II zones. While the Project would permit non-volatile cannabis manufacturing and conditionally approve volatile cannabis manufacturing in the AG-I and AG-II zones, current County Codes allow off-premise non-volatile manufacture of agricultural products under the standards and limitations of CZO § 35-68.4.3 and LUDC § 35.42.040. Specifically, CZO § 35-68.4.3 allows "Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form…." An example of a natural product in cannabis non-volatile processing would be the trimmed flower product. Other examples of this type of processing, which are already permitted for historical agricultural products, includes simple mechanical processing to convert fruit from a solid to a liquid state without additives, chemical reactions, or changes in natural ambient temperatures.

However, both the on- and off-premise volatile manufacture of cannabis products sometimes requires the use of hazardous materials and equipment not associated with the processing of historic agricultural products, and may pose additional harm to persons or employees. Therefore, as described in Section 2.3.3, *Summary of Proposed Project*, additional development standards are proposed for both the on- and off-premise volatile manufacture of cannabis products. For example, no volatile manufacturing operations may be located within 1,200 feet from the property line of the lot in which cannabis operations are proposed, to the property line of a lot containing a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center. Volatile manufacturers would also be required to train the employees of the cannabis manufacturing facility on the best management practices including proper use of equipment and hazard response protocols in the event of equipment failure. Additionally, the permittee of a volatile manufacturing operation within agricultural zone districts would be required to obtain approval of a Major Conditional Use Permit. As part of the Project, these additional standards and permit requirements would be codified in LUDC § 35.42.075 (Cannabis Regulations) and CZO § 35.144S (Cannabis Regulations). Please refer to Appendix C of the Draft EIR for the draft zoning regulations.

L.2-22 This comment addresses potential hazards associated with cannabis manufacturing activities, specifically, volatile manufacturing, and their potential incompatibility with uses in adjacent zones. As discussed in Impact HAZ-2, the Draft EIR considers the hazards associated with

adjacent residential zones. Manufacturing activities under the Program would be subject to the County's review and approval, including ensuring compliance with federal and state regulations relating to employee health and safety, existing County policies and regulations related to site design, setback requirements, site location, construction and operation of manufacturing facilities, types of allowed operations, and the general operation of each manufacturing activity. With compliance with applicable regulations, hazards impacts to adjacent residential zones would be less than significant. For instance, per the November 16, 2017 adopted regulations, if CO_2 is used as a method of extraction, a copy of the closed-loop system certification signed by a California-licensed engineer attesting that the system was commercially manufactured, safe for its intended use, and built to codes recognized as generally accepted good manufacturing practices.

Other issues associated with the compatibility of cannabis cultivation and manufacturing to adjacent residential zones (e.g., air quality, noise, traffic/transportation) are addressed under Impact LU-2. The regulations, restrictions, and development standards included in the Project, including zoning restrictions, development standards (e.g., setbacks from sensitive uses), and prohibitions on noise and odor generation that can be perceived offsite, would regulate cannabis activities and minimize the potential for neighborhood incompatibility. These project requirements also define restrictions within each permit tier to help address neighborhood compatibility issues and quality of life impacts related to crime, population increases, traffic, parking, odors, and noise. As detailed in Section 2.3.3, *Summary of Proposed Project*, these include the requirement of cannabis activity site setbacks of at least 600 feet from the property line of the lot in which cannabis operations are proposed to the property line of a lot containing a school, day care center, or youth center; at least 1,200 feet from the property line of the lot in which volatile manufacturing operations are proposed to the property line of a lot containing a school, day care center, or youth center; restrictions on the size of cultivation nurseries; and additional commercial development standards that require site fencing, and lighting, noise, odor controls, and site security measures. Additionally, site-specific standards, measures, or permit conditions would be imposed prior to project approval on a case-by-case basis during the development plan and environmental review process.

L.2-23 This comment addresses the Volatile Manufacturing Employee Training Plan required under **MM HAZ-3**. This mitigation measure has been revised to include specific training standards and monitoring frequency, and would complement state requirements that pertain to volatile manufacturing safety measures. Please refer to Section 3.7.4.4, *Proposed Mitigation*, of the Final EIR for the revisions to **MM HAZ-3**. As discussed above in **Comment Response L.2-12**, while it is the responsibility of the CEQA document to identify mitigation measures to reduce impacts and to determine the entity that is responsible for implementing those measures, it is not the responsibility of the CEQA document to identify the source of funding for the implementation of these mitigation measures. The commenter's concern over adequate funding and staffing has been forwarded to the decision-makers for consideration when making a decision on the proposed Project.

L.2-24 This comment addresses the adequacy of **MM AG-1** to ensure that manufacturing is an ancillary use to cannabis cultivation and that inappropriate application of the mitigation measure may result in scenarios where manufacturing becomes the primary use of agriculturally-zoned lands. LUDC § 35.110.020 (Definitions of Specialized Terms and Phrases) and CZ0 § 35.58 (Definitions) generally defines accessory uses as uses that are incidental,

related, appropriate, and subordinate to the principal land use or principal structure on the site and that does not alter the principal use of the subject lot or adversely affect other properties in the zone or vicinity. Because each cannabis cultivator grows and manufactures cannabis products through different processes, it is not feasible to directly quantify a ratio of grow area to manufacturing area, although the amendment shall specify that the accessory use must occupy a smaller area dedicated to cultivation. The establishment of an arbitrary ratio may result in the inability of some growers to successfully implement a cannabis operation. Given the successful ability of Planning Staff to ensure that other agricultural manufacturing facilities remain an ancillary use to the agricultural cultivation, and this review process has been effectively in place for land use determinations of accessory or ancillary uses, the review process for the issuance of cannabis licensing would be based on established and proven approaches to ensure that accessory uses do not become the principal uses of property.

L.2-25 The comment addresses evaluation of housing and employment impacts at the County level and states that such investigation does not allow a meaningful analysis of sub-regional impacts to housing and employment. As discussed under Impact PEH-1, under a worst-case scenario, the proposed Project's increase in population would account for approximately 11 percent of the projected countywide population growth through 2040, which would not represent substantial population growth in the County overall.

Nevertheless, new demand for housing is not an impact to the physical environment that is subject to environmental review pursuant to CEQA; however, the impacts to the physical environment that would result from projects that are proposed to meet the new demand for housing, are subject to environmental analysis pursuant to CEQA. Given that the Project involves ordinance amendments that would facilitate possible cannabis activities, it cannot be determined exactly where future population growth would occur as a result of the cannabis industry and, consequently, what impacts to the physical environment would occur from housing projects that are proposed in order to accommodate this population growth. Such an analysis would require speculation and forecasting that cannot be supported with substantial evidence, if it were to be conducted as part of the environmental analysis set forth in this programmatic EIR for this Project. While the analysis recognizes the proposed Project would place additional demand for affordable housing in the Carpinteria Valley area, the finding that countywide impacts are less than significant is still appropriate, given that the actual increase in population and demand for housing which would result from the Project would be included in SBCAG's growth forecasts and RHNA numbers that would inform future Housing Element updates. The Housing Element updates would be subject to environmental review pursuant to CEQA and, given that the environmental analysis would be based on SBCAG's growth forecasts and RHNA numbers, would include an analysis of the environmental impacts that would result from providing the needed housing for the population increase that would result from this Project. However, the additional pressure that the proposed Project may place on affordable housing in the Carpinteria Valley area is noted and forwarded to decision-makers for their action on the proposed Project.

L.2-26 The typo in **MM PEH-1** was initially intended to reference the provisions of Housing Element Program 1.3 instead of Housing Element Policy 1.3. However, as the mitigation measure is not deemed necessary to reduce potentially significant impacts, it has been removed from the EIR.

L.2-27 The County recognizes the suggestion that the proposed Project should consider other feasible mitigation to address the need for affordable housing, such as providing on-site employee housing. However, as discussed above, new demand for housing is not an impact to the physical environment that is subject to environmental review pursuant to CEQA. Additionally, it cannot be determined exactly where future population growth would occur as a result of the cannabis industry and, consequently, what impacts to the physical environment would occur from housing projects that are proposed in order to accommodate this population growth. Such an analysis would require speculation and forecasting that cannot be supported with substantial evidence, if it were to be conducted as part of the environmental analysis set forth in this programmatic EIR for this Project.

L.2-28 This comment addresses whether the Draft EIR considers the potential for cannabis-related supporting and complementary uses, such as tourist-based operations (e.g., tastings, cannabis clubs, farm stays). The EIR only addresses the described components within Section 2.0, *Project Description*. The Project does not include consideration for allowing the cannabis events that are considered within the state's regulations adopted November 16, 2017, and the County is not currently considering this component. Similarly, the Project does not include consideration for the consumption of cannabis at cannabis facilities. The Project also does not include consideration for farm stays, as farm stays would be considered as part of the County's separate Agricultural Tiered Permit project, to be completed at a later date. The environmental impacts of retail sale from permitted and licensed facilities is considered throughout the Draft EIR. At this time, the proposed Project does not envision cannabis cultivation to be a tourist industry in Santa Barbara County. Should this type of tourist economy develop at a later time, it would be subject to a separate CEQA analysis.

L.2-29 The comment references the analysis regarding sensitive receptors and the application or absence of setbacks to mitigate cannabis activities from various land uses, including residential. Different land uses are considered sensitive for each of the environmental resources being evaluated, although for the issue of land use compatibility, the impacts to residential uses proximate to cannabis activities has been evaluated. As discussed in Response L.2-9 above, Draft EIR Section 3.3.2.2, *Sensitive Receptors*, states that "Residential land uses are considered sensitive to poor air quality because people in residential areas are often at home for extended periods and are therefore subject to extended exposure to the type of air quality present at the residence." Other sensitive uses when evaluating land use compatibility include schools, hospitals, and parklands. Impact LU-2 acknowledges that physical environmental impacts to agricultural, commercial, and industrial areas or business parks adjacent to residential areas could occur, and are thus mitigated to the furthest extent feasible. The potential physical environmental impacts, which comprise quality of life is discussed throughout the impact analysis, including those from air quality and odors, noise, neighborhood character and crime, traffic/parking, and population and housing. Impact LU-2 concludes that with the implementation of applicable regulations, the specific design standards of the proposed Project, and mitigation measures identified, impacts would be less than significant with mitigation.

L.2-30 This comment addresses the effectiveness of the proposed setbacks. The setbacks are based on Medical Cannabis Regulation and Safety Act Proposed Regulations issued by the Bureau of Cannabis Control in the spring of 2015. These regulations were withdrawn on May 5, 2017 due to the anticipated passage of the Medicinal and Adult-Use Cannabis Regulation and Safety Act in June 2017. On November 16, 2017, California's three state cannabis licensing

authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations; however, the proposed Project maintains this provision for schools given the suburban and rural nature of Santa Barbara County. The County also determined that no cannabis-related activities subject to licensing activities would be permitted or conditionally permitted in residential zones. Additionally, the discussion within Section 3.3, *Air Quality and Greenhouse Gas Emissions*, indicates that odors from cannabis cultivation operations may be difficult to contain. Therefore, implementation of **MM AQ-5**, *Odor Abatement Plan*, is deemed required to limit the effect of odor on surrounding areas, no matter the setback. Please also refer to **Master Comment Response 1 – Project Development Process** and **Master Comment Response 2 – Odor Control Initiatives**.

L.2-31 This comment addresses timing of Coastal Commission consideration and potential certification of the Project within the Coastal Zone as it relates to the County's Nonmedical Marijuana Interim Urgency Ordinance, which is currently set to expire in March 2019. The intent of the passage of this interim legislation, as expressed in Sections 1 and 5 of the ordinance, is to provide County staff time to establish permitting and regulation requirements, create additional measures to protect and limit further degradation of the environment, and develop additional enforcement capability. Should Coastal Commission certification not occur prior to the expiration of this ordinance, a permit structure would still not be in place, therefore no permits could be applied for or issued. This ordinance may also be repealed at an earlier date as a result of approval of the proposed Project and certification of the Final EIR. This comment will be forwarded to the Board for further consideration.

L.2-32 The comment addresses the Draft EIR's programmatic level of analysis related to evaluation of specific intersection and roadway segments at the sub-regional level, including concern regarding traffic congestion. As also described in Response L.2-5 above and in Section 1.3, this EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines, which addresses the impacts of a countywide program over hundreds of thousands of acres with potential effects on five major regions, eight cities, and 24 unincorporated communities. A program-level analysis for the proposed Project is appropriate in this EIR because the proposed Program covers a defined geographic area with sub-regions with similar land use characteristics. Due to the range of outcomes that could result from the proposed Project, it is too speculative in this programmatic EIR to estimate potential impacts to specific road sections and intersections; however, DEIR Section 3.12 (Traffic) provides select road segment and intersection operation data for the South Coast sub-region (Tables 3.12 -11 and 3.12-12), focusing on the Carpinteria Valley as well as estimated project traffic generation (Table 3.12-16). The range of assumptions and possible improvements that would be required to quantify impacts to intersections and roadway segments would be so numerous and speculative, that there would be a low degree of confidence in the model results, and impacts may be grossly over- or- under-stated. However, Impact TRA-1 recognizes that the Carpinteria Valley along State Route (SR) 192 has a relatively large concentration of existing cannabis operations (approximately 20 percent) and has been identified as an area projected for large future cannabis growth. As provided in Section 3.12.2, Environmental Setting, several road segments

and intersections currently operate at deficient LOS, particularly along intersections with U.S. Highway 101 on- and off-ramps facilities. Project traffic volumes would be dispersed along County and City roadways, as well as state highways, which presently operate at an unacceptable LOS. Therefore, the Project would potentially result in increases in traffic at segments and intersections such that operations would exceed acceptable LOS or would result in a significant impact. In addition, an increase of 120,712 daily countywide VMT (1.2 percent of County total VMT) also would increase the potential for congestion along transportation facilities both within and outside of the County's jurisdiction. The Draft EIR concludes that impacts would be *potentially significant* and requires the implementation of **MM TRA-1**, *Payment of Transportation Impact Fees* and **MM AQ-3**, *Cannabis Transportation Demand Management,* to reduce impacts to County roadways and intersections. However, due to the uncertainty over the distribution of vehicle trips over County roadways and intersections, impacts are ultimately concluded to be *significant and unavoidable*.

L.2-33 This comment recommends County coordination with the incorporated City of Carpinteria to mitigate potentially significant traffic impacts that may occur in the incorporated jurisdiction. Effective mitigation besides that of previous initiatives would be implemented via **MM TRA-1**, *Payment of Transportation Impact Fees*, to mitigate impacts through actions within the County's own jurisdiction, and via **MM AQ-3**, *Cannabis Site Transportation Demand Management*, with the intent of reducing vehicle traffic programmatically throughout all potentially affected areas, which would include the City of Carpinteria. The County looks forward to continued coordination with the City of Carpinteria, and remains committed to carrying out the required mitigations associated with previous, separate projects.

L.2-34 This comment raises a concern that **MM AQ-3** does not include measurable standards for determining its effectiveness in reducing vehicle traffic. Additional traffic congestion could occur as a result of the proposed Project. The full mitigation includes feasible transportation demand management (TDM) measures that must be considered for each site's TDM plan. However, a quantifiable trip reduction target is not established because of the programmatic level of the EIR. Some areas of the County are well served by alternative modes of transportation, and the site TDM may be able to achieve a high level of trip reduction. However, other areas of the County do not offer as many alternatives to the automobile as the primary mode of transportation. Therefore, the mitigation measure is most effective when assessed on a case-by-case basis by County staff.

L.2-35 This comment provides additional suggested mitigation measures to reduce traffic impacts. The Draft EIR and County recognize that new cannabis sites may be more concentrated in certain regions, including the Carpinteria Valley. The Draft EIR also acknowledges that this greater concentration of new cannabis sites may generate greater traffic impacts than in other regions experiencing less Project-related growth. As mentioned in Response L.2-32 above, each cannabis site shall be required to implement **MM TRA-1**, *Payment of Transportation Impact Fees*, which requires the payment of development impact fees prior to the issuance of a license. The intent of **MM TRA-1** is to reduce impacts to County roadways and intersections. The County Department of Public Works continually monitors roadway conditions and allocates funding as appropriate based on need. However, at this time, the County does not have the authority to assess a region-specific traffic development impact fee for the Carpinteria Valley area. Local jurisdictions are authorized to assess impact fees in California by the Mitigation Fee Act (AB 1600, 1987, Gov. Code § 66000). As defined in AB 1600, a development impact fee is not a tax or special assessment, but rather a fee that must be

reasonably related to the cost of the service provided by the local agency for the purpose of defraying all or a portion of the cost of public facilities related to the development (i.e., there must be a proven nexus). In order to adequately demonstrate this nexus, a nexus fee study must first be completed. At this time, nexus studies to implement region-specific fees have been completed in the County's Goleta and Orcutt Planning Areas. At a time when a nexus fee study has been completed for the South Coast area, specific development fees may be applied to new cannabis sites in the South Coast Region and/or Carpinteria Valley area. Regarding the additional mitigation measures suggested in this comment, review of site specific design and implementation of specific requirements given the type and location of the cannabis development would occur as part of the review of the permit for the cannabis activity.

L.2-36 This comment provides suggested revisions to the analysis of the proposed Project's impacts related to alternative modes of transportation. Although the Draft EIR states that the majority of the 1,992 work trips that would use alternative modes of transportation would likely occur in urban areas, this represents only 13.2 percent of the overall work trips generated by the Project. The comment notes that the majority of cannabis operations and related employee trips would occur outside of areas where alternative modes of transportation are generally limited or not provided. As described in Comment L.2-34, **MM AQ-3** includes feasible TDM measures that must be considered for each site's transportation demand management plan (TDM), which may address feasible alternative modes of transportation on a case-by-case basis by County staff. Additionally, the proposed Project would not include any features that would directly affect the performance or safety of transit, bicycle, or pedestrian facilities and, therefore, would be in general conformance with the policies and objectives of local transportation and circulation planning documents and programs, including the SCBAG RTP-SCS.

L.2-37 As discussed in Section 3.1.4.2, *Project Impacts*, the Project includes a requirement that all lighting shall be shielded to prevent light trespass into the night sky and/or glare onto lots other than the lots that constitute the project site or rights-of-way, and that greenhouses using artificial light shall be completely shielded between sunset and sunrise. This requirement would eliminate the potential for light spillover from cultivation using artificial light during the night within greenhouses. Hoop houses are currently not permitted to have lighting per the building and safety code, thus eliminating lighting concerns from that type of use. Additionally, the LUDC, MLUDC, and CZO amendments regulate artificial lighting. Impact AV-1 has been amended to include the provision that any outdoor light used for illumination of parking areas and/or loading areas, or for security, shall be arranged in a manner to be fully shielded, downlit, and emit no light rays above the horizontal plane, effectively eliminating potential for substantial new amounts of light or glare. The impact would remain *less than significant* under the Project.

L.2-38 The incorrect reference to Mitigation Measure MM AV-1b has been removed in the Final EIR. Regarding lighting impacts and updates to the Section 3.1, *Aesthetics and Visual Resources*, discussion, please refer to **Comment Response L.2-37**.

L.2-39 This comment addresses whether existing cannabis sites will be subject to the screening requirements and other development standards of the Project. Regarding the status of non-conforming operations, please refer to **Comment Response L.2-6**, above. Ultimately, under the Project, existing medical marijuana cultivation operations that would be considered legal nonconforming operations would either have to cease operations, or would be required to

obtain a state license, local license, and zoning permit to continue to operate within the County. At that time, they would be required to comply with all regulations and development standards of the Project.

L.2-40 This comment suggests additional methods to address screening requirements of **MM AV-1**. One of the goals of the proposed Project is to ensure that cannabis cultivation and manufacturing facilities maintain or improve the visual character of the community. As discussed in Response L.2-12 above, under this mitigation measure, the applicant shall also submit screening plans to the County for review and approval to ensure appropriateness of proposed screening (e.g., use of natural materials or compatibility of proposed fence's color with surroundings) prior to issuance of a cultivation license. Because the objectives of each site's fencing may considerably vary from site-to-site, it is not necessarily beneficial to establish a rigid set of design standards for fencing. Also, many methods exist to properly screen cannabis cultivation sites, including when more than one objective is addressed (i.e., obstructing light, trespass, aesthetics, and/or protection of wildlife corridors). For example, non-contiguous overlapping fence panels may be used to both enable wildlife passage while screening the site and preventing light trespass. Another is the use of a combination of landscaping and man-made fencing materials to achieve the objectives of the mitigation measure. Nonetheless, the stated desire to see more specific standards or guidelines to achieve the objectives of the mitigation measure are forwarded to the decision-makers for their consideration on an action on the proposed Project.

L.2-41 This comment requests substantiation of the statement contained in Section 3.3-22 (Air Quality) that cannabis odors are not necessarily harmful to people. The discussion in Section 3.3 is revised to acknowledge health-related issues that may be correlated to cannabis odors. Please also refer to **Master Comment Response 2 – Odor Control Initiatives** for a more detailed response addressing concerns over odors from cannabis sites and proposed refinements to the Odor Control Plan.

L.2-42 The comment questions the effectiveness of the Odor Abatement Plan required under **MM AQ-5** to reduce odor impacts to the maximum extent feasible. Please refer to **Master Comment Response 2 – Odor Control Initiatives** for a more detailed response addressing concerns over odors from cannabis sites and proposed refinements to the Odor Control Plan.

L.2-43 The comment requests inclusion of additional mitigation measures to reduce the impacts of odors on sensitive receptors, and classification of residential uses as a sensitive receptor for the purposes of odors. Please refer to **Master Comment Response 2 – Odor Control Initiatives** for a more detailed response addressing concerns over odors from cannabis sites and refinements to the Odor Control Plan and **Master Comment Response 4 – Enforcement of Cannabis Operations** for issues involving monitoring and enforcement. Since the Odor Abatement Plan is site-specific, an identified buffer could be made a requirement of a site's plan and a specific odor control technology could be required as part of permit approval and license issuance. This approach recognizes distinctions between sites, their topography, prevailing wind conditions, distance from sensitive receptors, and other unique site features.

L.2-44 The comment addresses an objective that impacts related to greenhouse gas (GHG) emissions should be reduced to the maximum extent feasible even though the proposed Project would result in a *significant and unavoidable* impact to air quality and GHG emissions.

Two of the primary objectives for the proposed Project are to minimize adverse effects of commercial cannabis activities on the natural environment and to promote energy and resource efficiency in all cannabis activities. As noted in the comment, the proposed Project exceeds the agricultural and manufacturing projections of the County's Climate Action Plan and, therefore, impacts with regard to GHG emissions would remain *significant and unavoidable* even with the implementation of mitigation measures. Further, because the proposed Project does not cap the amount of cannabis sites, it is not possible to accurately calculate GHG emissions from the proposed Project. However, in an effort to reduce impacts to the furthest extent feasible, and in line with recommendations from the Santa Barbara County Air Pollution Control District, **Mitigation Measures UE-2a, UE-2b**, and **UE-2c** have been integrated into Section 3.3, *Air Quality and Greenhouse Gas Emissions*, which provide the applicant use of a menu of GHG-reduction options. Please also refer to the revised discussion provided in Section 3.3.4.3 of this EIR.

L.2-45 The comment requests clarification on what land uses are considered sensitive receptors for the purposes of assessing noise impacts. As discussed in Section 3.10.1.3, *Human Response to Noise,* land uses that are considered sensitive receptors for the purposes of noise impacts include residential land uses; transient lodging (e.g., hotels, motels), schools and libraries; hospitals and medical care facilities; retirement/assisted living homes; parks and recreational land uses; and churches and places of worship. These are typical noise receptors when evaluating a project's noise impacts under CEQA. The noise standards that would achieve the *adverse, but less than significant* (Class III) impact identified under Impact NOI-1 are codified in LUDC § 35.42.075 (Cannabis Regulations) and CZO § 35-144S.E.3 (Noise), both of which are included in Appendix C of the Draft EIR. The CZO § 35-144S.E.3 does not specify noise-sensitive uses; however, this sub-section of the proposed amendments to the CZO will be revised to specify the maximum acceptable operational noise level to ensure compatibility with surrounding uses, similar to the development standards of the LUDC.

L.2-46 This comment suggests that operational noise from cannabis operations should be quantified and compared against the thresholds of significance established in the *County of Santa Barbara Environmental Thresholds and Guidance Manual* (County of Santa Barbara 2008). When evaluating noise generated from the operation of cannabis sites, the General Development Standards listed in Section 2.3.3, *Summary of Proposed Project*, includes a development standard that states: "All noise shall be located, shielded, or controlled to avoid exposure of incompatible noise to nearby sensitive receptors, in compliance with the Santa Barbara County Noise Element." Each cannabis site application would be reviewed for compliance with all of the General Development Standards prior to the issuance of a license. The EIR Noise Section 3.10.4.2, *Project Impacts*, has been revised to address potential noise generation from cannabis site operations relative to the established thresholds. Please refer to Section 3.10.4.2, *Project Impacts* of the Final EIR, for the revisions to the analysis presented in.

L.2-47 This comment recommends the prohibition of generators for all cannabis-related activities. Within DEIR Section 2.3.3, *Summary of Proposed Project*, a general development standard is included that states: "The use of a generator as an energy source for cultivation, outside of temporary use in the event of a power outage or emergency, is prohibited." This General Development Standard has been revised to prohibit the use of a generator on all cannabis-related activities except for temporary use in the event of a power outage or emergency.

Please refer to Section 2.3.3, *Summary of Proposed Project* of the Final EIR, for the revisions to the General Development Standards in.

L.2-48 This comment addresses the adequacy of police protection service in Santa Barbara County. The proposed Project strives to reduce the demand on police protection services through the General Development Standards in Section 2.3.3, *Summary of Proposed Project*, including those that prevent individuals from loitering, establish limited access areas accessible to authorized personnel, require the use of secure storage facilities, and require that security cameras be installed all cannabis sites and facilities. As discussed in **Comment Response L.2-2**, impact determinations are primarily focused at the countywide or regional level, given that the Project consists of a countywide program which would apply to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issues within more specific areas, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts. In the case of police protection, publicly available data is only available at the Countywide level, and personal communication with the Sheriff's Department was used as the primary source of determining the adequacy of police protection services. The focus of CEQA impact analysis related to public services is whether the proposed Project would require the construction of a physical facility, which has the potential to result in environmental impacts. Nonetheless, the cannabis permitting process requires a finding of approval for adequate services and resources for all permit types. This finding provides site-specific analysis of the adequacy of services and resources to support cannabis related activities.

L.2-49 This comment addresses the adequacy of fire protection service in Santa Barbara County, particularly for in the Carpinteria Valley area. As with police protection, impact determinations are focused only at the countywide or regional level, given that the Project consist of a countywide Program which would apply to hundreds of thousands of acres across the County's diverse landscape. Where appropriate, more detailed discussion and analysis of issues within subregions, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts. To ensure adequacy of fire protection services, a large suite of regulations and development standards would be required for cannabis activity sites. These regulations and standards would reduce the potential for a fire emergency at any individual site to a level that would prevent a regional increase in fire demand, particularly in more urban areas, where response times are faster. As with police protection services, the focus of impacts related to public services is whether the proposed Project would require the construction of a physical facility, which results in environmental impacts. The cannabis permitting process requires a finding of approval for adequate services and resources for all permit types. This finding provides for site-specific analysis and permit conditions or project redesign to ensure that necessary services and resources are available to support cannabis related activities.

L.2-50 This comment addresses adequacy of water supplies, including groundwater resources, in the Carpinteria Valley area. Impact determinations are focused only at the countywide or regional level given the Project consist of a countywide Program, which applies to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issues within subregions, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts, including the analysis included in EIR Section 3.8.2.2., *Hydrology and Water Quality, Groundwater*. This sub-section includes

Table 3.8-2., *Status of Groundwater Basins in the Project Area*, which discloses that the Carpinteria Groundwater Basin is not in a state of overdraft.

Table 3.13-1, *Municipal Water Supply and Demand in Santa Barbara County*, indicates that the Carpinteria Valley Water District (CVWD) currently has annual shortage of approximately 4 acre-feet per year (AFY). However, a future municipal water supply surplus of approximately 428 AFY is projected by Year 2035. While the CVWD primarily relies on groundwater (71 percent of supply), it is able to purchase additional water if groundwater supplies become inadequate to meet demand, including approximately 1,000 AF of deliverable water. Pricing strategies and other water conserving measures may be implemented to reduce water demand in the CVWD. Regarding the Carpinteria Valley area, based on the 2017 County Licensing Registration Data, approximately 20 percent of new cannabis operations would be concentrated in an area served by the CVWD. Assuming existing cultivation patterns continue under the licensing program, the proposed Project would result in approximately 146 acres of new cannabis concentrated within the CVWD. The CVWD currently provides service to 3,253 acres of crops, ranging from lemons and avocados to various nursery products. In comparison to crops with a high-water demand, such as avocados, cannabis cultivation has a much lower water demand. When considering the proposed Project represents a 4.4 percent increase in irrigated croplands, and proposes a relatively low-use water crop, and that the CVWD has the ability to purchase additional water supplies from the State Water Project, it is anticipated that the CVWD would have adequate water supplies to meet the demand of the proposed Project, and further water conservation for both cultivation and manufacture would be implemented in accordance with **MM HWR-3**, *Water Conservation-Water Efficiency for Cannabis Activities*. Additionally, as described in **Comment Response L.2-48** and **L.2-49**, the cannabis permitting process requires a finding of approval for adequate services and resources for all permit types. This finding provides for site-specific analysis, including effects upon groundwater basins, sea water intrusion, and other water resource concerns. Permit review also provides for inclusion of necessary conditions or project redesign, including retrofit and other conservation measures, to ensure that necessary services and resources are available to support cannabis related activities.

L.2-51 The comment requests analysis of groundwater supplies within the Coastal Zone. Analysis is included in EIR Section 3.8.2.2, *Hydrology and Water Quality, Groundwater*. This sub-section includes Table 3.8-2., *Status of Groundwater Basins in the Project Area*, which describes countywide status of groundwater resources including within the Coastal Zone and discloses that the Carpinteria Groundwater Basin is not in a state of overdraft. Most of the zoning districts that would permit cannabis activities for cannabis products are located within water districts that rely on groundwater for a portion of their water supply. These include the CVWD, the Goleta Water District, and the Montecito Water District. Although these water districts rely on groundwater supplies, they also have access to surface water reservoir supplies, and water purchases from the State Water Project. All three water districts have management efforts in place to protect groundwater basins, while ensuring adequate water supplies. Further, with the recent passage of the Sustainable Groundwater Management Act (SGMA), the underlying groundwater basins will become the subject of Groundwater Sustainability Plans (GSPs) that would prevent overdraft of the basins and the resulting negative effects, such as saltwater intrusion.

L.2-52 This comment raises concerns regarding ongoing drought conditions. Most of the water suppliers, including the Carpinteria Water District, in areas zoned for cannabis activities have

alternate water supply sources. Groundwater basins will become the subject of a GSP that prevents overdraft, and the proposed Project would result in a relatively negligible increase in water demand (0.1 percent of total 2015 metered water demand). Additionally, please refer to **Comment Responses L.2-50** and **L.2-51** and analysis included in EIR Section 3.8.2.2., Hydrology and Water Quality, Groundwater, including recommended mitigation measure, MM HWR-3, *Water Conservation–Water Efficiency for Cannabis Activities*, which requires identification and implementation of water-conserving features for all cannabis licensing activities, and specifically provides requirements for cultivation sites.

L.2-53 This comment addresses cumulative impact analysis related to water quality and groundwater recharge. Cumulative impact analyses related to water quality and groundwater levels is provided in Section 3.8.4.3, *Cumulative Impacts*. As concluded therein, the proposed Project would result in *adverse, but less than significant* (Class III) impacts to water quality and groundwater supply.

L.2-54 This comment addresses the use of chemicals in cultivation and manufacturing of cannabis products, and usage of different chemicals from other crops. As discussed under Impact HAZ-1.1, commercial cannabis cultivation under the Program could result in direct impacts from the use, storage, transport, or discharge of potential hazardous materials, particularly with respect to the use of pesticides such as rodenticides, fungicides, herbicides, insecticides, and fertilizers. However, cannabis cultivation would be subject to existing laws and regulations governing the cultivation of commercial food products and associated hazardous activities, including the ILRP regulated under the RCRA, and pesticide use regulations under CalEPA. For instance, U.S. EPA and CalEPA regulate the use of pesticides, fertilizers, and other hazardous materials used in the cultivation of food and non-food agricultural products to ensure the safety of employees, consumers, adjacent uses, and the environment, while the Occupational Safety and Health Administration (OSHA) regulates permitted businesses to ensure the health and safety of employees from occupational hazards. State requirements include rigorous testing, tracking (e.g., bar codes for end products), and quality control requirements for cannabis products, to ensure that the end product meets standards for consumer use, including medicinal needs. The SB 94 extent of quality control exceeds many other agricultural product commodities. Licensees would be subject to local safety and hazard plans as well, including the Hazardous Materials Area Plan and Local Hazard Mitigation Plan. Because the list of pesticides, herbicides, and rodenticides approved for use on cannabis is still being developed, there may be a reduction in the variety of chemicals applied during the cannabis cultivation process when compared to historic crop production.

Regarding the manufacture of cannabis products, as discussed under Impact HAZ-2, the chemicals used to process the raw plant are similar to those used to process historic crops (i.e., water). However, the more intensive manufacture of cannabis products include the use and storage of highly flammable materials. Processes such as production of butane honey oil (BHO) and high-pressure CO_2 extract can involve the use of hazardous materials and some risk of explosion. Activities involving the use, storage, transport, and discharge of hazardous materials would typically be associated with low-risk manufacturing activities subject to standard laws and policies regulating the use, transport, storage, and discharge of hazardous materials. However, manufacturing activities under the Program would be subject to review by the Licensing Office, compliance with federal and state regulations relating to employee health and safety, and existing County policies and regulations related to site design, setback

requirements, site location, construction and operation of manufacturing facilities, types of allowed operations, and the general operation of each manufacturing activity.

L.2-55 Please refer to **Comment Response L.2-51** above. Additionally, please refer to MM HWR-1, *Cannabis Waste Discharge Requirements General Order***.** The State Water Resources Control Board adopted the comprehensive Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Policy) and General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order), which include principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the Cannabis Policy address a wide range of issues, from compliance with state and local permits to riparian setbacks. The Cannabis General Order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers. The law requires that cannabis cultivators provide evidence of compliance with the Water Boards' Requirements (or certification by the appropriate Water Board stating a permit is not necessary) as part of their application for a California Department of Food and Agriculture cannabis cultivation license.

L.2-56 This comment suggests that a coastal-zone specific analysis of biological resources be completed for the many unique biological resources in the Coastal Zone. Section 3.4, Biological Resources, provides an impact evaluation of all protected habitat and special status species located throughout Santa Barbara County, including those located in the Coastal Zone. As discussed therein, with the implementation of mitigation measures, the proposed Project would result in *less than significant* impacts to biological resources.

L.2-57 Please refer to **Comment Response L.2-40** above.

L.2-58 This comment requests analysis of a Project alternative that would place a cap on cannabis cultivation and manufacturing within the Carpinteria Valley area. The range of alternatives evaluated in the Draft EIR was based on the guidance of Section 15126.6 of the State CEQA Guidelines, which require the discussion of alternatives to focus on alternatives to the project or its location that are capable of feasibly attaining most of the basic objectives of the project, but that also would avoid or substantially lessen any significant effects of the project, even if those alternatives would impede to some degree the attainment of the project objectives or would be more costly. The range of alternatives required in an EIR is governed by a "rule of reason;" therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. Alternatives will be limited to ones that would avoid or substantially lessen any of the significant effects of the project.

Because a substantial amount of County land that is zoned AG-I is located in the Carpinteria Valley area, Alternative 1 – Exclusion of Cannabis Activities from the AG-I Zone District Alternative, effectively evaluates a Project where cannabis sites are meaningfully reduced in the Carpinteria Valley Area. The intent of this alternative would be to reduce potential environmental impacts associated with the Project, specifically those related to persistent odor and land use incompatibility. A variation of this alternative or of the Proposed project may be considered by the Board of Supervisors. The information in this comment will be forwarded to the decision-makers for review and consideration.

L.2-59 This comment addresses additional regional and sub-regional analyses of impacts in the EIR. Please also refer to **Comment Responses L.2-1, L.2-2, L.2-3, L.2-4, L.2-5**, and **L.2-58**.

L.2-60 As with any follow-on projects subject to a previously certified EIR, each permit will be reviewed pursuant to CEQA Guidelines Sections 15162 through 15164 to determine whether its potential impacts were covered and whether the applied mitigation measures are sufficient. Moreover, the cannabis permitting process requires findings of policy consistency for all permit types, including land use permits. These findings provide for site-specific analysis and permit conditions or project redesign to ensure that necessary services and resources are available to support cannabis related activities. The proposed Project has been developed with a stringent set of regulations and development standards to ensure that environmental impacts are minimized. Further, the proposed mitigation measures and development standards have a monitoring and reporting component that allows both County staff and the public to identify adverse impacts from site operations. Moreover, if adverse impacts are not remedied in accordance with the approved regulations, an applicant's license, which is subject to annual review, could be revoked and the non-compliant operation would cease.

Santa Barbara County
Air Pollution Control District

November 16, 2017

Jessica Metzger
Santa Barbara County
Long Range Planning
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: **APCD Comments on the Draft Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program,** 17**ORD**-00000-00004

Dear Ms. Metzger:

L.3-1

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Draft Program Environmental Impact Report (PEIR) for the Cannabis Land Use Ordinance and Licensing Program. APCD's mission is to protect the people and the environment of Santa Barbara County from the effects of air pollution. As the County of Santa Barbara develops guidelines regulating cannabis activities, we believe it is important to address potential air quality impacts.

The PEIR identified four potentially significant air quality impacts from the program:

1. **Cannabis activities could be potentially inconsistent with the Clean Air Plan and County Land Use Element Air Quality Supplement.** The project would result in the development of employment opportunities outside of the rural/urban boundary, which may increase vehicle trips and emissions from both new employee trips as well as trips from existing employees in the County that would need to commute further.
2. **Emissions from operations of cannabis activities could potentially violate an air quality standard or substantially contribute to an air quality violation, and result in a cumulatively considerable net increase of a criteria pollutant for which the County is in nonattainment.** Increased mobile emissions would be generated by vehicle trips from employees and customers, as well as transportation of cannabis products.
3. **Cannabis activities could be potentially inconsistent with the Energy and Climate Action Plan.** Increased GHG emissions from vehicle trips and additional energy demand from indoor cultivation and manufacturing could interfere with meeting the ECAP's GHG reduction target for 2020.
4. **Cannabis activities could potentially expose sensitive receptors to substantial pollutant concentrations and create objectionable odors affecting a substantial number of people.**

L.3-1

Although the scent of cannabis plants is not necessarily harmful to people, the plants can produce objectionable or offensive odors.

L.3-2

To address potentially significant impacts, the PEIR identifies the following proposed mitigation measures:

1. **MM AQ-3. Cannabis Site Transportation Demand Management.** The County shall amend the proposed ordinance amendments to include the provision that all permitted cannabis sites implement feasible transportation demand management measures that reduce vehicle travel to and from their proposed site.

   Reducing vehicle miles traveled throughout the county can reduce local and regional air quality impacts and also reduce GHG impacts. The PEIR should identify the public transit services in the county that could serve potential cannabis sites and ensure they are included among the TDM measures. The PEIR could consider expanded and enhanced public transit or vanpooling as additional mitigation to reduce air quality impacts. The county's ECAP has identified reduced-fare or free transit passes, car sharing programs, and effectively implementing the CalVans program as potential mitigation for significant impacts from projects.

L.3-3

2. **MM AQ-5. Odor Abatement Plan.** All permits issued pursuant to the project shall have an Odor Abatement Plan consistent with SBCAPCD requirements and approved by the Planning and Development Department.

   The District supports the requirement for all operators to have an odor abatement plan, including having a designated individual who is responsible for logging and responding to odor complaints 24 hours a day, 7 days a week. In addition, we suggest the following revisions to strengthen the plans:

   - Require the designated individual to report all odor complaints to the appropriate county department within a reasonable time frame and to record and report the steps they took to resolve the issue. This would enhance the ability of the county to track odor complaints and to ensure that operators are responding appropriately.
   - For sites that generate recurring odor emissions, include an enforceable process to require additional control equipment or operational changes to mitigate odors.

L.3-4

The PEIR also identifies mitigation measures **MM UE-2a**, **MM UE-2b**, and **MM UE-2**c to mitigate impacts from energy use. To the extent that these measures reduce greenhouse gas emissions associated with cannabis activities, they should also be considered as mitigation for greenhouse gas impacts from the project.

L.3-5

The PEIR also proposes a 600-foot buffer between the property line of the cultivation site, non-volatile manufacturing operation, or retailer to the property line of a lot containing a school, day care center, or youth center. The PEIR proposes a 1,200-foot buffer between the property line of a volatile manufacturing site to the property line of a lot containing a school, day care center, or youth center. These buffers can reduce the potential for nuisance odors, but do not address all potential sensitive

L.3-5

receptors. The EIR should consider also including buffers to other locations where sensitive receptors may be present. The CDFA CalCannabis Cultivation Licensing PEIR lists the following as locations that could contain sensitive receptors: houses, apartments, senior living complexes, schools, school yards, parks, playgrounds, daycare centers, nursing homes, hospitals, convalescent homes, and health clinics[1].

L.3-6

In addition, we offer the following suggested revisions to Table 3.3-2, the Santa Barbara County Attainment/Nonattainment Classification Summary:

- Revise the Attainment Status for the State 1-hour and 8-hour ozone standards to Nonattainment-Transitional (NA-T). The county's ozone designation was changed on April 17, 2017[2].
- Add a footnote to the entry for the Federal 8-hour ozone standard noting that, although the USEPA has not yet finalized designations, The California Air Resources Board has recommended that the county be designated attainment for the 2015 standard of 0.070 ppm[3].

Thank you for the opportunity to comment on the draft PEIR. Please contact me at (805) 961-8879 or by email at cbe@sbcapcd.org if you have any questions.

Sincerely,

Ben Ellenberger
Manager
Technology and Environmental Assessment Division

cc: Kaitlin McNally, Manager, Compliance Division
TEA Chron File

[1] https://www.cdfa.ca.gov/calcannabis/documents/Vl-MainBody.pdf - page 4.3-15
[2] https://www.arb.ca.gov/desig/changes/2016sec100.pdf
[3] https://www.arb.ca.gov/desig/8-houroz/2016staffreport.pdf

Comment Letter L.3 – Santa Barbara County Air Pollution Control District

L.3-1 All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

L.3-2 Public transit services operating within the County and which may potentially serve future licensed cannabis sites under the Project are identified and described in Section 3.12, *Transportation and Traffic.* However, given the location of potential future licensed cannabis sites has not been identified and will not be identified until implementation of the Project and initiation of the licensing process, the identification of specific transit routes or services which may serve potential cannabis sites cannot be performed. In addition, many cannabis operations may be located in rural areas that are not served by public transit. Regardless, **MM AQ-3**, *Cannabis Site Transportation Demand Management,* currently identifies several of the TDM measures recommended by the commenter that could reduce vehicle travel to and from a licensed cannabis site, including the provision of incentives to employees for rideshare or public transportation and the provision of carpool/shuttle/mini bus services.

L.3-3 The recommendations provided have been integrated in to **MM AQ-5**, *Odor Abatement Plan,* in Section 3.3, *Air Quality and Greenhouse Gas Emissions.* Please also refer to **Master Comment Response 2 – Odor Control Initiatives.**

L.3-4 Because these mitigation measures would help to reduce potential greenhouse gas emissions during project operation, these mitigation measures have been integrated into Section 3.3, *Air Quality and Greenhouse Gas Emissions*, and applied to Impact AQ-4. However, the application of **MM UE-2a**, *Energy Conservation Best Management Practices*, **MM UE-2b**, *Participation in a Renewable Energy Choice Program,* and **MM UE-2c**, *Licensing by the County Green Building Committee* is not determined to reduce the significance level of Impact AQ-4, which would remain *significant and unavoidable*. Please refer to the revised discussion provided in Section 3.3.4.3 of Section 3.3 of this EIR.

L.3-5 As is currently noted in the discussion of Impact AQ-5 in Section 3.3, *Air Quality and Greenhouse Gas Emissions* and described in this comment, while the Project requires cannabis sites to be setback from a number of sensitive receptors, the Project does not currently require setbacks for cannabis activities from other potentially sensitive receptors or land uses. The types of sensitive receptors and size of setbacks was carefully considered by County staff given parameters in state law (SB 94) and initial consideration of land use consistency, public safety and air quality issues. The EIR fully analyzes potential air quality impacts to sensitive receptors and to reduce impacts associated with potential exposure of sensitive receptors to objectionable odors, the EIR requires **MM AQ-5**, *Odor Abatement Plan (OAP).* While this required measure would reduce potential impacts, it is conservatively determined that implementation of an OAP could not ensure the containment, elimination, or detectability of cannabis odors. As discussed in **Master Comment Response 2 – Odor Control Initiatives**, odors from agricultural products, including cannabis, vary widely and are considered to be highly subjective dependent on the individual exposed to the odor. Further, odors are subject to a number of natural conditions, such as wind direction, temperature, geography, etc., that may affect dispersal pattern or detectability. In certain conditions, an odor that may be considered objectionable may be detected thousands of feet or even miles from the source, and for this reason, setback requirements are not considered a definitive or feasible solution to addressing impacts from odors. Regardless, to more fully mitigate impacts from odors, MM

AQ-5 has been amended to include additional requirements which would further ensure the reduction in the potential for detectability of cannabis odors. Refer to **Master Comment Response 2 – Odor Control Initiatives**.

L.3-6 The recommendations provided have been incorporated into Table 3.3-2 of Section 3.3, *Air Quality and Greenhouse Gas Emissions*.

CALIFORNIA STRATEGIES, LLC

November 16, 2017

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State Clearing House No. 2017071016
County EIR No. 17EIR-00000-0003

Thank you for the opportunity to comment on the Draft Environment Impact Report (DEIR) on behalf of our clients, who are currently cultivating in compliance with Article X. We represent commercial cannabis businesses that are invested in the viability of the cannabis supply chain in Santa Barbara County. There are several fundamental inaccuracies and misassumptions in the DEIR that are the focus on the comments herein:

1. **Baseline conditions, assumptions and methodology**
    a. Analysis of current operations and use of pre-existing infrastructure
    b. Projected buildout of the industry
    c. Demand for manufacturing and distribution permits and licenses
    d. Class I Impacts to air quality, noise and transportation; residual significance (AQ-5; AQ-3; NOI-2; TRA-1; TRA-2)
    e. Minimum distance requirements
2. **Alternative 3: Environmentally Superior Alternative, Reduced Registrants**
    a. Failure to achieve Project Objectives
    b. Recommended amendments
    c. Mitigation measures lack evidentiary support (MM AG-1; MM AG-2)

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1. Baseline conditions, assumptions and methodology

B.1-1 The DEIR does not sufficiently incorporate existing cultivation operations in the existing physical setting against which the project and alternatives are analyzed. The DEIR fails to adequately account for the existing cannabis operations - which are currently contributing to air quality, aesthetics, agricultural resources, noise and traffic. The environmental analysis also falls short in accounting for the fact that the majority of current cultivation operations (in the Registry) are utilizing pre-existing infrastructure.

B.1-2 Furthermore, these existing greenhouse cultivation operations are less intensive than previous agricultural operations on these farms. For example, greenhouse cultivators:

B.1-2

1. Use the same, or less water, than flower growers;
2. Utilize black out shades throughout the entire greenhouse, which completely eliminate light pollution;
3. Do not use pesticides;
4. Generate less air quality, roadway and noise impacts from vehicular trips than other agricultural products; For example, only small sprinter vans are needed to transport cannabis, compared to semi-trucks needed to transport flowers;
5. Result in less noise impacts than other agricultural operations. For example, the flower industry requires compressors to run large coolers. In contrast, cannabis growers only need small air condition wall units to cool storage rooms.

B.1-3

The DEIR also fails to recognize the limitations of the Registry data and incorrectly relies on the Registry results to project the growth of the industry – thereby overestimating the Class I impacts. There are significant limitations to the Registry data because there was no verification of the data. The Registry form was made available to anyone, regardless of whether or not they had current landowner consent to operate commercial cannabis onsite. (Evidence of landowner consent is a requirement under State law to conduct commercial cannabis activities.) Finally, the Registry was self-reporting and participants were not required to supply any supporting documentation.

B.1-4

The DEIR makes inaccurate assumptions and projections based on the 506 registry responses to describe future potential buildout and estimates the demand for new canopy coverage could be 730 acres for a total of approximately 1,126 aces, representing 2.8 times more canopy cover than the 296 existing acres (2.-22). The DEIR incorrectly concludes that there could be at least double the amount of licensed cannabis activity with the implementation of the project, compared to what is occurring currently or has occurred recently within the County.

B.1-5

A large percentage of those who participated in the Registry as existing or prospective enterprises will not succeed in the new regulated market. 2018 brings a highly regulated framework, which is drastically different that the medical collective model framework, which was the extent of the regulations at the time of the Registry. It is inaccurate to assume that all of those who previously operated in the black market will be profitable and sustainable in the new regulated scheme.

An extensive list of ongoing compliance that is required at both the local and state level, including, but not limited to, the following barriers of entry into the market:

1. Existing local non-cannabis development standards and permitting timeframes, including building and safety, mechanical, electric, fire code compliance;
2. Existing State non-cannabis standard business and employee laws;

3. Draft local cannabis development standards and zoning regulations for land use permits;
4. Draft local annual cannabis business license, operational and security requirements;
5. Local licensing fees and taxes;
6. Annual State License Requirements – license required for each license type; and
7. State taxes.

B.1-5

Additionally, many existing or prospective operators may not have the capital necessary to maintain or secure infrastructure at cannabis rates or be profitable with the new costs of production. The cost of doing business is exponentially higher under the new regulated market in 2018. Some examples of new costly requirements include capital needed for physical site improvements to comply with regulations, extensive product testing, maintenance of track and trace, labor peace agreements, etc.

B.1-6

The DEIR fails to consider the substantial barriers to entry in the new market, and drastically overstates the potential buildout of the industry, and Class I impacts from the proposed project.

<u>Demand for manufacturing and distribution permits and licenses</u>

B.1-7

The DEIR underestimates the industry demand for manufacturing (including packaging) and distribution, and the importance of these license types for the sustainability and vitality of local cannabis farmers and hence, preservation of agriculture. Table 3.0-3, Percentage of Registrant Proposed Licensed Activities, reports that 16 percent of prospective operators were interested in manufacturing and 10 percent were interested in distribution (3-5). However, since the time of the Registry, the consumer demand for extracted (manufactured) products continues to exponentially increase. Some retail outlets are now selling more extracted products than traditional flower. Additionally, packaging (Type P) is a sub-license type of manufacturing. (This was also new evolving regulatory information at the time of the Registry.) The DEIR assumes that 563,000 square feet of packaging space would be needed to package the existing cannabis cultivation supply in the County. Therefore, there will be enormous demand from cannabis farmers at scale for third party packagers.

B.1-8

The DEIR also underestimates the demand for third party distributors. The Registry data indicating demand for a distribution license type is also understated because it was not clear at the time of the Registry that a distribution license is required to transport product. Distributors will be responsible for ensuring compliance with packaging, as well as collecting taxes. There will be an increasing demand for third party contracted distributors, given this level of roles and responsibilities.

B.1-9

Given the lack of vacant commercial or industrial land in the County, manufacturers (including packagers) and distributors will continue to demand use of agricultural

B.1-9 warehouse buildings on agricultural zones in the county – near the cultivation supply chain.

Minimum Distance Requirements; Proposed Project Development Standards

The project includes a minimum distance requirement for cultivation, non-volatile manufacturing and retail of 600 feet from the property line of the lot in which cannabis operations are proposed to the property line of a lot containing a school providing instruction in kindergarten or any grades 1 -12, day care center, or youth center that is in existence at the time the license is issued. Additionally, the project increases the minimum distance requirement for volatile manufacturing to 1,200 feet.

B.1-10 The DEIR arbitrarily includes the minimum distance requirements for the aforementioned license types, without evidentiary support as to why this is a necessary mitigation measure. The minimum distance required for each license type should be based on substantial evidence for each individualized license type proposed. Determinations must be based on real-life, identifiable, substantiated impacts, not simply on an unsupported assumption that all cannabis-related businesses, regardless of license type, have impacts requiring a minimum 600-foot setback. The DEIR has failed to provide a comprehensive environmental review for each license type to determine if a minimum distance requirement should be required.

Additionally, the DEIR includes a definition of distance measurement without data or factual evidence. There is no discussion about an alternative measurement of *defining the distance to be measured from sensitive receptors to cannabis facilities as a straight line from the **premise** of the cannabis use to the property line of the sensitive receptor.*

Class I Impacts: Air Quality, Noise and Transportation

B.1-11 The DEIR over-estimates the current and projected number of employees that commute to and from cannabis related activities, and therefore incorrectly concludes that the project would result in significant and unavoidable impacts to traffic, noise and GHG emissions from vehicles. (**Impact AQ-3; MM AQ-3; Impact NOI-2; MM AQ-1; Impact TRA-1; MM TRA-1; Impact TRA-2.)** A large percentage of workers who are employed by current cultivators were previously employed by flower growers or other struggling agricultural industries. Hence, these are not necessarily *new* workers contributing to traffic and vehicle emissions. Additionally, the DEIR does not consider that many individuals employed by existing operations carpool to the farms, or pursue other methods of sustainable transportation. Lastly, the DEIR fails to consider duplicative reporting of employee data in the Registry. Employee numbers was reported by operator or Registry applicant, not necessarily by farm. Therefore, there could be multiple Registry applicants on one farm – each entering separate employee counts. This would inflate the number of employees at each farm.

B.1-11 The DEIR overstates Class I impacts to transportation, noise and air quality caused by project related vehicular trips. The size of vehicles needed to transport cannabis are much smaller than traditional agricultural products. For example, cannabis businesses utilize small sprinter vans to transport cannabis, compared to use of semi-trucks to transport flowers.

B.1-12 Lastly, the DEIR does not include any evidence or factual analysis to support the determination that odor from cannabis activities cannot be mitigated to a less than significant level. Many local cannabis cultivators are utilizing industrial odor management systems that are scientifically tested and proven to effectively neutralize odor control needs of landfills, large-scale composting, waste-water treatment plants, agriculture, food processing and industrial plastic processing. There are numerous effective technologies and methodologies to control odor and this technology is only improving as demand for these systems increase. One example of an efficient methodology is a waterless vapor-phase odor mitigation system which deodorizes fugitive airborne odors, using active chemistry, not masking the odor. Many of the best available technologies used by local cannabis operators have been subject to extensive public health and safety studies by third party scientific consultants. Although the complete containment and elimination of generation or detectability of cannabis odors cannot be fully mitigated, installation of best available odor control technologies can mitigate this impact to less than significant. The DEIR accurately identifies **Impact AQ-5** *Cannabis activities under the project could potentially expose sensitive receptors to substantial pollutant concentrations and create objectionable odors affecting a substantial number of people,* and **MM Aq-5 Odor Abatement Plan.** However, the DEIR determination of Residual Significance of Class I, Significant and Unavoidable lacks evidentiary support.

2. Environmentally Superior Alternative – Alternative 3 Reduced Registrants

B.1-13 Alternative 3 would license half of the number of each category of licenses that were reported as part of the 2017 Cannabis Registry. This would restrict the total number of licenses to 962, or approximately half of the representative buildout of the project, as analyzed by the EIR. Alternative 3 would limit future operations to existing cannabis operators in areas that are currently subject to commercial ag operations and developed spaced, rather than allowing for future cannabis operations on all eligible zoned lands, regardless of existing use (Chapter 4; 4-55). Although we agree that Alternative 3 is the alternative with the fewest adverse impacts and potential benefits, Alternative 3 is deeply problematic because it is based on flawed assumptions, and fails to achieve even a few Project objectives.

Alternative 3 would not facilitate a “robust and sustainable legal industry”, which would in turn generate limited revenue for the county and fail to meet local demand (Objective #1). Critical components of the full supply chain would be limited, including manufacturing – where there is anticipated to be greatest value add (Objective #2).

B.1-13 Because applicants and eligible zones would be limited, Alternative 3 would not encourage businesses to operate legally, and would instead drive many existing and prospective operators to the black market (Objective #3). This would preclude the County from facilitating orderly development and oversight of cannabis activities (Objective #4).

B.1-14 The stated intent of this alternative is to reduce impacts associated with the full projected buildout and total physical adverse effects of the project directly related to development. However, as previously above, the DEIR miscalculates both the projected industry buildout and associated impacts, and severely underestimates the short and long term, as well as the local and state barriers to entry into the regulated market.

We recommend the County adopt Alternative 3 – Reduced Registrant Alternative – with the following modifications:

a. Prioritize existing operators in the Registry for licensing, but <u>do not preclude existing or prospective operators who did not participate in the Registry</u>;

B.1-15 The DEIR accurately discards Existing Registrants Alternative (4-8) which would have limited the pool of applicants to those who participated in the 2017 Registry, capping the total number of licenses allowed within the County at the quantity indicated within the 2017 Registry.

b. Maintain the proposed zone district eligibility and permitting requirements, <u>but reduce the minimum distance requirement for manufacturing to 600 feet, and measure distance from the premise (where commercial activity is taking place) to the property line of the lot containing a sensitive receptor (schools, day care facility and youth center).</u>

See discussion on Page 3; Minimum Distance Requirements.

c. <u>Remove</u> the following restriction "greenhouses and similar permanent structures associated with the alterative would be precluded from installing new hardwood floors that cover soils."

<u>Impact AG-2 is based on an erroneous assumption that lacks evidentiary support.</u>

B.1-16 The DEIR states that the development envelope of future cannabis activities under the proposed Project may include, but is not limited to, hoop structures, drying rooms, processing and packaging facilities, distribution storage areas, and manufacturing structures. The development envelope may also include parking areas, circulation roads, visual screening and landscaping, wastewater treatment systems, or other related improvements. According to the DEIR, this development, although largely compatible

with agricultural land uses, is not agricultural land use, and may result in non-agricultural development occurring on prime and nonprime soils.

B.1-16 The DEIR concludes that although existing County land use policies and development standards would have the effect of reducing the loss of agricultural resources resulting from cannabis activity structural development, they would not avoid the conversion of agricultural soils altogether. And although impacts related to individual sites would not result be significant under County thresholds, cannabis activity development pursuant to the Project could aggregate to a considerable conversion of prime soils, which represents a *potentially significant* impact, requiring implementation of **MM AG-2**, ***New Structure Avoidance of Prime Soils***. The underlying assumption supporting this conclusion, which the DEIR never comes out and clearly states, is that cannabis-related structural development is not considered an agricultural use of agriculturally zoned lands.

B.1-17 The County applies a CEQA threshold of significance that requires a finding of significance any time a project would convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use.

The DEIR assumes, without discussion, that the development envelope of future cannabis-related activities under the proposed Project, which may include hoop structures, drying rooms, processing and packaging facilities, distribution storage areas, manufacturing structures, parking areas, circulation roads, etc. does not constitute an agricultural use of agriculturally zoned lands; hence the resulting identification of a significant impact under the County thresholds. However, similar to the discussion above related to **Impact AG-1**, this assumption is erroneous and lacks evidentiary support.

B.1-18 The assumption relied upon in the DEIR, and the finding of a significant impact reached by the DEIR as a result, ignores the fact that most if not all of the aforementioned cannabis-related development is an integral part of and necessary to production of commercial cannabis as an agricultural commodity. Furthermore, the assumption ignores the fact that these uses, when located in agriculturally zoned areas, even if they are the primary use of an agriculturally zoned property, support the use of the surrounding land for cultivation purposes.

As indicated above, Government Code § 51201, defines an "agricultural use" broadly as the "use of land, including but not limited to greenhouses, for the purpose of *producing an agricultural commodity for commercial purposes*." (Italics added.) An agricultural use is therefore any use of land integral to and necessary to the *production of an agricultural commodity for commercial purposes*. Production of an agricultural commodity for commercial purposes is not limited to cultivation. The production process necessarily involves preparation of the agricultural commodity for the commercial market. Any structural development necessary to prepare an agricultural

B.1-18

commodity for the commercial market is clearly and "agricultural use" of agriculturally zoned land.

The DEIR should not rely on an arbitrary and unsupported assumption as the basis for its finding that cumulatively significant impacts to agricultural resources will occur.

Impact AG-2 fails to provide the level of discussion CEQA requires to support informed decision-making.

B.1-19

The DEIR provides a fairly comprehensive discussion of the County land use policies and development standards which are currently in place to avoid or minimize impacts to prime soils and productive agricultural land. Among these are the County Agricultural Element Policy II.D and Goal III, the Uniform Rules, and Section 35.21.050 of the LUDC, all of which prevent the loss of productive agricultural operations and minimize impacts to prime soils and productive agricultural land. Also discussed is the development cap applicable to greenhouses and greenhouse related development located in the Carpinteria Agricultural Overlay District, and the fact that greenhouse development in the inland area greater than 20,000 square feet requires additional environmental review to minimize impacts to agricultural resources.

B.1-20

In addition to existing policies and development standards, the DEIR also discusses how under the Project as proposed license types such as volatile manufacturing, distribution, and microbusiness proposed to be located on agricultural land would generally be subject to additional CEQA review. This in turn means that loss of agricultural resources would be identified and mitigated for these cannabis activities on a case-by-case basis for these types of uses.

B.1-21

Despite discussion of the foregoing protections, and the DEIR's finding that cannabis-related development on individual sites would not result in a significant impact under County thresholds, the DEIR concludes that cannabis activity development pursuant to the Project could aggregate to a considerable conversion of prime soils, which represents a *potentially significant* impact requiring mitigation. In response, the DEIR proposes **MM AG-2** to ensure that new structural development associated with the Project avoids prime soils. It requires the County Planning and Development Department to review the proposed location of any new structures proposed for cannabis-related activities relative to known agricultural soils on site. It further requires that any new structures proposed for development be sited on areas of the property that do not contain prime soils.

However, the DEIR concludes that, despite implementation of **MM AG-2**, in conjunction with other development standards under the proposed Project, and adherence to the County's existing Comprehensive Plan, Uniform Rules, and review processes for Development Plans and land use permits, residual impacts to prime agricultural soils

B.1-21 and soil productivity, after mitigation, would remain *significant and unavoidable* (Class I).

The DEIR provides no discussion of why existing land use policies and development standards, when implemented in conjunction with MM AG-2, are inadequate to avoid the conversion of prime agricultural soils to non-agricultural use. The DEIR makes no effort to quantify the extent of impact to prime soils, or estimate the amount of acreage likely to be effected. Nor does the DEIR identify how the County thresholds were applied to determine the level of significance found. All the DEIR does is provide a summary conclusion that cannabis related structural development would convert an undisclosed (but nevertheless significant) amount prime farmland to a non-agricultural use. As stated above, this conclusion is based on an erroneous and unsupported assumption that cannabis-related structural development is not an agricultural use of agriculturally zoned land.

B.1-22

An EIR must be prepared with a sufficient degree of analysis to provide decision-makers and the public with information that enables them to evaluate and review possible environmental consequences intelligently. An evaluation need not be exhaustive, and disagreement among experts does not make an EIR inadequate. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564. The courts have looked not to perfection, but for adequacy, completeness, and a good faith effort at full disclosure of impacts. By contrast, an EIR that does not explain the basis for its conclusions may be deemed not to comply with CEQA requirements. (See *Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2006) 136 Cal App 4th 1; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal App 4th 1099.

The discussion provided in the DEIR in support of **Impact AG-2** fails to meet these basic CEQA standards.

d. Licenses for cultivation, manufacturing, testing, distribution and retail sales of cannabis and cannabis products would be ~~restricted to premises located within existing permitted structures~~ prioritized for licensure and required to obtain a Zoning Clearance if they are proposing to locate their premise within existing permitted structures.

B.1-23 Restricting cannabis to existing developed structures is highly problematic for the viability industry. Use of existing permitted structures should be prioritized with a ministerial level permit. However, the industry must have the flexibility to permit new infrastructure on eligible zoned land. The County maintains maximum discretion to approve new development on a case by case basis via the discretionary review process. The County's existing policies and development standards will control for any rapid or incompatible development of new structures.

B.1-23

e. Remove the following restriction: On agriculturally zoned lands, all manufacturing and distribution facilities would be required to be an ancillary and subordinate use to cannabis cultivation that occurs on the same lot as the manufacturing and/or distribution facilities.

Impact AG-1 is based on an erroneous assumption that lacks evidentiary support.

The DEIR concludes that cultivation activities - the growing of cannabis under SB 94 - would constitute an agricultural use of land with the resultant cannabis products being an agricultural product. As such, the issuance of licenses to grow cannabis would not result in significant impacts to agricultural resources, because the licenses would ensure agricultural purposes are carried out, and these actions would not convert associated FMMP farmland or prime agricultural soils to non-agricultural uses, nor would they conflict with existing zoning for agricultural uses.

In contrast, however, the DEIR concludes that allowing cannabis manufacturing and distribution activities on agriculturally zoned lands – when it is not connected with on-site cultivation - would conflict with the established uses for agriculturally zoned lands. (See **Impact AG-1**, page 3.2-20.) This in turn, according to the DEIR, would result in *potentially significant* impacts towards the established integrity of agriculturally zoned lands, and would require implementation of **MM AG-1**, ***Cannabis Cultivation Prerequisite to Ancillary Use Licenses***.

B.1-24

MM AG-1 proposes to amend the Project to specify that in order to obtain a manufacturing or distribution license (Types 6, 7, and 11) on lands designated for agricultural use (e.g., AG-I and AG-II), the applicant must cultivate cannabis on-site and have approval for a cultivation license (Types 1-5). **MM AG-1** is intended to ensure that cannabis manufacturing and distributing activities are not primary uses on agriculturally designated County lands, but instead subsidiary (accessory) uses intended to support the agricultural use of agriculturally zoned lands

Impact AG-1 assumes, without discussion or evidentiary support, that cannabis manufacturing and distribution activities – when conducted separately from on-site cultivation - is neither an agricultural operation nor an agricultural use of land. On that basis, the DEIR concludes these activities would conflict with the established uses for agriculturally zoned lands to produce agricultural products.

This assumption, and the conclusion drawn by the DEIR as a result, ignores the fact that manufacturing and distribution activities are an integral part of and necessary to production of cannabis as an agricultural commodity. Furthermore, the assumption ignores the fact that these uses, when located in agriculturally zoned areas, even if the primary use of an agriculturally zoned property, support the use of the surrounding land for agricultural purposes. Finally, the assumption draws an artificial distinction between manufacturing and distribution activities that are conducted in conjunction with on-site

cultivation and manufacturing and distribution activities that are done separate from on-site cultivation. The assumption concludes, rather arbitrarily and without evidentiary support, that the former supports agriculture while the latter does not.

Government Code § 51201, defines an "agricultural use" broadly as the "use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes." (Italics added.) An agricultural use is therefore any use of land integral to and necessary to the production of an agricultural commodity for commercial purposes. Production of an agricultural commodity for commercial purposes is not limited to cultivation. The production of an agricultural commodity for commercial purposes necessarily includes processing of the agricultural commodity from the raw state in preparation for commercial market. Preparation of cannabis for commercial market involves both the manufacturing and distribution cannabis license types. It would be impossible to produce commercial cannabis for sale without processing beyond the raw state, using both non-volatile and volatile techniques. Similarly, it would be impossible to produce commercial cannabis for sale without appropriate packaging, labeling, and testing of the agricultural product. This concept is embodied in the Williamson Act, which recognizes that uses inherently related to the production of agricultural products are "agricultural uses" of agriculturally zoned lands.

B.1-24

The DEIR should not rely on an arbitrary and unsupported assumption as the basis for its finding that significant impacts to agricultural resources will occur. The reality is that allowing cannabis manufacturing and distribution license activities to occur on agriculturally zoned lands, in the absence of on-site cultivation, would not conflict with the established uses for agriculturally zoned lands, nor would it conflict with the production of agricultural products. Contrary to the conclusion reached in the DEIR, this would <u>not</u> result in *potentially significant* impacts towards the established integrity of agriculturally zoned lands. Nor would it require implementation **MM AG-1**, *Cannabis Cultivation Prerequisite to Ancillary Use Licenses*, to ensure manufacturing and distributing activities are not primary but subsidiary (accessory) uses to support the agricultural use of agriculturally-designated County lands.

<u>MM AG-1 is overly narrow and not sufficiently flexible to accommodate site specific constraints which may impede or prohibit cultivation on-site.</u>

MM AG-1, if adopted by the Board, would amend the Project to specify that in order to obtain a manufacturing or distribution license (Types 6, 7, and 11) on lands designated for agricultural use (e.g., AG-I and AG-II), the applicant must cultivate cannabis on-site and have approval for a cultivation license (Types 1-5). The stated purpose of this mitigation is to ensure that agricultural production is the primary use on agriculturally-zoned lands, and that manufacturing and/or distribution is maintained as a subordinate and incidental use. The amendment as proposed will specify that non-cultivation activities must be clearly ancillary and subordinate to the cultivation activities on-site so that the majority of cannabis product manufactured and/or distributed from a cannabis

site is sourced from cannabis plant material cultivated on the same site. The amendment as proposed will also specify that the accessory use must occupy a smaller footprint than the area dedicated to cannabis cultivation. Further, the amendment shall apply to microbusiness licenses (Type 12) to ensure that proposed manufacturing or distribution would be ancillary and subordinate to the proposed cultivation area, as described above.

B.1-24

Apart from the erroneous assumption upon which **Impact AG-1** is based (i.e., manufacturing and distribution – when not connected to on-site cultivation – is not an agricultural use), **MM AG-1**, requires more flexibility to allow applicants who wish to deviate from its strict requirements the latitude to do so when circumstances are appropriate. Not all businesses are interested to be vertically integrated. For the success of the industry, and due to the complex regulatory requirements for each license type, it is preferable to have the flexibility to pursue just one component of the supply chain, e.g., manufacturing or distribution, independently from cultivation. If these stand-alone license types are allowed to locate on agriculturally zoned land, it will enhance, support and preserve agricultural use in the surrounding area. If these stand-alone license types are not allowed to locate on agriculturally zoned land, cannabis operators who lack on-site processing capabilities will be forced to transport their raw cannabis product to distant commercial and industrial zones. This in turn will result in unwanted environmental impacts by creating inefficiencies in the overall cultivation-manufacturing-distribution supply chain.

B.1-25

Additionally, there are ample empty pre-existing agricultural warehouse buildings that are turn-key for cannabis support uses. They were previously utilized by other agricultural operations and therefore have features which support cannabis processing, extraction, testing or transportation, such as roll-up doors, coolers, and electrical. Often these buildings are the sole infrastructure located on a parcel. In other words, there is no land to cultivate, or additional greenhouse infrastructure to support cultivation on the same lot. Access to this type of infrastructure is vital to the ability of the industry to prepare cannabis for the commercial retail market.

For this reason, **MM AG-1** should have exceptions built into it similar to the exceptions recognized in the compatibility requirements of the Uniform Rules. For example, Uniform Rule 2-2.1. A.1 applies to facilities used to prepare agricultural products for market. It requires that such facilities not exceed 50 percent of the parcel or 30 acres, whichever is less. An exception applies when the Board of Supervisors finds that a substantial benefit to the agricultural community and the public will result.

B.1-26

Uniform Rule 2-2.1. A.4 also applies to facilities used to prepare agricultural products for market. It requires that a parcel upon which such facilities are located have at least 50 percent of the parcel or 50 acres in commercial agricultural production, whichever is less. Again, an exception applies if it can be demonstrated to the Agricultural Preserve

Advisory Committee that the production requirements are unreasonable due to terrain, sensitive habitat and/or resources, or other similar site constraints.

B.1-26 Similar provisions should be incorporated into **MM AG-1** to allow cannabis manufacturing and distribution licensees the flexibility to adjust to site specific parcel conditions and constraints. Failure to include such provisions would arbitrarily preclude agriculturally zoned sites ideally suited to such uses the opportunity to support, preserve and maintain cultivation in the surrounding agricultural areas.

Conclusion

B.1-27 In conclusion, the DEIR includes flawed analysis of baseline conditions, assumptions and methodologies. Furthermore, the environmentally superior alternative includes mitigation measures that are not supported with evidentiary support. We recommend the following amendments to Alternative 3 – Reduced Registrant: 1) remove restriction of installing new hardwood floors; 2) prioritize licensure with a ministerial permit for applicants who are proposing to use, or currently using, pre-existing infrastructure; and 3) remove requirement that manufacturing and distribution facilities are required to be ancillary to cultivation. Most importantly, we suggest revising the reduction percentage of total licenses to only include total number of estimated new development; pre-existing infrastructure should not count against the restriction of total number of licenses.

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California Strategies

Comment Letter B.1 – California Strategies, LLC

B.1-1 Existing cannabis cultivation operations in the County, to the extent that they are known, are described in Subsection 2.2.5, *Environmental Baseline Conditions*. The analysis in this EIR is based on hundreds of sources of data, including County resources, industry and community member interviews, scoping meetings, and registry responses. These reasonably characterize the amount of current cannabis activity illustrate, as much as possible, where these activities are known to occur. The resources also include the June 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program (Cannabis Registry) database, the County Sheriff's Office's list of enforcement cases, and interviews with community members and industry representatives conducted by staff members from the County and the EIR consulting team. This EIR discloses the best available information on existing commercial cannabis conditions in the County to characterize a baseline for the purposes of impact analysis. The approach to impact assessment relative to the established environmental baseline condition is described in Section 3.0, *Introduction and Approach to Environmental Analysis*. Determinations regarding significance of Project impacts relative to the environmental baseline were made based on substantial evidence. The commenter does not provide any substantial evidence that would lead to different determinations regarding the baseline or the Project impacts. Ultimately, the lead agency has discretion in making such determinations.

B.1-2 County staff agrees that cannabis cultivation, such as cultivation occurring in pre-existing greenhouses, could result in fewer impacts than other types of agricultural operations. However, a conservative approach was used in the DEIR to analyze and disclose potentially significant impacts associated with the future licensing and permitting cannabis activities countywide given the programmatic scope of this study.

B.1-3 Please refer to **Comment Response B.1-1.** Limitations associated with the Cannabis Registry are disclosed throughout the DEIR (see descriptions on Pages 2-18 and 3-5 for examples). Using the Cannabis Registry along with other available data sources and field observations, County staff made a good-faith effort to estimate future buildout and reasonably foreseeable impacts under the Project, given the Project would permit future cannabis activities without a Program cap, with regional areas of eligibility in the County.

B.1-4 The comment points out issues with the buildout assumptions that are disclosed in the DEIR. As described on DEIR Page 3-5:

> Utilizing the raw 2017 Cannabis Registry data, with some potential for duplication and self-reporting biases, the demand for new cannabis canopy coverage could be approximately 730 acres, for a total of approximately 1,126 acres, representing an increase of 284 percent. Based on existing trends in the cannabis industry and generalized assumptions for commercial cannabis operations informed by interviews with representatives of the cannabis industry, an estimated 957,100 sf (21.97 acres) of manufacturing, packaging, and distribution space may be necessary to accommodate the County's potential 1,126 acres of cannabis canopy. However, this value is an informed projection based on frequently incomplete and/or duplicated 2017 Cannabis Registry information and anecdotal notes from representatives of the existing cannabis industry, and does not take into account those that may register in the future upon Project adoption. As a new industry with limited available data on existing and projected activities, the potential for future expansion of the industry cannot be fully predicted.

Thus, the County acknowledges that the buildout assumptions are programmatic in nature, based on reasonable and available information for a Program that does not propose a cap or sunset clause. As stated in CEQA Guidelines Section 15144, "Drafting an EIR ... necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can."

B.1-5 The commenter states that the market for cannabis activities will be narrow and constrained compared to the assumptions provided in the DEIR. The comment further provides information to support the assertion. The County appreciates this information regarding regulatory and market forces on future cannabis activities. While this information offers a different perspective on the scope of the project, it does not conflict with the projections and environmental analysis in the DEIR. Please also see **Comment Responses B.1-3** and **B.1-4** explaining the County's buildout assumptions.

B.1-6 Numerous variables can affect when, where and how many cannabis permits and licenses are issued. Thus, ultimate buildout of the Project may vary from the DEIR estimates. Please refer back to **Comment Responses B.1-2** through **B.1-5**.

B.1-7 The County agrees that the information from the Cannabis Registry is likely to vary given the dynamic nature of developing state and local licensing regulations. Please refer to Section 3.0, *Introduction and Approach to Environmental Analysis*, pages 3.0-2 to 3.0-5 for assumptions and methodologies. The Registry data, taken together with other EIR data collection, provide insight into the demand for licenses but do not limit the Project. Rather, the Project is limited by zone districts as described in Table 2-5. Under the project, non-volatile manufacturing would be permitted in 14 of the 15 Zone Districts considered for cannabis activities with up to 671,718 acres of eligible area. While these assumptions regarding amount of future development or space requirements have been provided, assumptions remain highly variable, and are used to provide a rudimentary analysis of potential Project impacts, and use of these assumptions as part of the discussion of Project impacts serve only to estimate the severity of potential impacts.

B.1-8 Please refer to **Comment Response B.1-7** and Section 3.0, *Introduction and Approach to Environmental Analysis*. Under the Project, distribution would be permitted in six of the 15 Zone Districts considered for cannabis activities with up to 671,023 acres of eligible area.

B.1-9 Both manufacturing and distribution would be permitted in agricultural zones under the Project as proposed. See also **Comments Responses B.1-7** and **B.1-8** regarding acres of eligibility for these license types.

B.1-10 The comment states that the 600-foot and 1,200-foot buffers from properties with schools are proposed as mitigation measures. However, these buffers are identified as development standards within the Project Description (Section 2.0, *Project Description* and Appendix B, *Proposed Ordinances & Amendments*). The County defined development standards and project design features deemed necessary to ensure compatibility between surrounding land uses and neighborhoods, compliant with state commercial cannabis licensing regulations. Please also refer to **Master Comment Response 1**.

B.1-11 Please refer to **Comment Responses B.1-3** and **B.1-4**. A conservative and programmatic approach was used in the DEIR to analyze and disclose potentially significant impacts associated with the future licensing and permitting cannabis activities countywide, which did

not assume that multiple registrants on one farm would necessarily have the same employees. Such assumptions could underestimate important data, subjecting the DEIR to recirculation and/or challenge (CEQA Guidelines, Section 15088.5).

B.1-12 Please refer to **Master Comment Response 2,** *Odor Control Initiatives***.** As stated in the comment, objectionable odors from permitted cannabis activities will be largely mitigated through **MM AQ-5,** *Odor Abatement Plan*. However, residual impacts to sensitive receptors are potentially significant. As explained on DEIR page 3.3-25, containing or eliminating cannabis odors can be difficult, even with carefully prescribed mitigation and enforcement. Substantial evidence to support the County's determination of significance is provided in Section 3.3, (See discussions in subsections 3.3.2.2, 3.3.2.6, 3.3.4.2, and 3.3.4.3).

B.1-13 The County acknowledges this comment regarding Alternative 3. Ultimately, the decision-makers will balance Program objectives with environmental effects upon the environment and land use compatibility concerns, when considering the adoption of the Program or alternative to the Program. The information in this comment will be in the Final EIR for review and consideration by the County Board.

B.1-14 Regarding the DEIR forecast of the cannabis industry buildout and barriers to the market, please refer to **Comment Responses B.1-3** through **B.1-5.**

B.1-15 The County acknowledges the recommendations made in this comment. This information will be included in the Final EIR for review and consideration by the County Board.

B.1-16 This comment summarizes the discussion of **Impact AG-2**, addressing the loss of agricultural soils and the related mitigation measures, **MM AG-2**, *New Structure Avoidance of Prime Soils*. This DEIR analysis notes that cannabis activities would be similar in effect with existing agricultural practices, and acknowledges that cannabis-related accessory development such as storage facilities, maintenance structures, loading docks, etc., would potentially result in development on prime and nonprime soils, some of which would be prime farmland, unique farmland, or farmland of statewide importance under the FMMP. **MM AG-2** is consistent with County practice to preserve agricultural soils to the maximum extent feasible, as expressly defined in the existing Coastal Zoning Ordinance Regulation, Section 35-102F. *CA - Carpinteria Agricultural Overlay District*, Section 35-102F.1 Purpose and Intent, which in part states the intent of the agricultural overlay district is to preserve open field agricultural uses. This existing agricultural overlay regulation sets limitations upon the amount of new greenhouses, greenhouse related development, packing and shipping facilities, shade structures and hoop structures, with no more than 20,000 square feet cumulative permitted per legal lot. Additionally, the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules) restricts the amount of development of agricultural related development upon agricultural lands to ensure that the principle use of agricultural production is preserved.

Development Plans subject to additional environmental review would be required for some development, such as for greenhouses greater than 20,000 square feet, in order to minimize impacts to agricultural resources. Therefore, under the Project, measures would be in place to reduce the loss of agricultural resources resulting from cannabis activity structural development; however, they would not avoid the conversion of agricultural soils altogether. The EIR has been revised to clearly include text that confirms that the agricultural use of

prime agricultural soils would remain intact, as the ancillary structures are in direct support of the agricultural activity (Please refer to Section 3.2, *Agricultural Resources*).

B.1-17 Please refer to **Comment Response B.1-16.** The EIR has been revised to clearly include text that confirms that the agricultural use of prime agricultural soils would remain intact, as the ancillary structures are in direct support of the agricultural activity (Please refer to Section 3.2, Agricultural Resources). The DEIR recognizes cannabis-related structural development as agricultural uses (see pages 3.2-19 to 3.2-20 regarding the discussion of Impact AG-1). The determination of significant impact under Impact AG-1**,** addressing compatibility with agricultural uses and the Williamson Act, is based upon potential permitting of manufacturing and distribution licenses in agricultural zoning districts without a corresponding cultivation operation. It is important to note that only the development associated with manufacturing and distribution licenses was factored into the determination of significant impact. The County has discretion in making this determination and it is consistent with similar determinations made historically regarding the processing of agricultural products.

B.1-18 This comment addresses the Impact AG-1 determination, asserting that cannabis-related development, such as manufacturing and distribution, on agriculturally zoned lands does not require onsite cultivation in order to support surrounding agriculture. As described on DEIR page 3.2-20, the on-site cultivation requirement would ensure manufacturing and distributing activities are subsidiary (accessory) uses to support the agricultural use of agriculturally-designated County lands, similar to the development of wineries in the County to support the principal agricultural operation of vineyards.

B.1-19 This comment summarizes the discussion regarding prime soils and agricultural productive land from DEIR Section 3.2, therefore, no further response is needed.

B.1-20 This comment summarizes DEIR Section 3.2, therefore, no further response is needed.

B.1-21 Please refer to **Comment Response B.1-16** through **B.1 -18.** This comment summarizes the discussion of the AG-2 impact from DEIR pages 3.2-20 and 3.2-21 and, therefore, no further response is needed.

B.1-22 Please refer to **Comment Response B.1-16.** The rationale for the County's determination that Impact AG-2 would be significant and unavoidable is provided on DEIR pages 3.2-23 to 3.2-24. The County could not quantify the potential impact to prime soils since it's impossible to know where ancillary uses would likely occur and/or where development on prime soils would be infeasible. Thus, a programmatic approach was used to evaluate the potential impacts of the Project. State and County thresholds were applied as described in the DEIR and in the Santa Barbara County Environmental Thresholds and Guidelines Manual. While most of the development that will occur under the Project would be in support of agricultural uses, it could potentially impair agricultural land productivity on prime soils. Therefore, the County has determined that the residual impact after mitigation would be potentially significant.

B.1-23 The County acknowledges these comments regarding Alternative 3. Ultimately, the Board must determine how the County can best meet its objectives and which project or alternative should be implemented. The information in this comment will be in the Final EIR for review and consideration by the County Board.

B.1-24 Please see **Comment Responses B.1-1** and **B.1-18**.

B.1-25 The commenter's preference to allow manufacturing and distribution licenses on lands zoned for agriculture without an on-site cultivation license will be included in the Final EIR for review and consideration by the County Board. **MM AG-1,** *Cannabis Cultivation Prerequisite to Ancillary Use Licenses,* requires that cultivation also occurs on the site of the manufacturing operation to ensure that parcels zoned for agriculture are not used solely for industrial purposes (i.e., conversion of farmland or conflicts with zoning for agricultural uses).

B.1-26 The recommendation in this comment will be included in the Final EIR for review and consideration by the County Board. Please also refer to **Comment Responses B.1-25**.

B.1-27 This comment summarizes the previous comments in the letter. Please refer to **Comment Responses B.1-1** through **B.1-26** above.

Business / Industry

From: Mollie Culver <culver.mollie@gmail.com>

Sent: Thursday, November 16, 2017 2:31 PM

To: Metzger, Jessica; Cannabis Info

Subject: EIR comments

This submission is on behalf of the Cannabis Business Council of Santa Barbara County. Thank you!

Thank you for the opportunity to respond to the Draft EIR findings relating to recreational cannabis in Santa Barbara County.

While generally a very strong report, the Cannabis Business Council of Santa Barbara County would like to address some of the deficiencies in the preliminary findings.

B.2-1 Overall, this report tended to minimize the current industry operating in Santa Barbara County and overestimate the environmental impacts that cannot be mitigated appropriately. Air quality, noise and traffic resulting from workers on agricultural land can be mitigated and is currently occurring regardless of whether the crop is medical cannabis, recreational cannabis or broccoli. On site parking and carpooling for workers are already in place and odor mitigation for mixed light crops are already in effect in many places and can be implemented in all greenhouse cultivation to minimize odor impacts on air quality.

B.2-2 In areas where more traditional crops including food production and cut flowers have previously been cultivated the switch to cannabis crops results in less intensive impacts such as use of pesticides, water and the size of vehicles to transport goods to market. In many areas these crops are grown using existing infrastructure which means that overall there is a reduced environmental impact on the community from previous traditional crops.

B.2-3 In regard to the proposed alternatives, reducing registrants by utilizing an arbitrary cap, zoning such as Ag-1 or the Williamson Act, not only fail to address what will become the lure of the black market, they are at the same time not providing the County an adequate, continuing source of tax revenue. Additionally, participants in the

B.2-4 Williamson Act have pledged to protect open agricultural space and should continue to be encouraged to preserve the agricultural traditions that our community values.

Thank you for your time, attention and dedication to developing a comprehensive industry ordinance.

Best wishes,

Mollie Culver

Cannabis Business Council of Santa Barbara County

Comment Letter B.2 – Cannabis Business Council

B.2-1 The EIR provides for a thorough and well informed environmental analysis of the Project and its alternatives based on the best available information of the cannabis industry to identify and disclose the full potential for adverse environmental effects that may be experienced under implementation of the Project. For instance, the EIR characterizes potential future impacts of the Project on the existing and planned transportation environment based on the best available data including interviews with local cannabis operators, review of recent traffic analyses, and results of the Cannabis Registry. However, because data on the existing cannabis industry is incomplete and difficult to confirm, this EIR discloses the best available information on existing cannabis conditions in the County to characterize an environmental baseline for the purposes of impact analysis. The existing data cannot provide a precise picture of existing operations because the existing cannabis industry is illegal and the locations and operations of the industry are, to a large degree, unknown. However, the collated information characterizes the general range, type, location, and resource demands of existing cannabis operations in the County to support an understanding of the environmental baseline sufficiently for impact analysis. Further, numerous variables can affect when, where and how many cannabis permits and licenses are issued. Thus, buildout of the Project may be somewhat overestimated in the DEIR. However, that would not be at variance with CEQA Guidelines. While the EIR acknowledges a reasonable assumption that much of the traffic generated by cannabis operations is already currently conducted by operators of long time traditional agricultural lands, the EIR could not defensibly identify impacts to traffic as less than significant with or without mitigation due to the broad programmatic nature of the Project, potential for licensing of new development on existing undeveloped or under-utilized lands, existing deficiencies in the traffic network at certain locations throughout the County, the inability for the County to impose or control improvements on facilities located outside of the County's jurisdiction, and other reasons discussed in Section 3.12, *Transportation and Traffic*. For these reasons, impacts to traffic and transportation are conservatively considered significant and unavoidable. Please refer to discussion of Impacts TRA-1 and TRA-2 in Section 3.12 of this EIR. A similar conservative analysis of Project impacts to air quality and GHG, odors, and noise was also conducted and concluded the potential for significant and unavoidable effects related to these environmental issues.

B.2-2 As is recognized in this comment, the EIR has acknowledged potential for reduced effects on the environment from air quality, noise, traffic, water demands, water quality, grading, and other resources from the potential for licensing of cannabis operations in existing developed areas or through the conversion of existing agricultural crops to cannabis. While such conversion in use would result in limited effects on the environment due to impacts previously experienced under historic or recent operation of the site for similar or more intensive uses, the EIR conservatively assesses impacts of the Project based on the potential for future licensing of cannabis operations on previously undeveloped sites or potential to result in more intensive operations than previously conducted. This analysis is primarily considered due to the inability to predict the exact location of proposed future licensed cannabis operations and presents a conservative analysis. As discussed in **Comment Response B.2-1** above, the existing data cannot provide a precise picture of existing cannabis operations because the existing cannabis industry is illegal and the location and operations of the industry are, to a large degree, unknown. Further, the EIR could not reasonably predict changes in land use patterns or conversion of existing developed lands to licensed cannabis

activities, as such analysis would be highly speculative. Therefore, while the EIR acknowledges reasonable assumptions for the potential conversion of existing development or agricultural lands that may currently contribute towards the conditions of the existing environmental baseline, the EIR could not defensibly identify all impacts to air quality, GHGs, odors, noise, transportation, and other resources discussed in Sections 3.1 through 3.14 of the EIR as less than significant with or without mitigation.

B.2-3 Issues raised in this comment are not at variance with the existing content of the EIR and address the merits of the Project and its alternatives. As is stated in Section 4.2.2 of Chapter 4, *Alternatives Analysis,* the intent of consideration of Alternative 1 – Exclusion of Cannabis Activities from the AG-I Zone District Alternative, as amended in response to comments received on the Draft EIR, is to reduce perceived potential environmental and land use compatibility concerns associated with the Project that were identified during the NOP scoping process and from general public interest, specifically those related to odor and land use compatibility. However, as further discussed in the aforementioned chapter, Alternative 1 is not considered to substantially reduce significant impacts associated with the Project and would have the potential to result in expanded operation of unlicensed cannabis operations when compared to the Project. All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

B.2-4 Similar to **Comment Response B.2-3** above, issues raised in this comment are not at variance with the existing content of the EIR and address the merits of the Project and its alternatives. These comments are best addressed towards County decision-makers. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Business / Industry

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November 16, 2017

Via Email: ***cannabisinfo@countyofsb.org***

Jessica Metzger
Long Range Planning
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Comments on Draft Environmental Impact Report (DEIR)
Cannabis Land Use Ordinance and Licensing Program
Neighborhood Compatibility and Setbacks From Sensitive Receptors

Dear Ms. Metzger:

This comment letter is submitted on behalf of several cannabis growers in Santa Barbara County. The purpose is to address issues raised by the Draft Environmental Impact Report (DEIR) prepared by Amee Foster Wheeler regarding the County's proposed Cannabis Land Use Ordinance and Licensing Program (Project). The comments addressed in this letter concern the DEIR's discussion of neighborhood compatibility issues and setbacks from sensitive receptors.

Neighborhood Compatibility

B.3-1

Section 3.9.4.2 of the DEIR describes the approach taken by the County to address perceived impacts on neighborhood compatibility. The approach taken is to effectively assume that all cannabis license activities will have unwanted impacts on surrounding neighborhoods, without providing any detailed discussion or analysis regarding the nature or degree of these impacts. Mitigation has been built into the Project on the front end through proposed regulations, restrictions and development standards, including zoning restrictions such as setbacks from sensitive uses, which then avoid the need in the DEIR to provide any meaningful discussion of the impacts presumed to exist. This approach defeats CEQA's fundamental objective of informed decision making and public participation in the process.

Section 3.9.4.2 of the DEIR finds that the regulations, restrictions, and development standards included in the Project, including zoning restrictions such as setbacks from sensitive uses, and prohibitions on noise and odor generation that can be perceived offsite, would regulate cannabis activities and restrict the potential for neighborhood incompatibility. These project requirements also define restrictions within each permit tier to help address neighborhood compatibility issues and quality of life impacts related to crime, population increases, traffic, parking, odors, and noise. The approach taken is to assume these impacts exist without any meaningful analysis. No thresholds have been applied to determine their significance, or whether mitigation is even required.

B.3-1

An EIR must be prepared with a sufficient degree of analysis to provide decision-makers and the public with information that enables them to evaluate and review possible environmental consequences intelligently. The courts have looked not to perfection, but for adequacy, completeness, and a good faith effort at full disclosure of impacts. Assuming at the outset that all cannabis license activities will have unwanted impacts on surrounding neighborhoods, and then building mitigation into the Project to address the impacts, avoids meaningful discussion of the impacts as well as the need for proposed mitigation. This approach undermines informed government decision-making and precludes effective public participation in the CEQA process.

Setbacks From Sensitive Receptors

Proposed setbacks from sensitive receptors warrant special attention. As detailed in Section 2.3.3 of the DEIR, *Summary of Proposed Project*, these include the requirement of cannabis activity site setbacks of at least 600 feet from the property line of the lot on which cannabis operations are proposed to the property line of a lot containing a school, day care center, or youth center. With respect to volatile manufacturing operations, site setbacks of at least 1,200 feet are required from the property line of the lot on which volatile manufacturing operations are proposed to the property line of a lot containing a school, day care center, or youth center. These setbacks are proposed as part of the Project for the purpose of mitigating unidentified and undisclosed impacts. No discussion regarding the nature or degree of the impacts is provided.

B.3-2

Requiring a 600 foot setback may be appropriate mitigation for certain types of cannabis licenses but not others. There is no way to know without first identifying the specific impact that each license type could have on sensitive receptors and then analyzing whether or not the impact is significant. The Project proposes a setback of at least 1,200 feet for volatile manufacturing operations. There is no indication why this setback is necessary, whether it will be effective mitigating impacts, or why it applies only to schools, day care centers, and youth centers and not to other types of land uses.

Absent such an analysis, there is no evidentiary basis to support the County's adoption of setbacks as a component of the proposed Project.

B.3-2 The DEIR must identify and disclose specific neighborhood impacts attributable to specific cannabis license types. The discussion is required not only to determine whether setbacks are necessary, but also to determine the effectiveness of setbacks in terms of mitigating the harm they are intended to avoid. SB 94 provides local jurisdictions discretion to specify setbacks for different cannabis license types that are less than 600 feet from schools, day care centers, and youth centers when circumstances warrant. (See Business & Professions Code § 26054(a).) Given this local discretion, it is incumbent on the County to actually analyze the neighborhood compatibility impacts presumed to exist and determine whether the distances proposed are necessary, including whether shorter distances or possibly a different approach to measuring distance might be effective.

B.3-3 Measuring from property line to property line is often an arbitrary approach to mitigating impacts when the cannabis business premises is located on a large parcel nowhere near the property line of the sensitive receptor. Depending on the type of cannabis license activity being conducted, it may be more appropriate to measure distance from the premises boundary of the cannabis activity to the property line of the sensitive receptor. Business & Professions Code § 26054(a) affords local jurisdictions the flexibility to make such modifications. However, without any detailed discussion or analysis regarding the nature and degree of the impacts posed by specific cannabis license types, there is no basis for decision-makers to intelligently make these determinations, nor for the public to effectively participate in the process.

Respectfully submitted,

HOLLISTER & BRACE,
A Professional Corporation

By _____
Peter L. Candy

PLC:cr

Comment Letter B.3 – Hollister & Brace

B.3-1 The EIR extensively analyzes the impacts of the Project with regards to land use compatibility and land use planning consistency. For the purpose of this EIR and the requirements of CEQA, Section 3.9, *Land Use and Planning,* provides a detailed and thorough analysis of the Project's compatibility with land use policy. To satisfy analysis of land use issues under CEQA, the EIR assesses the Project's potential to result in impacts with regards to adopted significance thresholds provided in Section 3.9.4.1. Specifically, the EIR analyzes the Project, a countywide program establishing new land use and zoning regulations for licensing and permitting of agricultural, commercial, and industrial uses on existing zoned lands and the potential for such regulations to result in impacts to quality of life (i.e., loss of privacy, neighborhood incompatibility, nuisance noise, etc.). Under Impact LU-1, potential conflicts or inconsistency with existing land use plans, policies, or regulations related are analyzed (see Table 3.9-2). The EIR determines the Project would be consistent with existing County policies; therefore, impacts are found to be less than significant with implementation of proposed mitigation. The AG-I zone is applied to areas that are appropriate for agricultural uses within Urban, Inner Rural, Rural, and Existing Development Rural Neighborhood Areas, subject to adopted standards designed to support agriculture as a viable land use and encourage maximum agricultural productivity. The adoption of regulations allowing for the use of a site for cannabis, which is considered to be an agricultural product and the cultivation, manufacturing, and processing of which is considered to be an agricultural-related industry, is considered consistent with the policies and standards pertaining to the use and designation of AG-I lands. Therefore, impacts associated with consistency with planning policies and objectives with regards to licensing of cannabis activities on AG-I zoned lands and surrounding lands are not considered significantly adverse or incompatible.

Perceived land use compatibility concerns of the public may arise from characteristics specific to cannabis and the cannabis industry or the operation of licensed cannabis sites; however, such impacts are not related to land use compatibility or planning consistency and are more appropriately considered to be impacts to overall *neighborhood* compatibility or quality of life. To assess such potential impacts on surrounding land uses or neighborhoods, the EIR extensively assesses the neighborhood effects of the Project which primarily result from the generation of odors, traffic, and noise during operation of a licensed cannabis sites. For instance, the EIR identifies potentially adverse impacts associated with the generation of odors specific to cannabis in Impact AQ-5 of Section 3.3, *Air Quality and Greenhouse Gas Emissions,* while impacts to surrounding land uses from increases in ambient noise and traffic are respectively assessed in Section 3.10, *Noise,* and Section 3.12, *Transportation and Traffic*. Within these analyses, the EIR identifies potential significant impacts requiring the implementation of proposed mitigation. However, the EIR conservatively concludes that impacts of the Project on the environment and local area from the operation of licensed cannabis activities would continue to occur and would remain significant and unavoidable.

In an effort to provide the public and County decision-makers with a range of feasible project alternatives which may address public and community concerns, meet project objections, and/or reduce significant impacts of the Project, the EIR provides for the consideration of Alternative 1 – Exclusion of Cannabis Activities from the AG-I Zone District Alternative in Chapter 4, *Alternatives Analysis*. Specifically, this alternative is provided with the intent to reduce perceived potential environmental and land use compatibility concerns or neighborhood compatibility impacts of the Project that were identified during the NOP

scoping process and from general public interest. This alternative provides much further analysis and consideration of the concerns addressed by the commenter and appears to align with the commenter's views for consideration of licensing of cannabis activities on lands zoned for AG-I.

B.3-2 The comment states that the 600-foot and 1,200-foot buffers from properties with schools are proposed for the purpose of mitigating unidentified and undisclosed impacts. However, these buffers are identified as development standards within the Project Description (Section 2.0, *Project Description*). The County defined development standards and project design features deemed necessary to ensure compatibility between surrounding land uses and neighborhoods, compliant with state commercial cannabis licensing regulations. Quality of life issues are important to the County and all communities facing implementation of cannabis licensing programs. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from identified sensitive uses. The setbacks are based on Medical Cannabis Regulation and Safety Act Proposed Regulations issued by the Bureau of Cannabis Control in the spring of 2015. These regulations were withdrawn on May 5, 2017 due to the anticipated passage of the Medicinal and Adult-Use Cannabis Regulation and Safety Act in June 2017. On November 16, 2017, California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. Please also refer to **Master Comment Response 1**. With regards to discussion of neighborhood impacts, please refer to **Comment Response B.3-1** above.

B.3-3 This comment addresses the merits of the regulations proposed under the Program and does not identify any inadequacy in the analysis, conclusions, or mitigation measures in the EIR. These comments are best addressed towards County decision-makers. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Organization

Carpinteria Valley Association

PO Box 27, Carpinteria, CA 93014 CarpinteriaValleyAssociation.org

Protecting the beauty & natural resources of our valley since 1964

November 13, 2017

Attn: Jessica Metzger
County of Santa Barbara Planning and Development Department
Long Range Planning Division
123 East Anapamu Street
Santa Barbara, CA 93101
Delivered by email per NOA to: cannabisinfo@countyofsb.org

Re: Public Comment on County Cannabis Land Use Ordinance and Licensing Program Draft EIR

The Carpinteria Valley Association (CVA) is deeply concerned about the negative impacts of intensive cannabis growing that is already taking place in the Carpinteria Valley. A disproportionate number of existing growers in Santa Barbara County are clustered in our community, and the effects are already having serious consequences. The potential for these impacts to continue long-term, and possibly to become even more severe, is a serious threat to our community. Therefore, CVA is submitting the following comments on the Draft EIR for the County Cannabis Land Use Ordinance and Licensing Program.

CVA Comment 1:

O.1-1

We find the information in the section titled "Current Agricultural Context of Cannabis" (page 2-9) to be unclear, and not to be fully reflected in the analysis elsewhere in the EIR. This section begins with the clear statement:

> The treatment of the cannabis plant as "agriculture" or an "agricultural product" within the County ispartially contingent on adoption of the proposed Project.

However, the rest of the section does not clearly reaffirm the fact that in its consideration of the proposed Project, the County has discretion in the treatment of cannabis as "agriculture", and therefore the protections growers enjoy under the Right to Farm Ordinance. Further, this point seems to be glossed over in the analysis of impacts such as odor. The unacceptable result is the appearance that odor impacts from cannabis growing under the proposed Project are inevitable since such growing is protected under the Right to Farm Ordinance. This is simply not true.

CVA Comment 2:

O.1-2 MM AQ-5 Odor Abatement Plan as described in section 3.3.4.2 is completely inadequate in multiple ways. First, it appears to be primarily a complaint-based system which is inappropriate. There are known severe odor impacts from existing cannabis operations (e.g., in the Carpinteria Valley). The frustrating experiences of residents trying to report complaints about these odors since mid-2016 have been well documented and reported. The single biggest obstacle is that any complaint made has needed to specify the street address of the source of the odor. This is an unacceptable and unworkable burden to place on members of the community who are being impacted by a supposedly well-regulated growing operation.

CVA Comment 3:

O.1-3 MMAQ-5 also includes a requirement to provide certain information to property owners and residents of property within a 1,000-foot radius of the cannabis facility. Why 1,000 feet? The implication is this distance correlates to an expected radius of odor impact. However, no data seems to be provided that demonstrates this radius in any way corresponds to the distance where an odor impact may be experienced. In fact, experience in the Carpinteria Valley since mid-2016 has shown that weather and wind conditions significantly affect the distance at which serious odor impacts occur. 1,000 feet is two city blocks. That is nothing in this case. For this distance to have a meaningful correlation to the likely distance of odor impacts, it needs to be closer to 1-2 miles, but again that distance must be supported by data relevant to the specific area being analyed. If a single number is to be used instead of distances based on local analysis, that number must be the greatest distance where odor impact can reasonably occur in any growing area in the County. That distance is likely to be mulitple miles.

CVA Comment 4:

O.1-4 The Draft EIR seems to include no analysis of the adequacy of the proposed 600 foot setback from cannabis growing to the property line of a lot containing a school, day care center or youth center. Why 600 feet? The implication is this distance correlates to an expected radius of one or more impacts. However, no data seems to be provided that demonstrates this radius in any way corresponds to the range of an impact. As stated in CVA Comment 3, experience in the Carpinteria Valley since mid-2016 has shown that weather and wind conditions significantly affect the distance at which serious odor impacts occur. What impact or impacts are being avoided by requiring the 600 foot setback? Where is the data that shows that distance is what is required to reduce the impacts to less than significant?

CVA Comment 5:

O.1-5 The project proposes a 600 foot setback from cannabis growing to the property line of a lot containing a school, day care center or youth center. But the Draft EIR seems to provide no explanation for why the setback is required for these facilities and not for others.

In a typical week, a child spends maybe 40-50 hours total at school, day care, and youth facilities, but likely spends around 100+ hours at home (include night time when cannabis odor emissions are the highest). Why would we provide less protection for the location

O.1-5 where a child spends the most time? It is not defensible that there would be setback requirement for a school, day care center or youth center, but not for residences.

CVA Comment 6:

O.1-6 For MM AQ-5 to be an an adequate mitigation, it must not only make proactive inspection and detection of odors the primary purpose of the plan, but it must make that detection automated and operational 24/7. The terpenes that cause the odor must be measurable by automated equipment, and such equipment must be required to be installed at property lines of all operations, and at various other appropriate locations in the vicinity. The sensitivity of this equipment must be higher than the level at which the odor can be detected by people. A standard must be put in place for the acceptable level of terpenes. Such objectively-measured and continuously-operating odor detection would provide clear requirements for growers and odor elimination for the community. This approach would eliminate subjective judgement on what is "too much" or "acceptable", and is the only reasonable way to achieve the goal of minimization of the impact to the community.

If such automated detection is not feasible, then 24/7 monitoring by humans should be required, again at property lines of all operations, and at various other appropriate locations in the vicinity. These human inspectors would be County employees or contractors, and fully funded by the licensing fees of the growing operations. Unless specific revenue projections are documented in the EIR, this option cannot be dismissed as financially infeasible.

CVA Comment 7:

O.1-7 In the discussion of Impact AQ-5 on page 3.3.22, it is stated "…the scent of cannabis plants is not necessarily harmful to people…". This is inconsistent with the experience of many people in the Carpinteria Valley since mid-2016. The pervasive skunk-like odors have been impacting many areas of Carpinteria nearly every night, and some areas both day and night. Some residents report having to close windows and purchase air purifiers. Some have reported adverse physical reactions from the odors as well, including coughing, sneezing, watering eyes, and headaches. If "not necessarily harmful" is taken to mean that there were no fatalities, that would indeed seem to be true. However, that is absurd. Therefore, it is unacceptable for the description of Impact AQ-5 to include this incorrect and unsubstantiated statement.

CVA Comment 8:

O.1-8 Impacts AV-1 and AV-2 both state that operations could result in glare from lighting. However, the project description states that <u>all lighting</u> shall be shielded to prevent light trespass into the night sky and/or glare onto other lots, and greenhouses using artificial light shall be completely shielded between sunset and sunrise. So what is the source of the glare described in Impacts AV-1 and AV-2?. Is it assumed that the project description is not accurate? That is obviously unacceptable.

CVA Comment 9:

O.1-9

After construction is complete, the Draft EIR seems to consider noise from additional traffic (NOI-2) as the only operational noise. However, this ignores other noise sources that should be analyzed:

- Greenhouse operations likely include noise from fans or ventllation systems that are distinct from the HVAC system. This noise must be analyzed.
- The Draft EIR states that HVAC occurs within structures and is not perceptible outside the building or property. This is inconsistent with the experience of anyone who has walked by a building that has an air conditioning system in operaiton – noise is most apparent outside the building rather than inside.
- Noise from generators is also a reasonable possibility, and must be analyzed (unless the use of generators is prohibited).

CVA Comment 10:

O.1-10

Section 3.12 (Transportation and Traffic) does not analyze traffic impacts on specific intersections or roads. However, given the disproportionate amount of activity expected in Carpinteria relative to the rest of the County, and given the very limited number of intersections and roads that provide access from Highway 101 to the agricultural areas in the Carpinteria Valley, it is clear what specific intersections and roads will experience the impacts. It would not be "too speculative" to quanitfy, as claimed in the Draft EIR. Therefore, this section should be expanded to include the appropriate traffic analysis.

Thank you,

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Carpinteria Valley Association
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Comment Letter O.1 – Carpinteria Valley Association

O.1-1 The EIR discloses the relationship of the Project and licensed cannabis operations with the state Right to Farm Act, the County's Right to Farm Ordinance, and potential impacts associated with the generation of nuisance odors. One of the purposes of this legislation is to protect farmers who have been established within an area from being forced to move due to complaints from surrounding residential areas associated with standard and accepted farming activities (e.g., odors, frost fans, air cannons, dust generation, etc.). Typically, this occurs when residential development is introduced to an area that has not historically contained such use. As discussed in the EIR, under the proposed Project, cannabis would be considered an agricultural product, commercially grown, operated, and sold within the County; cannabis activities conducted in agriculturally developed areas in line with the Project would be conducted in a manner consistent with accepted agricultural customs and standards. The Board retains discretion over this matter, and would decide whether cannabis is included in the County's Right to Farm ordinance; however, until the Board makes such a decision, state law has not explicitly provided these protections to cannabis. Under the newly adopted state regulations, legal cannabis activities are anticipated to expand within agricultural areas. Further, many agricultural crops such as garlic, broccoli, cauliflower, and citrus carry strong odors, or require cultivation practices that generate such odors (e.g., fertilizer application) and are subject to protection under existing statutes and ordinances. So, while some residents may find the odors of some crops such as cannabis pleasant, others find such odors objectionable; therefore, the EIR conservatively characterizes cannabis odors as having adverse impacts. Finally, due to the highly regulated nature of the legal cannabis activities, additional restrictions have been placed upon this type of crop production.

Considering these factors, and based on community feedback during the NOP scoping period and comments provided on the EIR, farming activity associated with cannabis (primarily odor) has been identified as a major public concern, notably by residents and schools within the Carpinteria Valley. Though some operators within the County have been operating for years with limited neighborhood complaint, especially within remote agricultural areas, Project objectives include developing a regulatory program that protects the public health, safety, and welfare through effective enforcement controls, including odors, neighborhood character, and quality of life issues within the surrounding communities, while considering the potential expansion of cannabis crop agricultural activities.

Therefore, in alignment with County and state initiatives to further protect local community quality of life, mitigation measures and Project standards have been integrated to the Project to further protect these communities. Among these initiatives include requirements for odor control efforts (see **Master Comment Response 2 – Odor Control Initiatives**) and heightened enforcement opportunities (please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**). Ultimately, while farmers could potentially be protected under the County's Right to Farm Ordinance, the Board has discretion as to what limitations may be placed on activities associated with cannabis. Please refer also to **Master Comment Response 5 – Right to Farm Process.**

As provided in the residual impact discussion of Impact AQ-5 in Section 3.3, *Air Quality and Greenhouse Gas Emission,* "Given the extent of public nuisance currently generated by existing cannabis operations and the likelihood for the generation and detection of potentially objectionable odors under the Project, impacts related to odors are considered potentially

significant." Further, for a conservative analysis of Project impacts to odors, the EIR concludes that impacts would be significant and unavoidable despite implementation of mitigation which would require the use of odor control measures and development of an OAP, a method which has been recommended by SBAPCD for mitigating impacts to sensitive populations from odors. Please also refer to **Master Comment Response 2 – Odor Abatement Initiatives**.

O.1-2 The EIR fully acknowledges the impacts surrounding the topic of nuisance odors within the County, particularly those generated by currently largely unregulated cannabis activities and the history and relationship local residents and property owners (such as the Carpinteria Valley) have had with cannabis and the generation of nuisance odors. As part of the research for this EIR, the team visited four different cannabis activity operations in Carpinteria and noted variations in practices and degree of offsite odors. Greenhouse growers also noted that full odor control systems may cost several hundred thousand dollars and have not yet been installed due to uncertainties over permitting. However, ongoing impacts of past illegal or unregulated cannabis activities are not a guide to future impacts of a legal and heavily regulated cannabis industry, which will be subject to best management practices, mitigation measures and inspections designed to contain and reduce odors as well as respond to odor driven complaints. A discussion of these topics and summary of the existing environmental setting surrounding this issue is provided in Section 3.3.2.6, *Cannabis Odors,* of Section 3.3, *Air Quality and Greenhouse Gas Emissions*. As analyzed and discussed under Impact AQ-5, implementation of the Project is considered to have a potentially significant impact associated with the future generation of odors and exposure of such odors to the public. To reduce impacts, the EIR has provided for **MM AQ-5**, *Odor Abatement Plan (OAP),* which would establish a plan for which the generation and detection of odors can be maintained, control, or prevented and establish a means in which public nuisance can be addressed, a measure which has been considered effective and adequate for reducing impacts from odors. However, given the subjectivity and difficulty in ensuring the prevention or detection of cannabis-related odors, impacts are considered to remain significant and unavoidable. As further discuss in **Comment Response O.1-3** below, the EIR acknowledges the difficulties in issuing and enforcing odor complaints. **MM AQ-5** establishes a means for which odor complaints can be issued directly to the source of the odor and means for which the source can more effectively or immediately address such complaints. Further, implementation of this measure would eliminate the need to specify street addresses, which is known to have historically been difficult to determine. In addition, it should be noted that the measures provided are typical of an OAP for reducing impacts from agricultural, livestock, waste management, or other uses that commonly generate nuisance odors, and such measures are commonly relied upon to effectively reduce impacts associated with odors. However, to more adequately address odor impacts, improve the effectiveness of **MM AQ-5**, and further ensure the reduction in the potential for generation and detection of objectionable odors, **MM AQ-5** has been amended to require additional measures for controlling odors. For additional discussion of impacts from odors and requirement for odor control measures, as well as amendments provided to **MM AQ-5**, please refer to **Master Comment Response 2 – Odor Control Initiatives**.

O.1-3 Creation and adjustments to the proposed MM AQ-5, *Odor Abatement Plan (OAP),* for reducing impacts associated with objectionable odors, is primarily informed by SBAPCD, existing technologies, and public input. Although wind direction and weather play a role in conveying odors and how far such odors can disseminate at sufficient concentrations to be considered a

nuisance (i.e., a persistent, intrusive and pervasive odor), the commenter suggestion of a 1- to 2-mile buffer may be warranted, but does not provide facts or analysis to support such a requirement. Standard Land Use Permit notification per County codes is 300 feet. Due to preliminary discussions with the Board, staff increased the notification to 1,000 feet. As this notification number does not come from a mitigation measure, the Board retains discretion to change this matter.

O.1-4 The setbacks are designed to distance cannabis cultivation and manufacturing operations from the identified sensitive uses and are set forth in state law. It is important to note that for the purpose of this EIR, are defined as those sensitive receptors identified and defined the proposed regulations of the Project, as provided in Appendix B of this EIR. The setbacks themselves are based on Medical Cannabis Regulation and Safety Act Proposed Regulations issued by the Bureau of Cannabis Control in the spring of 2015. These regulations were withdrawn on May 5, 2017 due to the anticipated passage of the Medicinal and Adult-Use Cannabis Regulation and Safety Act in June 2017. On November 16, 2017, California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The EIR did not identify any significant impact that may necessitate a quantified increase in setback distances or requirements. County decision-makers may decide to increase setbacks as further discussion in **Master Comment Response 1 – Program Development Process**.

O.1-5 For comments and concerns regarding the consideration and adequacy of the setback requirements from sensitive receptors, please refer to **Comment Response O.1-4** above. Despite the occupation of residential uses by potentially sensitive individuals or populations for more extended periods of time, consistent with the guidance provide under state law (SB 94), residential uses are not considered sensitive receptions and specific setbacks are not required for cannabis cultivation uses adjacent to residential uses.

O.1-6 Additional information has been added to the EIR regarding odor impacts as well as expanded required mitigation measures. In order to be considered a nuisance, odors cannot be occasional or barely detectable, but must be pervasive, intrusive or persistent, similar to the standard that might be applied to other urban or agricultural land uses. Thus the commenter's request that any detectable odor at the property line may require action. While the EIR acknowledges that odors from existing unregulated cannabis operations have caused strong community concerns, such concerns do not necessarily directly correlate to those of a legal cannabis industry that is subject to strict regulation, regular monitoring and enforcement of permit conditions. Nonetheless, to more adequately address odor impacts, improve the effectiveness of **MM AQ-5**, and further ensure the reduction in the potential for generation and detection of objectionable odors, **MM AQ-5** has been amended to require additional measures for controlling odors. Please refer to **Master Comment Response 2 – Odor Control Initiatives**.

O.1-7 With regards to the health effects of cannabis odor and associated odor control technologies, additional research has been contributed to the EIR. Associated discussion has been added to Section 3.3, *Air Quality and Greenhouse Gas Emissions*, an odor control research summary has

been added as Appendix G, and **MM AQ-5**, *Odor Abatement Plan*, has been expanded. Please also refer to **Master Comment Response 2 – Odor Control Initiatives**.

O.1-8 The description of the Project and general development standards provided in Chapter 2, *Project Description,* is accurate. Project requirements and regulations, as discussed in Chapter 2 of this EIR would eliminate the potential for light spillover from structures, parking areas, loading areas, for security and from lighting associated with cultivation operations. Discussion of Impact AV-1 has been appropriately amended to discuss how the lighting requirements and restrictions of the Project would reduce or eliminate the potential for impacts to aesthetics and visual resources from light and glare. Associated effects of the Project have been revised to be characterized and identified as less than significant without mitigation, consistent with the findings and conclusions presented in Table ES-1 of the *Executive Summary.*

O.1-9 The majority of new cannabis operations in the Carpinteria Valley would occur within existing greenhouses or greenhouse related structures (e.g., packing sheds) which have a long history of low level noise generation typical of agricultural operations. As discussed under Impact NOI-2, cannabis cultivation activities by nature, do not generate high levels of noise. Outdoor cannabis cultivation involves common agricultural practices, including tilling soil, sowing seeds, irrigating soil, and harvesting mature plants. Noise could be generated by farm equipment and possible truck traffic during peak harvest activities, but these noise sources are generally compatible with the agricultural zoning and uses allowed under the proposed Project. Greenhouse cultivation and other indoor cultivation sites would generate noise from farm equipment, but noise levels would typically be reduced as activities would occur inside the greenhouse, which would buffer noise levels to some degree. Greenhouses may use fans or blowers that could generate low levels of ambient noise, but these noise levels are not expected to be perceptible beyond the building or property line and additional investigation of such noise levels is not required.

With regards to heating, ventilation, and air conditioning (HVAC) equipment, the discussion of impacts provided in Impact NOI-2 has been amended to provide a brief discussion of noise impacts resulting from the operation of HVAC equipment, the noise from which may reasonably be detected at the exterior of a building depending on the nature of the operation or structure. Specifically, standard noise levels generated by the operation of typical HVAC equipment, requirement for compliance with the state and County noise level criteria and implementation of Project requirements for the location and/or shielding of environmental control (HVAC) equipment, would not foreseeably result in notable increases in the existing ambient noise environment. Noise impacts associated with the operation of HVAC equipment for licensed cannabis activities remains less than significant without mitigation. Impacts associated with noise generated as a result of the operation of generators are determined to be less than significant without mitigation as the use of generators, except for use in the event of a power outage or emergency, is prohibited under the Project. Noise generated in the event of such occasions is considered to be temporary and infrequent and therefore less than significant. However, impacts from operational noise generated as a result of Project implementation are considered significant and unavoidable due to increases in vehicle traffic and associated mobile noise.

O.1-10 As discussed in Section 3.12, *Transportation and Traffic,* due to the broad programmatic nature of the Project and its applicability countywide, a technical traffic study detailing and

assessing impacts to each individual intersection and roadway within the County would have yielded speculative results and was not be performed. Due to the lack of knowledge regarding the location, type, and scale of cannabis operations to be potentially licensed under the Project, a more focused analysis of specific intersections or roadways would be speculative However, it should be noted that the cannabis industry will be spread across the County and that as a result, trips would generally not be concentrated at any one intersection or roadway. While a large proportion of projected cannabis cultivate would be concentrated within the Carpinteria Valley, many of those operations are already part of the baseline of existing traffic or would be replacing existing agriculture, either greenhouse or open field. While a switch to cannabis from other crops may lead an incremental increase in traffic, these existing agricultural operations are already generating trips related to employees, delivery trucks, etc. While the Carpinteria Valley road network is relatively limited, due to the lack of information regarding project specific details including potential future construction, development, and operation of a site(s), inability to predict the type of activities proposed for a site(s) (e.g., cultivation vs. manufacturing vs. distribution, etc.), number of workers to be employed, and a number of other project specific details, traffic impacts resulting from Project implementation on specific intersections and roadways are too speculative to identified. Further, heavily affected roadways at arterial road interchanges with U.S. Highway 101 are being upgraded as part of the Highway 101 improvement project. Instead, the EIR conservatively characterizes Project impacts based on the buildout assumptions utilized to inform the EIR analysis (see Section 3.0.3 of Chapter 3, *Environmental Impact Analysis)* and the nature of the existing traffic environment. Based on this approach and as detailed in the analysis provided in Section 3.12 of this EIR, impacts are conservatively considered significant and unavoidable due to the Project's potential to result in a significant impact at any one intersection or roadway within the County.

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Organization

November 16, 2017

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VIA E-MAIL cannabisinfo@countyofsb.org

Santa Barbara County Planning Commission
Attention: Jessica Metzger
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Public Comment - County Cannabis Land Use Ordinance and Licensing Program Draft Environmental Impact Report

Dear Ms. Metzger:

Our office represents the Cate School (Cate), a boarding/day school located at 1970 Lillingston Canyon Road in the rural foothills north of Carpinteria in the County of Santa Barbara (County). On behalf of Cate we have reviewed the Draft Program Environmental Impact Report (DEIR) assessing the Cannabis Land Use Ordinance and Licensing Program (Project). Due to Cate's immediate adjacency to extensive agriculturally designated lands in the unincorporated area of the County, expanded cannabis-related operations in and around the Carpinteria Valley will directly and uniquely impact Cate, its students and faculty. Cate appreciates the opportunity to comment on the Project's DEIR and requests that the Final EIR (FEIR) address these comments, and incorporate the recommended edits, provided in this letter.

O.2-1 As more fully discussed below, the DEIR fails to analyze all significant impacts of the Project and fails to identify and impose feasible mitigation measures to reduce the Project's impacts. We recommend that the County augment the analyses detailed below for the public's review and consideration. While Cate does not support the Project, Cate recognizes that the County Board of Supervisors has an interest in enacting a local ordinance and regulations that encourage commercial cannabis businesses to operate legally and safely and that provide funds for County enforcement.

Accordingly, if the County adopts an Ordinance regulating cannabis, Cate supports a combination of Alternative 3 (Reduced Registrants) that would permanently cap the total number of cannabis licenses and Alternative 1 that would prohibit **outdoor** cannabis cultivation, retail and manufacturing in AG-1 zones due to their vicinity to schools and residential areas. If this combined alternative also includes more stringent mitigation measures that ensure light and odors from greenhouse operations are non-detectible, this combined alternative would "[l]imit potential for adverse impacts on children and sensitive populations by ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including…educational institutions." (Project Objective, No. 10.)

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I. HISTORY OF THE CATE SCHOOL AND CURRENT OPERATIONS[1]

Founded in 1910, the Cate School, a college preparatory, co-educational boarding/day school for students in grades 9-12, has been a part of the Carpinteria community for over 100 years. The Cate campus includes classrooms, student activity buildings, administrative facilities, student dormitories, faculty and staff housing, athletic facilities and sports fields on a 122 acre parcel zoned AG-1. These facilities are permitted uses for an "educational facility" in the AG-1 Zone pursuant to a Conditional Use Permit. Last year, the County approved the Cate School Master Plan Update, a major expansion and renovation of existing educational and administrative facilities.[2] As of November 2017, 225 students reside in on-campus dormitory housing, a total of 50 faculty and family members reside in on-campus faculty apartments located within dorms, and 115 persons reside in on-campus non-dormitory faculty housing, representing a total on-campus residential population of 390.

Cate students hail from around the globe, currently representing 26 states and 19 countries. The Cate curriculum encompasses a comprehensive academic and residential program that includes rigorous academics, community service, visual and performing arts, an athletic program, and a residential program that supports the intellectual, social and emotional development of each student.

On a weekly basis, Cate students can be found volunteering in the Carpinteria and Santa Barbara community. Public Service is an integral part of the ethos of the school and includes tutoring middle school students in the afternoons, visiting senior centers and homes for developmentally challenged adults, volunteering at homeless shelters and the Transition House, and working with ChannelKeepers in support of ongoing water monitoring in our local streams.

O.2-1

Since its inception, Cate's program has also incorporated active engagement in the outdoors. In addition to the athletic program that includes outdoor sports such as soccer, football, lacrosse, ultimate, waterpolo and rock climbing, Cate students engage with the surrounding outdoors through hiking, rock climbing, kayaking, surfing and biking. Outdoor exposure and experiences are a central theme to the educational program, and the location provides the opportunity to integrate the outdoors and the inside of the classroom seamlessly. We have also partnered closely with the County and the California Coastal Commission to insure that our buildings and operations set the standard for sustainability and environmental responsibility.

Cate has long appreciated its location nestled in the Carpinteria foothills surrounded by avocados, flower growers, and other agricultural endeavors. However, the recent conversion of greenhouses from the cultivation of cut-flowers to cannabis has already significantly impacted Cate's daily operations with its powerful odor which is present throughout the campus and the surrounding area day and night. If cannabis becomes more prevalent in this region or existing operations remain unregulated, the associated impacts, including odor, traffic, light pollution, distribution locations, criminal activity and potential health concerns will only increase. The cultivation and processing of cannabis in the vicinity of Cate presents a significant concern for the health and well-being of the young people in our care.

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMMENTS

A. CEQA Legal Standard

CEQA has two primary purposes. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project.[3] "Its purpose is to inform the public and its

[1] Additional information can be found on Cate's website: https://www.cate.org/.
[2] See http://sbcountyplanning.org/boards/pc/cpc_documents_archive.cfm?DocID=19304.
[3] 14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1).

responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'[4] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[5] [6]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures.[7] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[8] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[9] While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position.' A 'clearly inadequate or unsupported study is entitled to no judicial deference.'"[10] As the court stated in *Berkeley Jets*:

O.2-1

> A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th713, 722]; *Galante Vineyards v. Monterey Peninsula Water Management Dist*. (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.)[11]

B. Comments on the DEIR

Cate offers the following comments regarding the DEIR:

1. Overall Structure of Analysis

The County prepared a program-level EIR for the Project. The purpose of a program EIR is to consider the broad implications and impacts associated with the Project while not requiring a detailed evaluation of individual properties. The DEIR divides the County into five regions: Santa Maria, Lompoc, Santa Ynez, Cuyama, and the South Coast (pp. 2-3 to 2-7). The DEIR states that the purpose of dividing the County into regions is to "facilitate Project data and impact analysis within this EIR" (p. 2-3). However, the DEIR appears to arbitrarily analyze impacts at the regional level for only some issue areas. This regional analysis

O.2-2

[4] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.
[5] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comrn'rs*. (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*").
[6] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[7] CEQA Guidelines § 15002(a)(2) and (3); see also, *Berkeley Jets*, 91 Cal.App.4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.)
[8] Guidelines §15002(a)(2).
[9] Pub. Res Code § 21081; 14 Cal. Code Regs. § 15092(b)(2)(A) & (B).
[10] *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 391 409, fn. 12
[11] *Berkeley Jets*, 91 Cal.App.4th at 1355.

O.2-2 typically includes qualitative statements about anticipated higher concentrations of cannabis activities in certain regions which could result in greater impacts in these regions, but does not fully analyze or attempt to quantify regional impacts. Further, impact significance determinations are only at the County level, which results in a failure to disclose the full scope of impacts and dilutes potentially significant regional or sub-regional impacts.[12] Proposed mitigation measures also apply at the County level rather than addressing region-specific impacts that could be more effectively mitigated with region-specific mitigation.

O.2-3 In addition, while the DEIR recognizes that cannabis cultivation sites tend to be concentrated in certain communities or sub-regions, including the Carpinteria Valley and foothills, it does not evaluate impacts that may be unique to these sub-regions and/or may be more concentrated in these areas. For example, with regard to land use compatibility and air quality, the proximity of a large residential and student population in the Carpinteria Valley and foothills that are adjacent to agricultural land where cannabis activities will be concentrated will result in greater impacts to sensitive receptors than in other parts of the County. Mitigation that takes into account this close proximity, as well as the difficulty in pinpointing the source of an odor issue when uses are concentrated, should be included in the DEIR to address this sub-regional impact.

O.2-4 The same issue applies in the Coastal Zone where analysis specific to protected coastal resources is necessary to fully disclose and evaluate how the Project will impact coastal areas of the County. For example, the Coastal Act and the County Local Coastal Plan (LCP) identify prime and non-prime agricultural land as a protected resource.[13] However, the DEIR's agricultural resources analysis fails to disclose the potential impact of the Project on coastal agricultural land. Without this analysis, the reader cannot fully understand the potential impacts of the Project and the County cannot adequately mitigate for these potential impacts.

O.2-5 Even if an impact is ultimately determined to be significant and unavoidable, CEQA still requires full disclosure of the extent of the impact as well as mitigation to minimize those impacts to the maximum extent feasible.[14] For many of the issue areas evaluated in the DEIR, a regional and sub-regional analysis of issue areas is necessary to meet this requirement, as further detailed in the comments below.

2. Alternatives Analysis

O.2-6 Cate has reviewed the three alternatives considered and analyzed in the EIR (Ch. 4 of EIR). Cate recognizes that the County will likely adopt a proposed Ordinance early next year to regulate both existing and future cannabis activities. Accordingly, Cate supports a combination of Alternative 1: limited licensing of cannabis activities in Ag-1 Zone Districts, including prohibiting all **outdoor** commercial cannabis cultivation and cannabis retail and commercial activities, and Alternative 2, Reduced Registrants (p. 4-54). Cate believes that outdoor cultivation (hoop structures or otherwise) should not be permitted in Ag-1 Zones because there are no means to efficiently and effectively reduce odors. Cate also strongly believes that the County must reduce the number of future registrants in order to limit buildout of cannabis operations and thereby reduce the adverse impacts that would result from permitting an unlimited number of cannabis operations in the County, particularly additional greenhouses in Ag-1 Zones. This combined alternative would reduce impacts on Cate's student population and other sensitive receptors and allow the County to

[12] See *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431 [EIR requires some degree of forecasting and an agency must use its best efforts to find out and disclose all that it reasonably can].
[13] See e.g., Pub. Res. Code § 30241, 30242; County LCP Policies 8-11, 8-12.
[14] Pub. Res. Code §§ 21002, 21002.1(b), 21100; Practice Under the California Environmental Quality Act (2d ed Cal CEB) §§ 17.8, 13.26.

O.2-6 focus on bringing existing operations into compliance with new regulations, while limiting future cannabis growth into areas with prime soils.

3. Failure to Analyze Cannabis-Related Tourism

O.2-7 *Impact of Cannabis-Related Tourism*. The DEIR should consider the potential for expanded cannabis-related supporting and complementary uses, including but not limited to tourism-based operations (e.g., tours, "tastings," "cannabis clubs," "farm stays," etc.). Would these types of uses be allowed and if so, how would they be regulated? Such uses could result in potential land use, traffic, public safety, and other environmental effects that must be evaluated in the DEIR. If allowed at all, potential mitigation could include limiting where, when, and at what level of intensity such uses are permitted. Licensing/permitting of such uses should be required for these types of uses, or the ordinance should explicitly prohibit these types of uses outright, especially in AG-1 zones.

4. Proposed Zoning Ordinance Amendments

O.2-8 *Applicability of and Enforcement for Existing Cannabis Activities.* The proposed Cannabis Zoning Ordinance (CZO) identifies the zones in which various cannabis-related uses are allowed, the permit requirements for said uses, and applicable specific use regulations. It states that all cannabis activities shall comply with the provisions of the "Cannabis Regulations" section of the ordinance regardless of whether the activity existed or occurred prior to the effective date of the ordinance (DEIR Appendix B, CZO §35-144S). The project description and ordinance should clarify how these requirements will be enforced for uses that existed or occurred prior to the effective date of the ordinance. Are all existing uses required to obtain the permits specified by the CZO? How do the provisions apply to uses that are legal, nonconforming uses? Would existing uses that do not conform to the specific use regulations of the CZO have to be brought into compliance with the Ordinance? If so, how long would these existing uses have to comply with the new Ordinance requirements? How would CZO § 35-144S.B.a which states "[t]he required permit shall be obtained and all applicable conditions of the permit shall be satisfied prior to the commencement of the cannabis activity" apply to existing cannabis activities? We are aware the County is considering a process for determining the legal nonconforming status of existing operations which may address these questions. A discussion of this process in the DEIR is necessary because the process, or lack of process, could have environmental effects which must be disclosed and analyzed.

O.2-9 *Applicability of CEQA to at the Project Level*. The Project description and the CZO should clarify whether each of the cannabis-related uses that are identified as "P" or "S" require ministerial or discretionary approvals. It appears, given the proposed permit process and lack of a requirement for a public hearing in most cases, that many of the cannabis-related uses identified as "P" or "S" would require only ministerial approvals, which are generally not subject to review under CEQA. This is contrary to what is implied in the impact analysis in many sections of the DEIR, which indicates that while impacts cannot be fully evaluated at the program level, project level impacts would be considered on a case by case basis (see e.g., Section 3.4 Biological Resources, Section 3.5 Cultural Resources, Section 3.9 Land Use and Planning, Section 3.10 Noise, Section 3.12 Transportation and Traffic). The DEIR is wholly inadequate as a project-level analysis. If any cannabis operations permitted under the CZO could be approved without any subsequent CEQA review, the DEIR must incorporate a more specific impacts analysis and proposed mitigation measures to adequately address such projects.

O.2-10 *Principal Permitted Use in Coastal Zone.* The Project description and the proposed amendments to the CZO should clarify whether cannabis-related uses that are identified as "P" (or permitted use) in the CZO are considered principal permitted uses in the coastal zone.

O.2-11 *Retail Sales in Agricultural Zones*. The CZO does not allow retail sales licenses in agricultural zones. However, it is unclear whether any retail sales associated with manufacturing, processing, or distribution uses that are allowed in agricultural zones would be permitted. Cate is opposed to any retail sales in agricultural zones because these types of sales would be extremely difficult to regulate and would occur in areas where children are prevalent. If the County intends to allow retail sales in these zones, this would require clarification in the DEIR to address the unique impacts of retail sales.

O.2-12 *Security Standards for Non-Retail Uses*. The CZO includes development standards related to security for retail uses but does not include any security standards for non-retail cannabis activities. We recommend the ordinance identify appropriate security measures for non-retail cannabis activities, while taking into account the importance of protecting visual and aesthetic resources.

5. Project Buildout Assumptions

O.2-13 The assumptions used to estimate the existing baseline and the future cannabis canopy development potential under the Project are based solely on responses to the County's 2017 Cannabis Registry (Registry). However, the DEIR acknowledges that registry responses were incomplete (p. 3-5). Further, the DEIR provides no evidence to demonstrate the results of the Registry reflect the total actual demand/potential for cannabis uses in the County. In fact, it is reasonable to assume that potential growers and others intending to open cannabis-related businesses did not know about, or chose not to respond to, the Registry. Further, the DEIR states that the Registry data varies widely and "does not capture the whole cannabis industry in the County" (p. 2-18). By basing the projected cannabis canopy buildout under the Project solely on responses to the Registry, the DEIR likely understates actual buildout. Further, because other uses including manufacturing, processing, and testing are based on the estimated cannabis canopy buildout, these are also likely understated. CEQA analysis should be based on a reasonable worst case scenario.[15] The DEIR assumptions should be revised to include some estimate of additional unreported demand for cannabis cultivation and related uses. We propose assuming demand would be 50 percent greater than that indicated in Registry responses given the availability of land, the profitability of the cannabis industry relative to other agricultural crops, the generally permissive nature of the proposed Project, and the likelihood that many people did not know about and/or chose not to respond to the Registry. This would more accurately reflect a reasonable worst case scenario for buildout as required by CEQA.

6. Global Comment on Mitigation Measures

O.2-14 Many of the proposed mitigation measures rely on County staff inspections after permits have been issued. Are any permitting or licensing fees proposed that would be used for enforcement of the CZO? If so, what portion of the fees collected would be used for enforcement and how was this amount determined adequate to effectively enforce the Project and its associated mitigation measures?

7. Agricultural Resources

Background: Cate is surrounded by agricultural lands (AG-1) containing orchards to the north, east, and west and would be adversely impacted if the existing orchards were converted to cannabis.

O.2-15 *County Agricultural Overlay District.* The DEIR's Agricultural Resources (Section 3.2) analysis acknowledges that Carpinteria is the largest and most concentrated greenhouse district in the County and that all of these structures are located in the AG-I zone (DEIR, p. 3.2-7). It also identifies the Carpinteria Agricultural Overlay (CAO) District as part of the regulatory setting along with its development cap and

[15] See *Planning and Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 246.

coastal development permit (CDP) requirements and states that CZO §§ 35-102F.2 through 102F.5 greatly limit the amount of impervious surfaces that may occur from the development of greenhouses in the Carpinteria Valley (pp. 3.2-14 and 3.2-20).

O.2-15 However, the DEIR fails to include a sub-regional analysis of impacts that may result give these unique circumstances in the Carpinteria Valley and foothills and Coastal Zone. An assessment of impacts first requires a complete description of the environmental setting. The DEIR must accurately establish the existing baseline conditions of permitted and unpermitted structures in Zone A of the CAO and specify how much capacity remains before the cap is met. Further, the DEIR should address how unpermitted construction factors into the capacity determination.

The DEIR asserts that a case-by-case review for consistency with CAO requirements would ensure policy consistency (pp. 3.9-34 and 3.9-36). However, without disclosure of existing conditions, this conclusion is not substantiated.

O.2-16 *Mitigation Measure (MM) AG-2 (New Structure Avoidance of Prime Soils).* MM AG-2 requires a case-by-case review of applications for new structures proposed for cannabis-related activities by the County Planning and Development Department (P&D) and states that any new structures proposed for development must be sited on areas of the property that do not contain prime soils, "to the maximum extent feasible." Even with this mitigation measure, impacts resulting from the loss of prime soils would be significant and unavoidable (Class I). Additional feasible mitigation is available that could reduce these impacts more effectively than leaving the interpretation of whether prime soils are avoided "to the maximum extent feasible" to a staff determination on a case-by-case basis. Specifically, a more effective mitigation measure would be prohibiting or severely limiting non-cultivation cannabis uses on prime soil and/or within the coastal zone.[16]

O.2-17 *Impacts of Limiting Volatile Manufacturing Primarily to Agricultural Land.* The proposed Project would allow volatile manufacturing in agricultural and some industrial zones, but not in commercial zones (p. 2-33). Given the DEIR's findings that hazard impacts associated with these activities are less than significant or can be mitigated to less than significant (pp. 3.7-19 to 3.7-23), why would volatile manufacturing not be allowed in commercial zones? Limiting volatile manufacturing to primarily agricultural zones (given that there is very limited industrially-zoned land in the County) will result in further pressure to convert agricultural land to non-agricultural uses. The impacts of limiting volatile manufacturing to primarily agricultural zones must be analyzed in the DEIR.

O.2-18 *Impacts to Coastal Resources.* Cannabis appears to be highly profitable relative to other crops, which will likely drive many agricultural operations to convert to cannabis. The County should evaluate the agricultural and land use/policy consistency impacts associated with the potential conversion of significant portions of agricultural land within the Coastal Zone to cannabis cultivation, manufacturing, and other cannabis activities. The Coastal Act identifies agriculture as a priority use (Coastal Act, § 30222 and 30224). However, the DEIR does not address whether the County considers cannabis cultivation and related activities to be an agricultural use for purposes of implementation of its coastal policies. In a June 7, 2017 letter to San Luis Obispo County regarding its proposed Cannabis Ordinance (enclosed), Coastal Commission staff stated, based on its experience with the Commission's actions regarding other cannabis ordinances, "We do not believe that manufacturing…is an appropriate use of prime soils. Prime soils, as opposed to non-prime soils, should be reserved solely for agricultural cultivation and nurseries." The DEIR

[16] Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 17.8 [EIR must propose mitigation measures that will minimize the project's significant impacts and an agency should not approve a project if feasible mitigation measures exist].

O.2-18 should discuss the County's and California Coastal Commission's interpretation of coastal policies as they relate to cannabis activities and analyze the Project's consistency with these policies.

8. Volatile and Non-Volatile Manufacturing

Background: Cate is concerned about the hazardous chemicals used in both the cultivation and manufacturing of cannabis.

O.2-19 *Clearly Define Manufacturing Processes*. The DEIR should be updated to include manufacturing process descriptions to allow the reader to accurately understand the risks associated with various processes. The DEIR project description states these descriptions are included in Appendix C of the document but they are missing. Further, the proposed CZO must clearly define volatile and non-volatile extraction processes to ensure the standards for each use are appropriately applied through the permitting process.

O.2-20 *Compliance with Current Code Requirements.* The DEIR asserts that volatile manufacturing would occur in permitted structures subject to building codes and review by the Fire Department (pp. 3.7-20 to 3.7-21). Would use of an existing industrial building for volatile cannabis manufacturing constitute a change of use requiring the building to be brought up to current building and fire code standards? If not, the DEIR should analyze the risks associated with volatile manufacturing uses being conducted in buildings that do not comply with current building and fire code regulations.

O.2-21 *Comparison of Manufacturing Processes to Currently Allowed Uses in Agricultural Zones*. The DEIR analysis states that zone districts considered eligible for cannabis operations have been assigned based on consideration of the type of cannabis activities and their compatibility with other uses allowed within such zones and specifically references similar uses in heavy industrial and commercial zones (id., pp. 3.7-19 to 3.7-20). However, the DEIR does not specifically address how cannabis-related manufacturing compares to other allowed uses in agricultural zones. The DEIR should compare volatile and non-volatile manufacturing to other allowed uses in AG-I and AG-II zones in determining the suitability of allowing these uses in these zone districts. Off-premise processing and "extensive processing" of other (non-cannabis) agricultural products is currently not permitted in the inland AG I zone and only conditionally permitted in AG-II and coastal AG-I zones. Where it is conditionally permitted, specific standards and limitations apply (see e.g., CZO § 35-68.4.3 and LUDC § 35.42.040). No such standards or limitations are proposed for cannabis manufacturing. The DEIR must analyze the impacts in this proposed increase in the intensity of use in the agricultural zone districts.

O.2-22 *Hazards Associated with Adjacent Incompatible Uses*. The DEIR must consider the hazards associated with incompatible uses in adjacent zones, for example, school and residential uses immediately adjacent to or within AG-I zones where volatile extraction activities would be permissible.

O.2-23 *MM HAZ-3 (Volatile Manufacturing Employee Training Plan).* MM HAZ-3 does not include any standards addressing what must be included in an Employee Training Plan. P&D staff, who likely have minimal experience in employee hazard training procedures, will be required to determine whether a plan is adequate. Further, the monitoring requirement for MM HAZ-3 states that the County shall review site conditions and the training plan log that is required to be maintained by the employer on an ongoing basis to ensure compliance. However, no frequency for ongoing monitoring is specified such that it is impossible to determine whether this mitigation measure will be effective. The DEIR provides no discussion of how this ongoing monitoring would be staffed and funded. Given the County's budgetary constraints, it seems unlikely that this mitigation measure would be adequately enforced to ensure the potentially significant risks associated with volatile manufacturing operations are reduced to less than significant.

9. Land Use Compatibility

O.2-24 *Effectiveness of Proposed Setbacks.* The DEIR provides no evidence to support the assertion that the proposed setback distances (600 feet for schools) would reduce the identified traffic, odor, noise, crime, or other quality of life issues to less than significant for those uses it defines as sensitive receptors. Cate recommends that the school setback be increased to 1000 feet.

O.2-25 *Cannabis Activities in Coastal Zone Prior to Commission Certification.* The DEIR does not indicate when the Coastal Commission would consider and potentially certify the portions of the Project in the coastal zone. However, it is reasonable to assume this would not occur until after the County's Nonmedical Marijuana Interim Urgency Ordinance is set to expire in March 2019. Therefore, the DEIR should discuss what impacts could result if the urgency ordinance expires prior to Coastal Commission certification.

10. Traffic & Circulation

Background: Regional access to Cate from locations to the west and east is available via U.S. Highway 101, located approximately one mile southwest, and Highway 192, located approximately 0.2 mile southwest of Cate. Casitas Pass Road and Highway 150 are both two-lane highways that serve as an east-west link between U.S. Highway 101, Highway 192 (Foothill Road), and Cate, connecting Cate to the cities of Santa Barbara to the west and Ventura and Carpinteria to the south. Access to Cate from Highway 192 is provided by Lillingston Canyon Road to Cate Mesa Road. Due to the rural nature of area and the number of regular users and residents, the Cate Mesa Road/Lillingston Canyon Road intersection currently experiences a low volume of traffic.

O.2-26 *Sub-regional Traffic Analysis.* The DEIR's traffic analysis is at the programmatic level and does not consider specific intersections or road segments. The DEIR acknowledges the Carpinteria Valley is an area where large amounts of future cannabis growth is expected, and existing roadways and intersections already operate at deficient levels of service, particularly along intersections with Highway 101 on- and off-ramps (pp. 3.12-26 to 28). However, it goes on to state that it would be "too speculative in this programmatic EIR to estimate potential impacts to specific road sections and intersections" (pp. 3.12-26 to 28). There are only a handful of roads and intersections that provide north-south connectivity from Highway 101 to the agricultural lands in the Carpinteria Valley and the foothills. While it is not feasible to conduct a site specific traffic analysis, a sub-regional analysis of the likely impacts to the Carpinteria Valley based on the projected buildout in the sub-region appears feasible and would more accurately and thoroughly describe the Project's impacts.

O.2-27 *MM AQ-3 (Cannabis Transportation Demand Management).* This measure would require all applicants for cannabis activities to prepare a transportation demand management plan identifying strategies for reducing vehicle traffic. However, this mitigation includes no measurable standards for determining its effectiveness at reducing vehicle traffic. Adequate mitigation must both identify methods to mitigate an impact and standards the agency commits to meet.[17]

O.2-28 *Additional Feasible Traffic Mitigation.* Even without site specific analysis, it is reasonably foreseeable that Project and cumulative traffic impacts will be concentrated in certain areas, including the Carpinteria Valley. Therefore, the DEIR should consider mitigation to specifically address these impacts in addition to the

[17] *North Coast Rivers Alliance v Marin Mun. Water Dist*. (2013) 216 Cal.4th 614, 647.

proposed countywide mitigation.[18] Cate suggests the following potential mitigation measures which do not appear to have been considered:

O.2-28

- Excluding truck traffic from certain streets or limiting new vehicle trips during peak hours.
- Improving site distances at driveways and intersections.
- Adequate loading and parking at operations sites.

O.2-29

Alternative Transportation. With regard to alternative forms of transportation, the DEIR estimates approximately 1,992 work trips using these modes could result from the Project. It asserts that these trips would occur mostly in urban areas where infrastructure is already in place to accommodate them. Based on these assertions, the DEIR concludes there would not be substantial new demand for alternative transportation facilities (p. 3.12-26). While bike lanes and public transit infrastructure is generally provided in urban areas within incorporated cities, most of the cannabis operations contemplated in the Project would occur outside of these urban areas where alternative transportation amenities (bike lanes, bus stops, etc.) are not generally provided or are very limited. The basis for concluding impacts related to alternative transportation would be less than significant appears to ignore this fact. The analysis should be revised to consider impacts to rural areas where alternative transportation is not provided.

11. Visual Resources & Blight

Background: Cate is located approximately 0.5 mile northeast of the intersection of Foothill Road and Lillingston Canyon Road and just over one mile north of the Bailard Avenue exit on U.S. Highway 101. The property is located within a coastal rural area considered the front country of the Santa Ynez Mountains; the south facing foothills with riparian vegetation along blue line streams and drainages, native habitats (e.g., coastal sage scrub, oak woodland) interspersed with agricultural orchards, low-density residential development, limited greenhouse development, and low-profile agricultural support structures.

O.2-30

Light Impacts. The DEIR acknowledges that cannabis cultivation, manufacturing, testing, retail, and distribution activities have the potential to create disruptive light and glare in an area. The CZO requires all lighting to be shielded to prevent light trespass into the night sky and/or glare onto lots, other than lots that constitute the project site or rights of way. Additionally, structures using artificial light must be completely shielded between sunset and sunrise (pp. 3.1-18 to 24). We request the County to clarify whether this standard would apply to temporary structures such as hoop houses. If it does not, additional analysis is required to address potential impacts of light emitted from temporary structures.

O.2-31

Missing Mitigation Measure AV-1b. Mitigation to address lighting from cultivation using light deprivation and artificial lighting is necessary to avoid an identified potentially significant impact (Impact AV-1). While MM AV-1b is referenced as mitigation for this impact, the measure itself is not included in the DEIR. The DEIR should be revised to include this mitigation measure.

Cate recommends that this mitigation measure be included to address lighting concerns:

Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:

[18] Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 17.8 [EIR must identify feasible mitigation and project should not be approved if feasible mitigation measures exist].

O.2-31 i. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant.

ii. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.

O.2-32 *Applicability of Screening Requirements to Existing Cannabis Activities.* It is unclear if existing cannabis sites will be subject to the screening requirements and other development standards of the CZO. The DEIR should specify this and analyze related impacts.

O.2-33 *MM AV-1 (Screening Requirements).* MM AV-1 requires a landscape/screening plan be reviewed and approved at the staff level on a case-by-case basis with only general concepts for applicants or staff to consider in determining what constitutes "the appropriate type of screening." Further, there is an inherent conflict between the concepts listed. Encouraging natural barriers to enable wildlife passage, preventing trespass, and be visually consistent are conflicting goals that cannot all be achieved "to the maximum extent feasible." Specific standards or guidelines regarding appropriate screening are necessary to make this mitigation measure enforceable and effective. These standards should be developed in consultation with biologists, landscape architects, and others with expertise in addressing the multiple and conflicting goals of this mitigation measure.

Further, implementation of MM AV-1 (Screening Requirements) would largely be done by P&D at the permit approval stage with the exception of the one subsequent review by code enforcement staff to ensure compliance with MM AV-1. This is inadequate monitoring to ensure screening requirements are complied with and the mitigation is effective over the long-term, particularly for natural barriers that will grow and are easily altered over time. The DEIR also includes no assessment of whether the County has the staff and/or funds to carry out even these minimal inspections. Given current County budget constraints, it seems unlikely this mitigation measure can be adequately enforced.

12. Air Quality & Odors

Background: As mentioned above, the cultivation of cannabis has already significantly impacted Cate's daily operations with its powerful permeating odor which is evident throughout the campus and the surrounding area 24 hours per day.

O.2-34 *Odor Impacts.* The DEIR includes an unsubstantiated statement that cannabis related odors are "not necessarily harmful to people" (p. 3.3-22). Information and analysis is necessary to substantiate this claim. It is reasonable to assume that strong, sustained odors, no matter what their source, are likely to have health and/or nuisance effects. Carpinteria High School students have reported experiencing headaches from the strong odors at the school, resulting in them being sent home and detracting from the learning environment.[19] The City and County have received numerous complaints over the past year from local residents stating that they are experiencing severe negative health and quality of life impacts caused by strong odors from cannabis cultivation in the Carpinteria Valley. At the very least, the odors represent a public nuisance. This is an important issue that requires a more detailed analysis in the DEIR, supported by

[19] Tracy Lehr, "The Smell of Marijuana on a Local High School Campus Come from Growers, Not Smokers," KEYT.com (Oct. 31, 2017); Oscar Garcia, "Pot Stench in Carpinteria a Hazard," Santa Barbara Independent (Oct. 27, 2017).

O.2-34 an expert study on the potential health and quality of life impacts caused by prolonged exposure to strong odors caused by cannabis or other similar crops.

O.2-35 *MM AQ-5 (Odor Abatement Plan).* MM AQ-5 is not adequate mitigation to reduce odor impacts to the maximum extent feasible. It attempts to mitigate the impact by responding to future complaints of the problem. This puts the burden on neighbors to complain after a permit has been issued rather than addressing the problem prior to authorizing the use. When odor is detected, particularly in an area where cannabis uses are concentrated, it is extremely difficult to identify the specific source of the problem. Further, the mitigation provides no means of requiring a permittee to address odor issues if the methods identified in the approved Odor Abatement Plan are not effective.

O.2-36 *Odor Impacts for Sensitive Receptors and Recommended Mitigation Measure.* The DEIR must include additional mitigation measures to reduce the impacts of odors on sensitive receptors, including residences, to the maximum extent feasible. This should include consideration of larger buffers between cannabis uses and schools. The size of the proposed buffer of 600 feet from schools should be substantiated with evidence demonstrating the buffer distance will effectively reduce odor issues. Other jurisdictions have proposed 1000 foot buffers from school to prevent odors.[20] Based on existing medical cannabis cultivation operations in the Carpinteria Valley, it is clear that the 600 foot buffer is insufficient to prevent odors at schools. Additionally, all cannabis operations with the potential to create odors, such as cultivation, manufacturing, and processing, should be required to implement the best available industry-specific technologies designed to effectively mitigate cannabis odors. This may include engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. For example, all structures used for cultivation shall be equipped with odor control filtration and ventilation systems (not simply chemical masks) such that the odors of cannabis cannot be readily detected from outside of the structure. For example, the City of Santa Rosa is currently considering a Cannabis Ordinance that requires odors to be non-detectable.[21] Permits should include requirements that Odor Abatement Plans be updated as new technology to abate odors becomes available and when existing odor abatement methods are ineffective in avoiding exposing sensitive receptors, including residences, to objectionable odors.

13. Public Facilities & Services

Background: The County of Santa Barbara Sheriff's Department provides public protection and law enforcement through the enforcement of local, state, and federal laws. There are nine sheriff's stations throughout the County, including a substation in Carpinteria. The Carpinteria Substation, located at 5775 Carpinteria Avenue, serves the outlying unincorporated areas stretching from the Santa Barbara city limits through Montecito and Summerland, down to the Ventura County line (Santa Barbara County Sheriff's Department 2015). The Carpinteria-Summerland Fire Protection District provides fire prevention services to Cate as well as the City of Carpinteria, the community of Summerland, and surrounding rural areas within a 40-square mile area.

O.2-37 *Law Enforcement Services.* While the DEIR concedes that cannabis activities "have the potential to incrementally increase demand for policy and emergency services," the DEIR's conclusion regarding impacts on law enforcement service demands is unsubstantiated. (DEIR, p. 3.11-17.) The document provides no information on existing levels of law enforcement service or estimates of increased demand

[20] See San Luis Obispo County Draft Cannabis Ordinance.
[21] See October 5, 2017 Draft Ordinance of the Council of the City of Santa Rosa Enacting Comprehensive Regulations For Cannabis, "Medical Cannabis Businesses shall incorporate and maintain adequate odor control measures such that the odors of Medical Cannabis cannot be detected from outside of the structure in which the Business operates." (Ch. 20-46.050, H.)

related to the Project to support its conclusion that staffing levels and police resources are adequate. Further, law enforcement is generally a regional or sub-regional issue. While one region or sub-region may have adequate capacity to meet projected increased demand, another region may not. Therefore, a regional or sub-regional analysis is necessary to adequately evaluate the impacts related to this issue area. Cate is concerned that the Carpinteria Substation will not be sufficiently staffed to handle cannabis-related crime.

O.2-37

Fire Protection Services. As with law enforcement, the adequacy of fire protection services must be evaluated at the service-area level. This is particularly true for fire protection/emergency services that require immediate response. Risks and increased service demand for fire protection in specific areas may exceed thresholds even if a consideration of County-wide impacts does not. Further, given that cannabis activities are anticipated to be concentrated in specific areas that are also high and very high fire hazard severity zones, including the Carpinteria Valley and foothills, impacts and service demands will be different than in other areas with lower fire risks and/or a lower concentration of cannabis activities. The analysis should include existing levels of service by fire district/service area and estimate the increased demand related to the Project and cumulatively. If there are potential impacts to areas expected to have high concentrations of activities, the DEIR should consider caps in these high fire risk areas.

O.2-38

For the Carpinteria Valley sub-region, this analysis should evaluate consistency with the Carpinteria-Summerland Fire Protection District Standards of Response Coverage and Headquarters Staffing Adequacy Study (Study), dated July 27, 2016. This Study includes several findings related to existing service issues in the Carpinteria Valley and the need for a third fire station in the area. The Fire District currently has only two fire stations with a minimum of nine firefighters on duty and mutual aid engines are not located nearby. The Study finds that existing facilities are inadequate to provide timely, effective multiple-unit coverage to serious fires in the Carpinteria Valley portion of the district's service area (Study, p. 9). Further, the study found that "the District's fire station areas are too large, on a very constrained road network, to deliver travel times less than 6 minutes. Some of this is made worse when both Station 1 units are committed to an incident and Station 2 must cover from farther away. The only way to improve response times is to increase unit availability by properly locating a third unit to support the eastern District and limit the amount of occurrences Station 2 must respond to all the way into Carpinteria" (Study, p. 10). Given the existing setting, it appears likely any increase in fire protection and emergency service demand in the Carpinteria-Summerland Fire Protection District service area would result in potentially significant impacts.

III. CONCLUSION

The DEIR analyzes impacts on a county-wide basis, despite acknowledging that the Carpinteria Valley will see much more concentrated impacts as a result of the Project. The Carpinteria Valley and the Coastal Zone in general have significant unique attributes such as prime soils, high concentration of agricultural operations, and proximity to school and residential areas, that require more detailed analysis.

Although a program EIR is typically more general than a project EIR, it should still analyze known impacts in a comprehensive fashion.[22] The DEIR acknowledges that there is currently a higher concentration of cannabis operations in the Carpinteria Valley and that this is likely to continue after adoption of the County regulations. As detailed in this letter, there are many areas where the potential impacts of expanded cannabis operations on the Carpinteria Valley can be estimated and analyzed, including traffic impacts to roads within unincorporated areas, odor impacts from increased cultivation, impacts on law enforcement and fire services. The DEIR should more completely analyze these impacts and propose specific mitigation measures relevant to the Carpinteria Valley and the Coastal Zone.

O.2-39

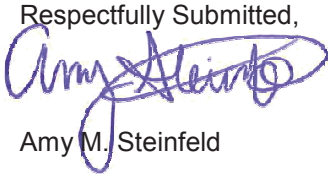
[22] See *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 234 Cal.App.4th 214, 233.

O.2-39 Furthermore, it appears that cannabis operations in certain areas will be able to obtain required permits to begin operations without discretionary review. For example, an applicant proposing to cultivate and manufacture cannabis using non-volatile methods on property in the AG-I zone and outside of the geographic appeals portion of the Coastal Zone can obtain required permits based on a staff level determination. In many cases, it appears that CEQA review would not be required for such projects. The DEIR is wholly inadequate for a project-level analysis. The DEIR should clarify whether it is anticipated that any cannabis operations permitted under the County's proposed cannabis regulations could be approved without any subsequent CEQA review. If this is the case, the DEIR must incorporate a more specific

O.2-40 impacts analysis and proposal for mitigation measures to adequately address such projects.

Cate requests that the DEIR be revised to include a more detailed and specific analysis of impacts related to issues that are addressed above, and that more specific mitigation measures for significant impacts be identified. Cate thanks the County for considering these comments and suggested edits. Should you have any questions or require additional information, I can be reached at 805-882-1409.

Respectfully Submitted,



Amy M. Steinfeld

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Comment Letter O.2 – Cate School (Brownstein Hyatt Farber Schreck)

O.2-1 Cate School's general opposition to the proposed Project is acknowledged and forwarded to decision-makers for their consideration. Similarly, if an alternative to the proposed Project is ultimately approved, the school's preference for a combination of Alternative 3 (Reduced Registrants) and Alternative 1 (Exclusion of Cannabis Activities from the AG-I Zone District Alternative) because it would best meet Project Objective No. 10 to "[l]imit potential for adverse impacts on children and sensitive populations by ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including…educational institutions." is acknowledged and forwarded to the decision-makers for their consideration. The Cate School's concerns over the odors generated by cannabis cultivation, and their effect on the school's operations, are addressed in the comment responses below. Additionally, please refer to **Master Comment Response 2 - Odor Control Initiatives**, for further information on odor control from cannabis sites.

The comment also expresses concern that the conclusions and findings of the Draft EIR represent a prejudicial abuse of discretion because the analyses contained therein uncritically rely on studies or analysis in support of the its position. As discussed in **Comment Response O.2-2** below, this EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines. Finally, the Draft EIR contains numerous mitigation measures that require each cannabis site to be evaluated on a case-by-case basis for compliance with the program's ordinance and regulations prior to the issuance of a license. Therefore, the conclusions and findings of the Draft EIR do not constitute a prejudicial abuse of discretion.

O.2-2 The comment describes that some environmental topics are analyzed on a regional level and others are addressed a sub-regional level. This is an appropriate methodology for a Program-level EIR that evaluates a proposed County-wide program. While some environmental topics have regional, or further reaching impacts – as air quality, greenhouse gas (GHG) emissions, and water quality – other environmental topics have site-specific impacts or those confined to a particular sub-region, such as those related to local water supply, geology and soils, and hazardous materials.

Impact determinations are focused at the county-wide or regional level given the countywide nature of the Program which applies to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issue within sub-regions, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts. This is appropriate because as described in Section 1.3, *Program-Level EIR Analysis*, the Draft EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines. As mentioned Section 1.3, there are many reasons that a program-level analysis is appropriate for the proposed Project, including the fact that the proposed Program covers a defined geographic area with regional subareas with similar land use characteristics. Where characteristics vary within regions, the EIR provides clarifying information where relevant, such as within the Carpinteria Valley.

Regarding the degree of forecasting presented in the EIR, as described in Section 3.0.2, Assessment Methodology, under CEQA, baseline conditions are the local and regional physical environmental conditions as they existed at the time of the Notice of Preparation (NOP). Since the NOP for this Program was published on July 12, 2017, the baseline conditions in the EIR reflect this date. The County employed its best efforts to use the EIR to disclose all reasonably available information for such a countywide program, including citing Carpinteria Valley

specific issues as appropriate. (See *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d [An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible... (The courts have looked) for adequacy, completeness, and a good faith effort at full disclosure.] This EIR discloses the best available information on existing cannabis activity conditions in the County to characterize a cannabis activity baseline for the purposes of impact analysis. The existing data cannot provide a precise picture of existing operations because the existing cannabis industry is unregulated, and has been for numerous decades, and the locations and operations of the industry are, to a large degree, unknown. However, the collated information characterizes the general range, type, location, and resource demands of existing cannabis cultivation and manufacturing in the County to support an understanding of the environmental baseline sufficiently for impact analysis, and ensuing analysis to characterize potential outcomes within the County. Finally, to further address the Cate School's concerns, as described in more detail below, the County has added new language and discussion to the EIR, including an expanded odor control mitigation measure and program enforcement information. Please see also **Master Comment Response 2 – Odor Control Initiatives** and **Master Comment Response 4 – Enforcement of Cannabis Operations**.

O.2-3 As discussed above, the regional and sub-regional level of impact evaluation is an appropriate methodology for a Program-level EIR that evaluates a proposed County-wide program. While some environmental topics have regional, or further reaching impacts--as air quality, greenhouse gas (GHG) emissions, and water quality—other environmental topics have sub regional or site-specific impacts, such as those related to geology and soils and hazardous materials. The County understands the Cate School's concerns and is aware that along many of the urban-rural boundaries within the County (e.g., Carpinteria, Los Alamos, Santa Maria), urban-rural conflicts between developed urban communities and agricultural development can sometimes arise. In addition, as noted above in **Comment Response O.2-2**, the EIR fully discloses or discusses odor impacts, including those in the Carpinteria Valley.

As discussed in Section 3.3, *Air Quality and Greenhouse Gas Emissions*, the EIR team visited the Carpinteria Valley on several occasions, met with both cultivators and concerned citizens, detected noticeable cannabis odors, and identified such issues as being of a potential impact in the EIR, both in the Carpinteria Valley and elsewhere (e.g., Cebada Canyon, Tepusquet Canyon, Los Alamos, etc.). Further, odors associated with currently unregulated cannabis operations have not been subject to full odor control measures, using technologies that have been shown to significantly reduce or eliminate odors. As part of the EIR team site investigations, unlicensed growers have been reluctant to install such systems to date due to high levels of expense (e.g., as much as $300,000), and given the uncertainty of the licensing program pending potential Program adoption. However, such systems may be required by operators in order to comply with **MM AQ-5**, *Odor Abatement Plan*. Nonetheless, to further address the Cate School's concerns, additional Carpinteria Valley specific discussion has been added to air quality to address odor concerns.

Additionally, the comment does not include facts that support the assertion that certain impacts, such as those caused by odors, may not be accurately pinpointed. Rather, with standard enforcement investigations, the source of a nuisance could likely be pinpointed with

some ease using olfactometers or other readily available commercial devices, if such impacts remain a public nuisance after application of odor removal or containment techniques and associated enforcement implemented under air quality **MM AQ-5**, *Odor Abatement Plan*. Please refer to **Master Comment Response 2 – Odor Control Initiatives**.

O.2-4 This comment addresses the potential for certain environmental impacts upon protected coastal resources and related effects upon coastal areas in the County, illustrating the potential impacts associated with both prime and non-prime agricultural lands. The EIR is replete with information on local and regional environmental setting, and resource impacts within the coastal zone, including but not limited to Section 3-2 (Agricultural Resources) and 3-9 (Land Use and Planning), which evaluates consistency with the Coastal Land Use Plan. Prime and Unique Farmland, and Farmland of State and Local Importance in the Carpinteria Valley are identified in Figure 3.2-2. Section 3.2.2 and Table 3.2-3 (Summary of County FMMP Lands) identify the 3,417 acres of prime farmlands associated with the Carpinteria and Eastern Goleta Valley areas, coastal zoned agricultural lands, bordering urban areas. As further disclosed in the EIR, the eastern-most portions of this region surrounding the City of Carpinteria supports the only County mapped region with specified greenhouse regulations to address community- and resource-based concerns [Carpinteria Agricultural Overlay District (CAO), Coastal Zoning Ordinance (CZO) Section 35-102F], comprising the largest and most intensively developed agricultural greenhouse area within the County. Please note that all land use consistency is addressed within the EIR in Section 3.9, *Land Use and Planning*. This section addresses at least 26 adopted policies under the CLUP that may be affected by the Project within Table 3.9-2. This table addresses policies directly associated with agricultural resources that may be affected by the Project that are covered by the CLUP, including: Development Policies 2-9 and 2-11; Hillside and Watershed Protection Policies 3-20 and 3-23; and Agriculture Policies 8-5, 8-6, 8-7, 8-11, and 8-12. Additionally, the certified CLUP's inclusion of the Coastal Act is addressed, including analysis for Coastal Act Policies 30250, 30231, and 30251. Analysis of Coastal Act Policies 30241 and 30242 has been integrated into Table 3.9-2 within the "Coastal Act Policies" section, and the Project is found to be consistent with each of these Coastal Act Policies.

O.2-5 This comment addresses the appropriate level of regional and sub-regional analysis necessary to design mitigation measures that are adequate to reduce impacts to the maximum extent feasible. The EIR provides substantial regional and sub-regional information as needed to support program level impact analysis. As described in Section 1.3, this EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines, which addressed the impacts of a countywide program over hundreds of thousands of acres with potential effects on 5 major regions, 8 cities, and 24 unincorporated communities. A program-level analysis for the proposed Project is appropriate for this EIR because it covers a defined geographic area with regional areas with similar land use characteristics. As further discussed in Section 2.2.2, *County Cannabis Regions*, the City of Carpinteria is described as being within the South Coast Region, which includes extensive tracts of agricultural lands bordering urban areas. Further, as described in **Comment Response O.2-3** and **O.2-4** above, the EIR provides substantial information on the Carpinteria Valley regarding impacts associated with odor and agriculture.

O.2-6 Cate School prefers an approved project that combines various attributes of Alternative 1 (Exclusion of Cannabis Activities from the AG-I Zone District Alternative) and Alternative 3 (Reduced Registrants). Additionally, the School believes that, due to an inability to efficiently and effectively reduce odors, outdoor cultivation should not be permitted in AG-I zoned areas.

The School further believes that the County must reduce the number of future registrants in order to limit buildout of cannabis operations and thereby reduce the adverse impacts that would result from permitting an unlimited number of cannabis operations in the County, particularly additional greenhouses in AG-I Zone." As discussed in **Comment Response 0.2-3** above, the EIR fully discloses or discusses odor impacts, including those in the Carpinteria Valley. The EIR team visited the Carpinteria Valley on several occasions, met with both cultivators and concerned citizens, detected noticeable cannabis odors, and identified such issues as being of a potential impact in the EIR, both in the Carpinteria Valley and elsewhere (e.g., Cebada Canyon, Tepusquet Canyon, Los Alamos, etc.). Further, as discussed in the EIR in some detail in Section 3.3 (Air Quality)—Subsection 3.3.2.6 and Impact AQ-5—and Section 3.9 (Land Use and Planning) of the Draft EIR, odors associated with currently unregulated cannabis operations, have not been subject to full odor control measures, using technologies that have been shown to significantly reduce or eliminate odors. As part of the EIR team site investigations, unlicensed growers have been reluctant to install such systems to date due to high levels of expense (e.g., as much as $300,000), and given the uncertainty of the licensing program pending potential Program adoption. However, such systems are required under **MM AQ-5**, which is based upon available evidence to reduce impacts from cannabis cultivation odors. Nonetheless, to further address the Cate School's concerns of the proposed Project's impacts on students, additional Carpinteria Valley specific discussion has been added to air quality to address odor concerns. With standard enforcement investigations, source of nuisance could likely be pinpointed with some ease using olfactometers or other readily available commercial devices, if indeed such impacts remain a genuine public nuisance after application of odor removal/containment techniques required under air quality **MM AQ-5**. Please refer to **Master Comment Response 2 – Odor Control Initiatives**, for additional information on odor control from cannabis sites.

The comment also states that a combination of these alternatives would limit future cannabis growth into areas with prime soils. Regarding impacts from cannabis growth into areas with prime soils, please refer to **Response Comment O.2-18** below, which identifies areas in the Draft EIR that clearly state that cannabis cultivation is an agricultural resource under state and local law, and therefore, cannabis would not result in the conversion of prime farmlands to non-agricultural resources.

O.2-7 This comment encourages that the EIR consider the potential for expanded cannabis-related supporting and complimentary uses including but not limited to tourism-based operations (e.g., tours, "tastings," "cannabis clubs," "farm stays," etc.). At this time, the County assumes that the sale of cannabis products would continue to occur largely as it has under California's Medical Marijuana regulations (i.e., Proposition 215, Senate Bill 420), in that sales would occur at traditional retail storefronts (i.e., dispensaries). Within the agricultural zones, the County is not proposing to license microbusiness cannabis facilities (Type 12), which are facilities with a maximum cultivation area of 10,000 square feet that can also engage in the retail sale of cannabis. A microbusiness cannabis facility is only permitted in commercial and manufacturing zones, although delivery-only retail sales may occur in the AG-II zone. All other retail sale of cannabis products would occur at cannabis retailers in the commercial and manufacturing zones. The environmental impacts of retail sale from these facilities is considered throughout the Draft EIR. At this time, the proposed Project does not envision cannabis cultivation to be a tourist industry in Santa Barbara County. Should this type of tourist economy develop at a later time, it would be subject to a separate CEQA analysis.

Lastly, as detailed in Section 2.3.3, *Summary of Proposed Project*, the proposed Project requires cannabis activity site setbacks of at least 600 feet from the property line of the lot in which cannabis operations are proposed to the property line of a lot containing a school, day care center, or youth center; at least 1,200 feet from the property line of the lot in which volatile manufacturing operations are proposed to the property line of a lot containing a school, day care center, or youth center; restrictions on the size of cultivation nurseries; as well as additional commercial development standards that require site fencing, and lighting, noise, odor controls, and site security measures. Therefore, the proposed Project's impacts from cannabis cultivation would have less than significant impacts on schools.

O.2-8 This comment addresses clarification of methods by which the project description and ordinance will be enforced for uses that existed or occurred prior to the effective date of the ordinance. As discussed in Section 2.2.5, *Environmental Baseline Conditions*, documentation of non-conforming practices within the County has only recently commenced. Some existing cannabis activities are considered non-conforming uses under Article X of Chapter 35 of the County Code, which provides that medical cannabis cultivation sites that were operating legally under local and state regulations as of January 19, 2016, are considered to be legal, nonconforming uses and may continue to operate under a legal, nonconforming status. Under County zoning ordinances, legal, nonconforming medical cannabis cultivation sites would be prohibited from expanding or proposing other changes to the use that existed as of January 19, 2016. In order to obtain a state license, the legal, nonconforming use could apply for a state license, and when the County receives the state inquiry regarding local approval, the County may choose to not respond to the inquiry. After 60 days, a non-response would become a "non-action" by the local jurisdiction, which permits the license to be issued at the state level. If, at a later time, the County decides that the license application for the nonconforming use should not be approved, this would be communicated to the state and the license would become invalid. Under the Project, based on registration information, existing medical cannabis cultivation operations that are considered to be legal, nonconforming operations, would be required to seek and obtain both a local and state license to continue to operate within the County. Additionally, Article X provides that any legal, nonconforming status shall terminate six months after the operative date of the applicable County ordinance regarding medical cannabis cultivation that results from the Project or 18 months from the effective date of the applicable ordinance, whichever is longer.

O.2-9 This comment addresses the types of projects that would be require ministerial or discretionary approvals. Please refer to Section 2.0, Table 2-5. (Project Description*, Allowed Cannabis License Types by Zone District*) for proposed permitting requirements. Additionally, the Program EIR provides an extensive analysis of potential environmental impacts and, along with requirements of the Project itself, establishes a robust regulatory, mitigation, and monitoring framework to address potential environmental impacts. Where such impacts cannot be fully mitigated, the EIR so discloses.

With regard to agricultural development practices, in order to promote and sustain agriculture, the vast majority of existing agricultural practices (e.g., crop rotation, minor grading, new crop installation) are currently either not subject to permits or are subject to ministerial permits and thus do not constitute a project under CEQA and are thus exempt from CEQA review. Only certain types of agricultural activities (e.g., new major greenhouse construction) are currently subject to discretionary permits and typical actions, such as rotation of crops within established greenhouses, are not subject to added permit

requirements. The Project would place an added layer of regulation on this specific agricultural activity to regulate issues such as odors. The type of future permit requirements under this Project and associated public hearings is within the discretion of the Board as to whether to treat cannabis activity in a different or similar manner to existing agricultural practices, and what types of permit requirements to place on such activities.

In terms of specific comments, while Section 2.1, *Introduction and Overview*, reiterates that even if discretionary review is not required for certain cannabis activities, all permits would be subject to standards and limitation based on the permit and license type issued. So, even those uses designated as "P" (permitted use) or "S" (permit determined by specific use regulations) would still be subject to both Program requirements and the mitigation measures in Section 3.4 (Biological Resources), Section 3.5 (Cultural Resources), Section 3.9 (Land Use and Planning), Section 3.10 (Noise), and Section 3.12 (Transportation and Traffic) that reduce impacts to a less than significant level even if a discretionary approval or public hearing is not required. Additionally, although the Land Use Permit process is not subject to CEQA, it includes findings for approval that provide opportunities for project redesigns or revisions. Further, as described in Section 1.3, this EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines.

O.2-10 This comment addresses the status of "P" (permitted use) in the CZO. As discussed within Section 2.3.1, *Project Overview*, "The location, extent, and type of cannabis activities would be consistent throughout all unincorporated regions of the County, including within the coastal zone boundary". Overall, the Program would apply to unincorporated regions of the County where proposed amendments to the County LUDC, Montecito LUDC, and CZO would allow for commercial cannabis cultivation, manufacturing, distribution, retail sales, and testing.

O.2-11 The County acknowledges the Cate School's desire to retain agricultural lands in the South Coast region, both for the protection of agricultural resources and to maintain the region's identity and quality of life. As shown in Table 2.5, *Allowed Cannabis License Types by Zone District*, retail sales would not be permitted in the County's agricultural (AG-I, AG-II) zones, but wholesale distribution would be permitted under a Major Conditional Use Permit in AG-I and as a permitted use in the AG-II. The impacts of distribution activities are evaluated throughout the EIR.

O.2-12 The comment addresses security standards for non-retail portions of the Program. The proposed Project strives to ensure public safety through the General Development Standards in Section 2.3.3, *Summary of Proposed Project*, which apply to all cannabis sites and include standards to prevent individuals from loitering, restrict access to authorized personnel, require the use of secure storage facilities, and require that security cameras be installed at all cannabis sites and facilities.

O.2-13 This comment addresses buildout of cannabis operations under the proposed Project. The EIR is designed to assess a conservative but reasonably foreseeable scenario. However, as discussed in Section 2.2.5, *Environmental Baseline Conditions*, and in **Comment Response O.2-2** above, challenges persist in estimating the future build out of cannabis operations. In the past century, cultivation of cannabis and manufacturing of cannabis products has been illegal, which means that these activities have not been reliably documented. While it is known that the County currently supports a range of commercial cannabis businesses, much of the extent, location, and productivity of such businesses is unknown. This difficulty in quantification is due largely to the lack of record keeping for past or current cannabis-related

activities, since cannabis activities have historically been illegal. Despite this, a range of data sources are available that, taken together, indicate the probable maximum and minimum level of activity. Contrary to the commenter's assertion, the analysis set forth in this EIR is based on hundreds of sources of data, including County resources, such as the June 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program (Cannabis Registry) database, the County Sheriff's Office's list of enforcement cases, and interviews with community members and industry representatives conducted by staff members from the County and the EIR consulting team. As discussed in Section 3.3, *Assessment Methodology*, there are 396 existing grow acres in the County. An additional 730 grow acres is not established but a potential indicator of future growth as a result of the Cannabis Registry, for a total of 1,126 grow acres. Based on existing trends in the cannabis industry, an estimated 21.97 acres of manufacturing, packaging, and distribution space may be necessary to accommodate the County's potential 1,126 acres of cannabis canopy. The EIR then acknowledges that as a "new industry with limited available data on existing and projected activities, the potential for future expansion of the industry cannot be fully predicted."

The comment suggests that the number of cannabis sites evaluated in Draft EIR as an appropriate basis for analysis should be 50 percent greater than data gathered in the registry response. However, the comment provides no reasonable basis or meaningful evidence to support the requested assumption that demand would be 50 percent greater than registry response is an appropriate basis for analysis. Further, the EIR presents a range of likely levels and locations of commercial cannabis activities based on available data sources and field observations.

O.2-14 This comment addresses the funding of staff inspections. While it is the responsibility of the CEQA document to identify mitigation measures the reduce impacts and to determine the entity that is responsible for implementing those mitigation, it is not the responsibility of the CEQA document to identify the source of funding for the implementation of these mitigation measures. The inquiry is provided to the decision-makers for consideration when making a decision on the proposed Project. Nonetheless, as with all development projects in the County, individual cannabis sites would be required to pay fees required under the County's various development impact fees program. These fees are then combined with general tax revenue to properly staff County departments, including those that would be responsible for the inspection of cannabis sites.

O.2-15 This comment recommends a more detailed sub-regional analysis should be completed to determine the amount of capacity that remains in the before the capacity cap is met. As discussed in Section 1.3, *Program-Level EIR Analysis* and in **Comment Response O.2-2** above, the EIR is prepared as a Program EIR pursuant to Section 15168 of the State CEQA Guidelines. As mentioned Section 1.3, there are many reasons that a program-level analysis is appropriate for the proposed Project, including the fact that the proposed Program covers a defined geographic area with regional subareas with similar land use characteristics. However, there is no meaningful additional information that would result from a sub-regional analysis of potential impacts to CAO District because development of structures in the CAO District is self-limiting, in that greenhouse development cannot be exceeded beyond than permitted under CAO Section 35-102F, *Development Cap for Greenhouses and Greenhouse Related Development*. The EIR is replete with information on local and regional environmental setting, and resource impacts within the coastal zone, including but not limited to Section 3-2 (Agricultural Resources) and 3-9 (Land Use and Planning), which evaluates consistency with

the CAO District and the Coastal Land Use Plan. As discussed in Table 3.9-2, *County Land Use Plans and Policies Consistency Summary*, the proposed Project is potentially consistent with Coastal Act Policy 3-23 to protect scenic resources, water quality, and community character in the CAO District. Further, with the implementation of identified mitigation measures, the development of greenhouses for cannabis cultivation would result in no greater impacts than the development of greenhouses for other agricultural uses.

O.2-16 This comment addresses the feasibility of **MM AG-2**, *New Structure Avoidance of Prime Soils*, to adequately reduce the conversion of prime soils to a less than significant level. The County concurs that the mitigation measure is not as effective as it could be, and have revised the mitigation measure to require that if siting on prime soils is unavoidable, a discussion justifying the inability and/or infeasibility to avoid prime soils shall be provided to the County Planning and Development Department staff during the case-by-case review of applications for cannabis site development and licensing. Please refer to Section 3.2 (Agricultural Resources of this EIR.

O.2-17 This comment addresses potential conversion of agricultural lands to non-agricultural lands given volatile manufacturing uses are proposed to be permitted in agricultural zones but not in commercial zones. As discussed in Impact AG-2, approximately 67,202 acres of prime farmland occurs in Santa Barbara County. Even if the future acres of cannabis activity expansion (730 acres of cultivation, 15.5 acres of manufacturing, and 60.5 acres of distribution) were to occur entirely on prime agricultural land (which is highly unlikely), it would represent approximately 1 percent of all of the prime farmland in the County.

O.2-18 This comment is expressing concern that other agricultural operations in the Coastal Zone may convert to cannabis cultivation. The comment also states that the Draft EIR does not address whether cannabis cultivation, manufacturing, and related activities are agricultural activities for purposes of determining consistency with coastal policies. However, as discussed in Section 2.2.4, *Current Agricultural Context of Cannabis*, cannabis cultivation is considered an agricultural use. This is further discussed in several places in Impact AG-1. For instance, per the California Health and Safety Code (HSC) and California Business and Professions Code, medical cannabis is identified as an "agricultural product" (HSC Section 11362.777). As such, applicants applying for cannabis licenses would be overseeing land used for agricultural purposes, and the growing of cannabis under SB 94 would constitute an agricultural purpose and resultant cannabis products as an agricultural product. Therefore, utilizing a license to grow cannabis would ensure agricultural purposes are carried out, and these actions would not convert associated FMMP farmland or prime agricultural soils to non-agricultural uses, nor conflict with existing zoning for agricultural uses. Further, per California Government Code Section 51201, an agricultural commodity under the Williamson Act is defined as "any and all plant and animal products produced in this state for commercial purposes," and an agricultural use consists of the "use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes". Additionally, guidance from the Department of Conservation has stated that cannabis is an agricultural product under the 2015 MCRSA statutes and that nothing in the Williamson Act prohibits the growth of cannabis on land enrolled in the Williamson Act. Additionally, Section 3.2, *Agricultural Resources*, fully assesses impacts under both state and County CEQA threshold guidelines, as detailed within Section 3.2.4.1, *Thresholds of Significance*. Please note that all land use consistency is addressed within the EIR in Section 3.9, *Land Use and Planning*. This section addresses at least 26 adopted policies under the CLUP

that may be affected by the Project within Table 3.9-2, including its incorporated Coastal Act policies.

Nonetheless, the proposed Project includes regulations to protect other beneficial uses in the Coastal Zone. While agricultural uses are permitted in designated agricultural and industrial zones in coastal areas, cannabis cultivation would be prohibited in Coastal Dependent Industry (M-CD), Coastal Related Industry (M-CR), Mountainous Areas, Environmentally Sensitive Habitat Overlay, and Resource Management (RES) zone districts. The Program allows for cultivation where public services would meet the needs of cannabis cultivation operations. County Planning and Development staff would also review all permit and license applications for cannabis cultivation, manufacturing, testing, distribution, and retail activities on a case-by-case basis. Through this project review process, the decision-making authority can make findings on whether the cannabis facilities meet applicable coastal policies. If in the event that the decision-making authority cannot make the requisite findings of approval to issue a coastal development permit, the application for a coastal development permit, or other required permit (e.g., Conditional Use Permit) must be denied.

O.2-19 This comment requests a more detailed description of the manufacturing process. As indicated in the comment, a detailed description of the manufacturing processes is included in Section 2.2.4, *Cannabis Product Manufacturing*, as expanded upon in Appendix C of the Draft EIR. To ease the review and printing of the Draft EIR, technical appendices are provided as separate electronic files on the County of Santa Barbara's Planning and Development website. The Draft EIR and all technical appendices can be found at the following web address: http://longrange.sbcountyplanning.org/programs/Cannabis/cannabis.php The definition of volatile and non-volatile manufacturing processes can also be found in the proposed text of the Ordinances, which is included as Appendix B of the Draft EIR.

O.2-20 This comment requests clarification regarding whether cannabis manufacturing would be permitted in existing structures and what types of upgrades and code compliance would be required to use an existing structure for cannabis manufacturing. As described in Chapter 2, *Project Description*, cannabis manufacturing may occur in existing buildings. If the existing building does not currently manufacture cannabis products, then the manufacture of cannabis products would be considered a change of use. Nonetheless, as discussed under Impacts HAZ-2 and HAZ-3, program implementation may require demolition or substantial retrofitting of existing structures to support manufacturing or construction of new buildings. Further, County Fire Code requirements for cannabis related activities within structures would likely require site improvements (e.g., adequate water supply, fire sprinklers, road improvements, defensible space, etc.) Indoor cultivation and manufacturing operations under the Program would occur within permitted structures subject to building codes, electrical codes, and review by the County Building Official and Fire Department. Demonstration that proposed or existing development comply with these codes would be required prior to the issuance of a permit.

O.2-21 This comment addresses compatibility of cannabis-related manufacturing with other allowed uses in the AG-I and AG-II zones. The County recognizes that the manufacturing of cannabis products through both non-volatile and volatile methods are of concern to the school. While the Project proposes to permit non-volatile cannabis manufacturing and conditionally approve volatile cannabis manufacturing in the AG-I and AG-II zones, current County Codes allow off-premise non-volatile manufacture of agricultural products under the standards and

limitations of CZO § 35-68.4.3 and LUDC § 35.42.040. Specifically, CZO § 35-68.4.3 allows "Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form [...]". An example of a natural product in cannabis non-volatile processing would be the trimmed flower product. Other examples of this type of processing, which are already permitted for historical agricultural products, includes simple mechanical processing to convert fruit from a solid to a liquid without additives, chemical reactions, or changes in natural ambient temperatures.

However, the County recognizes that both the on- and off-premise volatile manufacture of cannabis products sometimes requires the use of hazardous materials and equipment not associated with the processing of historic agricultural products, and may pose additional harm to persons or employees. Therefore, as described in Section 2.3.3, *Summary of Proposed Project*, additional development standards are proposed for both the on- and off-premise volatile manufacture of cannabis products. For example, no volatile manufacturing operations be located within 1,200 feet from the property line of the lot in which cannabis operations are proposed, to the property line of a lot containing a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center. Volatile manufacturers shall also be required to train the employees of the cannabis manufacturing facility on the best management practices including proper use of equipment and hazard response protocols in the event of equipment failure. Additionally, the permittee of a volatile manufacturing within agricultural zone districts would be required to obtain approval of a Major Conditional Use Permit. As part of the Project, these additional standards and permit requirements would be codified in LUDC § 35.42.075 (Cannabis Regulations) and CZO § 35.144S (Cannabis Regulations). Please refer to Appendix C of the Draft EIR for the draft zoning regulations.

O.2-22 This comment addresses potential hazards associated with cannabis manufacturing activities, specifically, volatile manufacturing, and their potential incompatibility with uses in adjacent zones. The County recognizes that the safety of sensitive uses, such as schools, are of concern to the Cate School and its students. As discussed in Impact HAZ-2, the Draft EIR considers the hazards associated with adjacent residential and educational zones. Manufacturing activities under the Program would be subject to review by the County, including ensuring compliance with federal and state regulations relating to employee health and safety, existing County policies and regulations related to site design, setback requirements, site location, construction and operation of manufacturing facilities, types of allowed operations, and the general operation of each manufacturing activity. With compliance with applicable regulations, hazards impacts to adjacent zones would be less than significant.

Other issues associated with the compatibility of cannabis cultivation and manufacturing to adjacent residential zones (e.g., air quality, noise, traffic/transportation) are addressed under Impact LU-2. The regulations, restrictions, and development standards included in the Project, including zoning restrictions, development standards, such as setbacks from sensitive uses, and prohibitions on noise and odor generation that can be perceived offsite, would regulate cannabis activities and restrict the potential for impacts to land use compatibility. These project requirements also define restrictions within each permit tier to help address neighborhood compatibility issues and quality of life impacts related to crime, population increases, traffic, parking, odors, and noise. As detailed in Section 2.3.3, *Summary of Proposed*

Project, these include the requirement of cannabis activity site setbacks of at least 600 feet from the property line of the lot in which cannabis operations are proposed to the property line of a lot containing a school, day care center, or youth center; at least 1,200 feet from the property line of the lot in which volatile manufacturing operations are proposed to the property line of a lot containing a school, day care center, or youth center; restrictions on the size of cultivation nurseries; as well as additional commercial development standards that require site fencing, and lighting, noise, odor controls, and site security measures. Additionally, site-specific standards, measures, or permit conditions would potentially be imposed prior to project approval on a case-by-case basis during the development plan and environmental review process.

O.2-23 This comment addresses the Volatile Manufacturing Employee Training Plan required under **MM HAZ-3**. The County acknowledges that specific standards would be critical in successfully implementing an Employee Training Plan, and have updated the mitigation measure to include specific training standards and monitoring frequency. Please refer to Section 3.7.4.4, *Proposed Mitigation*, of the Final EIR for the revisions to **MM HAZ-3**. As discussed above in **Comment Response O.2-14**, while it is the responsibility of the CEQA document to identify mitigation measures the reduce impacts and to determine the entity that is responsible for implementing those mitigation, it is not the responsibility of the CEQA document to identify the source of funding for the implementation of these mitigation measures. The commenter's concern over adequate funding and staffing has been forwarded to the decision-makers for consideration when making a decision on the proposed Project.

O.2-24 This comment addresses the effectiveness of the proposed setbacks. Quality of life issues are important to the County and all communities facing implementation of cannabis licensing programs. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from identified sensitive uses. The setbacks are based on Medical Cannabis Regulation and Safety Act Proposed Regulations issued by the Bureau of Cannabis Control in the spring of 2015. These regulations were withdrawn on May 5, 2017 due to the anticipated passage of the Medicinal and Adult-Use Cannabis Regulation and Safety Act in June 2017. On November 16, 2017, California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. Additionally, the County determined that no cannabis-related activities subject to licensing activities would be permitted or conditionally permitted in all residential zones (Appendix B).

O.2-25 This comment addresses timing of Coastal Commission consideration and potential certification of the Project within the Coastal Zone as it relates with the to the County's Nonmedical Marijuana Interim Urgency Ordinance, which is currently set to expire in March 2019. The intent of the passage of this interim legislation, as expressed in Sections 1 and 5 of the ordinance, is to provide County staff time to establish permitting and regulation requirements, create additional measures to protect and limit further degradation of the environment, and develop additional enforcement capability. Should Coastal Commission

certification not occur prior to the expiration of this ordinance, a permit structure would still not be in place, therefore no permits could be applied for or issued. This ordinance may also be repealed at an earlier date as a result of approval of the proposed Project and certification of the Final EIR. This comment will be forwarded to the Board for further consideration.

O.2-26 This comment addresses the Draft EIR's programmatic level of analysis related to evaluation of specific intersection and roadway segments at the sub-regional level, including concern regarding traffic congestion. As described in **Comment Response O.2-2** above and in Section 1.3, this EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines, which addressed the impacts of a countywide program over hundreds of thousands of acres with potential effects on 5 major regions, 8 cities, and 24 unincorporated communities. A program-level analysis for the proposed Project is appropriate in this EIR because the proposed Program covers a defined geographic area with sub-regions with similar land use characteristics.

Due to the range of outcomes that could result from the proposed Project, it is too speculative in this programmatic EIR to estimate potential impacts to specific road sections and intersections; however, Section 3.12 (Traffic) of the DEIR provides select road segment and intersection operation data for the South Coast sub-region (Tables 3.12 -11 and 3.12-12), focusing on the Carpinteria Valley as well as estimated project traffic generation (Table 3.12-16). The range of assumptions and possible improvements that would be required to quantify impacts to intersections and roadway segments would be so numerous and speculative, that there would be a low degree of confidence in the model results, and impacts may be grossly over- or- under-stated. However, Impact TRA-1 recognizes that the Carpinteria Valley along State Route (SR) 192 has a relatively large concentration of existing cannabis operations (approximately 20 percent) and has been identified as an area projected for large future cannabis growth. As provided in Section 3.12.2, *Environmental Setting*, several road segments and intersections currently operate at deficient LOS, particularly along intersections with U.S. Highway 101 on- and off-ramps facilities. Project traffic volumes would be dispersed along County and City roadways, as well as state highways, which would potentially presently operate at an unacceptable LOS. Therefore, the proposed Project would potentially reasonably result in increases in traffic at segments and intersections such that operations would exceed acceptable LOS or would result in a significant impact. In addition, an increase of 120,712 daily countywide VMT (1.2 percent of County total VMT) also would increase the potential for congestion along transportation facilities both within and outside of the County's jurisdiction. The Draft EIR concludes that impacts would be *potentially significant* and requires the implementation of **MM TRA-1**, *Payment of Transportation Impact Fees* and **MM AQ-3***, Cannabis Transportation Demand Management,* to reduce impacts to County roadways and intersections. However, due to the uncertainty over the distribution of vehicle trips over County roadways and intersections, impacts are ultimately concluded to be *significant and unavoidable*. The Cate School's additional concern over traffic congestion in the Carpinteria Valley area is forwarded to the decision-makers for their consideration of action on the proposed Project.

O.2-27 This comment expresses concern that **MM AQ-3** does not include measurable standards for determining its effectiveness in reducing vehicle traffic. We share the Cate School's concern that additional traffic congestion could occur in the Carpinteria Valley area as a result of the proposed Project. The full text of **MM AQ-3** can be found in Section 3.3, *Air Quality*, of the Draft EIR. As discussed therein, **MM AQ-3** includes specific trip-reduction measures must be

considered in each site's TDM (e.g., carpool/shuttle/mini bus service for employees, shared parking areas for ridesharing on large and/or rural sites, incentives to employees to rideshare or take public transportation). However, **MM AQ-3** does not establish a quantifiable trip reduction target because of the programmatic level of the EIR. Some areas of the County are well served by alternative modes of transportation, and the specific TDM may be able to achieve a high-level of trip reduction. However, other areas of the County are not as well served by alternatives of transportation, and therefore, the effectiveness of the TDM would be more limited. However, other areas of the County do not offer as many alternatives to the automobile as the primary mode of transportation. Therefore, the mitigation measure is most effective when assessed on a case-by-case basis by County staff.

O.2-28 This comment provides additional suggested mitigation measures to reduce traffic impacts. The Draft EIR and County recognize that new cannabis sites may be more concentrated in certain regions, including the Carpinteria Valley. The Draft EIR and County also acknowledge that this greater concentration of new cannabis sites may generate greater traffic impacts than in other regions experiencing less Project-related growth. As mentioned in **Comment Response O.2-14** and **O.2-26** above, each cannabis site shall be required to implement **MM TRA-1**, *Payment of Transportation Impact Fees*, which requires the payment of development impact fees prior to the issuance of a license. The intent of **MM TRA-1** is reduce impacts to County roadways and intersections. The County Department of Public Works continually monitors roadway conditions and allocates funding as appropriate based on need. However, at this time, the County does not have the authority to assess a region-specific traffic development impact fee for the Carpinteria Valley area. Local jurisdictions are authorized to assess impact fees in California by the Mitigation Fee Act (AB 1600, 1987, Gov. Code § 66000). As defined in AB 1600, a development impact fee is not a tax or special assessment, but rather a fee that must be reasonably related to the cost of the service provided by the local agency for the purpose of defraying all or a portion of the cost of public facilities related to the development (i.e., there must be a proven nexus). In order to adequately demonstrate this nexus, a nexus fee study must first be completed. At this time, nexus studies to implement region-specific fees have been completed in the County's Goleta and Orcutt Planning Areas. At a time when a nexus fee study has been completed for the South Coast area, specific development fees may be applied to new cannabis sites in the South Coast Region and/or Carpinteria Valley area. Regarding the additional mitigation measures suggested in this comment, review of site specific design would be performed at the permit review level. However, inclusion of wording to enable site specific traffic analyses, if the County determines is warranted, will be included into **MM TRA-1**. Please refer to Section 3.12 (Traffic and Transportation) of the EIR.

O.2-29 This comment provides suggested revisions to the impact finding regarding the proposed Project's impacts on alternative modes of transportation. Although the Draft EIR states that the majority of the 1,992 work trips that would use alternative modes of transportation would likely occur in urban areas, this represents only 13.2 percent of the overall work trips generated by the Project. The comment notes that the majority of cannabis operations and related employee trips would occur outside of areas where alternative modes of transportation are generally limited or not provided. As described in **Response Comment O.2-27** above, **MM AQ-3** includes feasible TDM measures that must be considered for each site's transportation demand management plan (TDM), which may address feasible alternative modes of transportation on a case-by-case basis by County staff. Additionally, the

proposed Project would not include any features that would directly affect the performance or safety of transit, bicycle, or pedestrian facilities, and therefore, would be in general conformance with the policies and objectives of local transportation and circulation planning documents and programs, including the SCBAG RTP-SCS.

O.2-30 This comment addresses lighting guidelines to prevent light trespass into the night sky and/or adjacent lots, including all greenhouse related lighting, including hoop structures. As discussed in Section 3.1.4.2, *Project Impacts*, the Project includes a requirement that all lighting shall be shielded to prevent light trespass into the night sky and/or glare onto lots other than the lots that constitute the project site or rights-of-way, and that greenhouses using artificial light shall be completely shielded between sunset and sunrise. This requirement would eliminate the potential for light spillover from cultivation using artificial light during the night within greenhouses. By definition, a hoop house is a form of greenhouse. Additionally, the LUDC, MLUDC, and CZO amendments regulate artificial lighting. Additionally, Impact AV-1 has been amended to include the provision that any outdoor light used for illumination of parking areas and/or loading areas, or for security, shall be arranged in a manner to be fully shielded, downlit, and emit no light rays above the horizontal plane, effectively eliminating potential for substantial new amounts of light or glare. The impact would remain *less than significant* under the proposed Project.

O.2-31 Regarding lighting impacts and updates to the Section 3.1, *Aesthetics and Visual Resources*, discussion, please refer to **Comment Response O.2-30** above.

O.2-32 This comment addresses whether existing cannabis sites will be subject to the screening requirements and other development standards of the Project. Please refer to **Comment Response O.2-8** above for a detailed response concerning legal nonconforming status.

O.2-33 This comment suggests additional methods to address screening requirements of **MM AV-1**. One of the goals of the proposed Project is to ensure that cannabis cultivation and manufacturing facilities maintain or improve the visual character of the community. As discussed in the Draft EIR, under this mitigation measure, the applicant shall also submit screening plans to the County for review and approval to ensure appropriateness of proposed screening (e.g., use of natural materials or compatibility of proposed fence's color with surroundings) prior to issuance of a cultivation license. Because the objectives of each site's fencing may vary considerably from site-to-site, it is not necessarily beneficial to establish a rigid set of design standards for fencing. It also important to note that dozens of methods exist to properly screen cannabis cultivation sites, including when more than one objective is addressed (i.e., obstructing light, trespass, aesthetics, protection of wildlife corridors). For example, non-contiguous overlapping fence panels may be used to both enable wildlife passage while screening the site and preventing light trespass. Another is the use of a combination of landscaping and man-made fencing materials to achieve the objectives of the mitigation measure. Nonetheless, the desire to see more specific standards or guidelines to achieve the objectives of the mitigation measure are forwarded to the decision-makers for their consideration on the proposed Project.

O.2-34 This comment requests substantiation the statement contained in Section 3.3-22 (Air Quality) that cannabis odors are not necessarily harmful to people. The discussion in Section 3.3 is revised to acknowledge health-related issues that may be correlated to cannabis odors. Please refer to **Master Comment Response 2 – Odor Control Initiatives** for a more detailed

response addressing concerns over odors from cannabis sites and proposed refinements to the Odor Control Plan.

O.2-35 This comment addresses the effectiveness of the Odor Abatement Plan required under **MM AQ-5** to reduce odor impacts to the maximum extent feasible. Please refer to **Master Comment Response 2 – Odor Control Initiatives** for a more detailed response addressing concerns over odors from cannabis sites and proposed refinements to the Odor Control Plan.

O.2-36 This comment addresses inclusion of additional mitigation measures to reduce the impacts of odors on sensitive receptors, and classification of residential uses as a sensitive receptor for the purposes of odors. Please refer to **Master Comment Response 2 – Odor Control Initiatives** for a more detailed response addressing concerns over odors from cannabis sites and refinements to the Odor Control Plan and **Master Comment Response 4 – Enforcement of Cannabis Operations** for issues involving monitoring and enforcement. Since the Odor Control Plan is site-specific, an identified buffer could be made a requirement of a site's plan and a specific odor control technology could be required as part of permit approval and license issuance. This approach recognizes distinctions between sites, their topography, prevailing wind conditions, distance from sensitive receptors, and other unique site features.

O.2-37 This comment addresses the adequacy of police protection service in Santa Barbara County. The proposed Project strives to reduce the demand on police protection services through the General Development Standards in Section 2.3.3, *Summary of Proposed Project*, including those that prevent individuals from loitering, establish limited access areas accessible to authorized personnel, require the use of secure storage facilities, and require that security cameras be installed all cannabis sites and facilities. As discussed in **Comment Response O.2-2**, impact determinations are primarily focused at the countywide or regional level, given the countywide nature of the Program which applies to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issue within more specific areas, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts. In the case of police protection, publicly available data is only available at the countywide level, and personal communication with the Sheriff's Department was used as the primary source of determining the adequacy of police protection services. The focus of CEQA impact analysis related to public services is whether the proposed Project would require the construction of a physical facility, which has the potential to result in environmental impacts. Nonetheless, the cannabis permitting process requires a finding of approval for adequate services and resources for all permit types. This finding provides site-specific analysis of the adequacy of services and resources to support cannabis related activities.

O.2-38 This comment addresses the adequacy of fire protection service in Santa Barbara County, particularly for in the Carpinteria Valley area. As with police protection, impact determinations are focused only at the County-wide or regional level, given the countywide nature of the Program which applies to hundreds of thousands of acres across the County's diverse landscape. Where appropriate, more detailed discussion and analysis of issue within subregions, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts. To ensure adequacy of fire protection services, a large suite of regulations and development standards would be required for cannabis activity sites. These regulations and standards would reduce the potential for a fire emergency at any individual site to a level that would prevent a regional increase in fire demand, particularly in more urban areas, where

response times are faster. As with police protection services, the focus of impacts related to public services is whether the proposed Project would require the construction of a physical facility, which results in environmental impacts. Although the Carpinteria-Summerland Fire Protection Standards of Response Coverage and Headquarters Staffing Adequacy Study identifies the potential need for an additional station, as with all development project, each cannabis site would be required to mitigate proportionately. Nonetheless, the cannabis permitting process requires a finding of approval for adequate services and resources for all permit types. This finding provides for site-specific analysis and permit conditions or project redesign to ensure that necessary services and resources are available to support cannabis related activities.

O.2-39 This comment addresses additional regional and sub-regional analyses of impacts in the EIR. Please also refer to **Comment Responses O.2-1, O.2-2, O.2-3, O.2-4,** and **O.2-5**.

O.2-40 The commenter's interpretation of the site-specific approval process for individual cannabis sites is correct, in that some approvals are proposed to occur without discretionary action, or CEQA review. Nonetheless, the cannabis permitting process requires findings of policy consistency for all permit types, including a land use permit. This finding provides for site-specific analysis and permit conditions or project redesign to ensure that necessary services and resources are available to support cannabis related activities. The proposed Project has been developed with a stringent set of regulations and development standards to ensure that environmental impacts are generally less than significant. Where potentially significant impacts are identified, mitigation measures are also identified to reduce impacts to a less than significant level. Many of these mitigation measures require the submittal of a plan that identifies strategies to reduce impacts, which the County staff planner would review for accuracy prior to issuing a license. Further, the majority of the mitigation measures have a monitoring component that allows both County staff and the public to identify adverse impacts from site operations. If these adverse impacts are not remedied in accordance with the approved plans, an applicant's license, which is subject to annual review, could not be re-issued or revoked and the non-compliant operation would cease.

Organization

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November 16, 2017

Jessica Metzger, Senior Planner
Long Range Planning Division
123 E. Anapamu St.
Santa Barbara, CA 93101

Dear Ms. Metzger,

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (PEIR) for Santa Barbara County's Cannabis Land Use Ordinance and Licensing Program. Santa Barbara Channelkeeper, a grassroots nonprofit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds, remains concerned about the potential impacts to biological resources, hydrology and water resources from cannabis cultivation in the unincorporated areas of Santa Barbara County and offers the following comments and recommendations on the Draft PEIR.

O.3-1

As noted previously in our comments on the Environmental Scoping Document, cannabis cultivation has the potential to result in significant adverse impacts to fish and other sensitive species and habitats as well as in-stream water quality and hydrology through increased grading, vegetation clearing, erosion and sedimentation, stormwater runoff, and through contaminated tailwater discharges. Many of the areas in the County where cannabis cultivation is predicted to be most intensive are near waterways that are officially listed as impaired on California's "303(d) List" of Water Quality Limited Segments, particularly by pollutants associated with cannabis cultivation. While we support the implementation of mitigation measures HWR-1 (Cannabis Waste Discharge Requirements Draft General Order) and HWR-3 (Water Conservation – Water Efficiency for Cannabis Activities), we are concerned that these measures will be insufficient to ensure that these impacts are adequately mitigated.

Channelkeeper has been deeply involved in the development, implementation, monitoring and enforcement of the Central Coast Regional Water Quality Control Board's Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (known as the "Ag Waiver"), and we have repeatedly highlighted and challenged the inadequacy of that Ag Waiver in arresting the continued and severe degradation of surface water and groundwater quality caused by irrigated agriculture. As such, we have sincere doubts that a similar regulatory program governing cannabis cultivation will be any more effective. Therefore, we strongly recommend that the County develop and implement a targeted inspection program that specifically monitors compliance with the Cannabis WDR General Order on a regular basis in the unincorporated areas of Santa Barbara County. The Regional Water Board simply does not have the resources to conduct this type of compliance oversight as evidenced by ongoing problems with agricultural pollution throughout the Central Coast region.

O.3-2

O.3-3 The Draft PEIR also states that permit requirements to be required by the County Planning and Development Department will ensure that Best Management Practices (BMPs) are employed at cannabis cultivation sites to limit pollution and habitat degradation. However, we are concerned that Planning and Development Department staff may not have adequate familiarity with necessary and effective BMPs to address these potentially significant impacts. We therefore recommend that an additional mitigation measure be included to provide this specific type of training for P&D staff who will be responsible for issuing permits and licenses to cannabis cultivators.

O.3-4 Cannabis cultivation can also potentially impact water quantity in streams and aquifers through increased pumping and water diversions. This is a major problem in northern California where cannabis cultivation is widespread and has had highly detrimental impacts on fish. Santa Barbara County's coastal streams are particularly vulnerable to such impacts due to their reliance on surface-groundwater interactions (spring-fed streams) as well as seasonal low flow periods when stream habitats and wildlife are particularly vulnerable. In light of the fact that many aquifers are in a state of overdraft and we will increasingly rely on groundwater as a source of supply to meet a variety of demands in the face of climate change and more frequent and intense droughts, Channelkeeper urges the County to implement an additional mitigation measure that requires monitoring (ideally metered) and reporting of water use at all cannabis cultivation sites as well as monitoring of groundwater levels and in-stream flows in streams where cannabis cultivation is concentrated.

Thank you for this opportunity to comment on the Cannabis Land Use Ordinance Draft PEIR. We appreciate your consideration of our recommendations.

Sincerely,

Kira Redmond
Executive Director
Santa Barbara Channelkeeper

Comment Letter O.3 – Santa Barbara Channelkeeper

O.3-1 The County acknowledges the commenter's concerns over documented impacts on water quality and sensitive habitats of past cannabis operations. The County has also documented and attempted to address such problems. However, these concerns are related to hidden unregulated illegal grows and similar concerns cannot be directly applied to a fully licensed and regulated cannabis industry which would be conducted in the open or within greenhouses or hoop houses, subject to review and inspection designed to protect water flows and surface water quality. Further, the potential for impacts should be considered in that approximately 1,200 acres of cannabis cultivation is forecast under the Program, with a substantial amount anticipated to occur within existing greenhouses or on already cultivated agricultural land, limiting changes in runoff and potential for added surface water pollution. Further, greenhouse operation such as those in the Carpinteria Valley frequently employ a high degree of water conservation and recycling which typically do not discharge any runoff that does occur directly into surface water bodies, but into onsite detention and treatment facilities. Further, all cannabis operations that were observed during Draft EIR preparation employed drip irrigation, and many utilized organic techniques. All of these factors would limit potential for polluted or contaminated runoff into impaired water bodies. The requirement for additional regulatory oversight of licensed cannabis operations, such as annual license renewal requirements from both the state and County, is currently included in the process being undertaken by the County for this Project. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

O.3-2 All cannabis operations permitted under the Program would be subject to conditions of approval designed to protect environmental quality, including water quality as needed. Compliance with these conditions of approval would be monitored and tracked by the County. Such regulations are currently being developed by the County for this Project, consistent with state law (SB 94). Additionally, key Project objectives involve maximizing the proportion of cannabis activities that participate in the Project to minimize unlicensed activities, and ensure adequate law enforcement and fire protection response to cannabis sites. Specifically, future cannabis operations that seek a license would also be subject to all local and state regulations on an ongoing basis. All licensed cannabis operations would be subject to annual renewal by the County and state to ensure ongoing compliance with Project regulations through review by the County Planning and Development Department, including code enforcement if needed. This licensing process would allow the County to effectively track and conduct licensing enforcement on an ongoing basis, in which the County may fine or revoke licenses of operations that fail to comply with adopted County codes and regulations. Despite these requirements for expanded enforcement, it is not anticipated that the Project would result in significant impacts to law enforcement services. As described in Impact PS-1 in Section 3.11, *Public Services,* interviews with the County Sheriff have determine that law enforcement staff levels are adequate and would be monitored over time for any change in necessary law enforcement services or facilities, such that adverse impacts to the environment may occur. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

O.3-3 County Planning and Development staff have a long track record of identifying and implementing erosion control, runoff containment and water quality protection measures for

major development projects with substantially higher potential for water quality impacts than relatively limited increases in cannabis cultivation Countywide. See **Comment Responses O.3-1** regarding extent of cannabis cultivation and limited potential for water quality impacts. County Planning and Development Department staff are capable of implementing required mitigation measures and Best Management Practices (BMPs) that are employed at cannabis cultivation sites. Additionally, **Recommended MM HWR-3**, *Water Conservation-Water Efficiency for Cannabis Activities*, has been updated to include a requirement for County Planning and Development to prepare and complete a checklist of applicable BMPs for compliance for each license application, and associated training.

O.3-4 The County is aware of past illegal surface water diversions for cannabis cultivation, particularly in Northern California, as well as the sensitive nature of this County's coastal watersheds. Chapter 2.0, *Project Description*, describes past instances of diversion of natural streams on illegal and unregulated cannabis sites in remote areas of the County. Due to the need for concealment, such illegal grows were often located in sensitive mountainous areas including within riparian and oak woodlands and sometimes used stream diversions as a water source. However, similar concerns cannot be directly applied to a fully licensed and regulated cannabis industry which would be conducted in the open or within greenhouses or hoop houses and subject to careful permit review, application of BMPs, conditions of approval and inspections. As discussed in both Section 3.9, *Hydrology and Water Quality,* and Section 3.14, *Utilities and Energy Conservation,* cannabis activity licensees would be required to demonstrate that an adequate water source is available for proposed cultivation, either from a municipal supplier, yield from a permitted well, or from an approved surface water source. Limits to the availability of water from municipal sources or from groundwater management agencies may limit cannabis activities and related water use if a licensee cannot demonstrate an adequate source of water, including groundwater from wells, exists to serve the proposed use of the site. These requirements and regulations would ensure that cannabis operations licensed within the County do not result in significant impacts to groundwater resources. Additionally, **Recommended MM HWR-3**, *Water Conservation-Water Efficiency for Cannabis Activities*, would further help to minimize water use at all cannabis activity sites, potentially including the installation of rainwater catchment systems, implementation of drip irrigation technologies, monitoring of soil moisture to reduce excess irrigation, documenting water schedules, implementation of weather-based irrigation schedules, etc., to ensure that water efficiency is maximized for each cannabis cultivation site prior to licensing through review of license applications and site inspections as needed. It is clear through these measures that substantial impacts to groundwater resources would be avoided or minimized through implementation of licensing and mitigation. Please see also **Comment Response S.2-7**.

Organization

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

November 16, 2017

Jessica Metzger
Santa Barbara County
Planning and Development Department
Long Range Planning Division
123 E. Anapamu Street
Santa Barbara, CA 93101

By email to cannabisinfo@countyofsb.org

RE: Draft Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program

Dear Ms. Metzger,

O.4-1

This office represents the Gaviota Coast Conservancy (GCC) in this matter. GCC is a California public benefit non-profit corporation dedicated to enhancing the rural character and ecological integrity of the Gaviota Coast for the benefit and enjoyment of present and future generations. To further this mission, GCC encourages regenerative agricultural practices that build soil, manage water wisely, avoid toxic chemicals and support biological resources.

The Gaviota Coast Plan Area contains 94,267 acres (93.2%) of lands zoned for agricultural use. (Gaviota Coast Plan, p. 3-1.) The proposed Cannabis Land Use Ordinance would allow the cultivation of cannabis on these agriculturally zoned lands, resulting in numerous identified significant impacts to agriculture, air quality, biological resources, and water resources, among others. The Draft Program Environmental Impact Report (DPEIR) for the Cannabis Land Use Ordinance and Licensing Program should include additional mitigation measures to reduce the significant impacts on the environment that expanded Cannabis cultivation will cause.

O.4-2

Specifically, the following mitigation measure should be included in the EIR to mitigate the significant environmental impacts of the Project to the maximum extent feasible.

Implementation of Regenerative Agricultural Strategies. Cannabis cultivators shall implement restorative agricultural strategies where possible, including but not limited to:

- Composting and mulching
- Crop rotation or cover crops
- No-till farming
- Avoidance of pesticides, herbicides, and chemical fertilizers
- Establish and enhance biodiversity in and around cultivation areas
- Watershed management

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O.4-2

The application of regenerative agricultural strategies to cannabis cultivation (discussed further at https://www.humboldtseeds.net/en/blog/regenerative-cannabis-organic-growing/) is necessary to prevent this highly lucrative industry from significantly impacting the environment and in particular the highly resource sensitive Gaviota Coast and elsewhere on Santa Barbara County's agricultural lands. A key benefit of regenerative agriculture is the reduction of Greenhouse Gas (GHG) emissions by increasing the amount of carbon sequestered in the soil through the application of compost and other measures (known as "Carbon Farming"), identified by the County Air Pollution Control District (APCD) as a mitigation strategy for reducing the GHG emissions of projects within the County (*see http://www.sbcountyplanning.org/PDF/boards/CntyPC/09-27-2017/GREEE-NHOUS-EMITI/GHGStrategiesPlanningCommission%20(002)%20[Read-Only].pdf.*)

O.4-3

Requiring the implementation of regenerative agricultural strategies as a feasible mitigation measure will specifically reduce the following significant impacts: Impact AG-2, Cumulative Agricultural Impacts, Impact AQ-4, Impacts BIO-1 through BIO-4 and Cumulative Biological Impacts, HWR-1 through HWR-4, and Cumulative Hydrology and Water Quality Impacts.

We strongly encourage the County to include the above mitigation measure in the final EIR, and welcome further discussion about regenerative agricultural strategies if more information is desired to flesh out this mitigation measure. Additional information on regenerative agriculture is also included in the attached Recommended Framework for Regenerative Organic Certification.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo
For Gaviota Coast Conservancy

Attachment: Recommended Framework for Regenerative Organic Certification (September 2017)

Recommended Framework for Regenerative Organic Certification

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Includes guidelines for:

- *Soil Health and Land Management*
- *Animal Welfare*
- *Farmer and Worker Fairness*

September 2017

I. Introduction

As agricultural practices continue to evolve, it is imperative that approaches to land management and associated processes are focused on enriching our soil, rather than degrading them, and value those animals and workers that are vital to the agricultural process. Regenerative Organic Certification builds upon and furthers the near 100-year legacy of organic movement visionaries like J. I. Rodale, Dr. Rudolf Steiner, and the generations of diverse holistic producers that they channeled for inspiration and direction.

Regenerative Organic Certification includes guidelines for farming and ranching operations, transportation, slaughter, and certain processing facilities that produce food and fiber. Using the United States Department of Agriculture's National Organic Program (USDA Organic) certified organic standard (or its international equivalency) as a baseline requirement, Regenerative Organic Certification adds criteria and builds off these and other standards in the areas of soil health and land management, animal welfare, and farmer and worker fairness. The goal of Regenerative Organic Certification is to promote holistic agriculture practices in an all-encompassing certification that:

- Increases soil organic matter over time and potentially sequesters carbon in the soil, which could be a tool to mitigate climate change;
- Improves animal welfare;
- Provides economic stability and fairness for farmers, ranchers, and workers; and
- Creates resilient regional ecosystems and communities.

Regenerative Organic Certification consists of three specific modules: Soil Health and Land Management, Animal Welfare, and Farmer and Worker Fairness.

Regenerative Organic Certification will be reviewed and revised by a committee of experts as new best practices emerge.

Leveraging and Advancing Domestic and International Organic Standards

Regenerative Organic Certification does not aim to compete with or negate current organic standards, but instead serves as a mechanism to support these standards. Regenerative Organic Certification builds upon the standards set forth by USDA Organic and similar programs internationally, particularly in the areas of animal welfare and farmer and worker fairness, with an additional emphasis on the regenerative organic practices that are aimed at increasing soil health and potentially sequestering carbon in the process.

II. Scope & Structure

Scope

Regenerative Organic Certification covers requirements for farming and ranching operations, transportation, slaughter, and certain processing facilities for food and fiber in small, medium, and large farms both domestic (USA) and international. Regenerative Organic Certification seeks to create change across a wide variety of farms and ranches in order to scale best practices to the widest audience possible.

The USDA provides national standards for organically-produced agricultural products, which assures consumers that products with the USDA Organic seal meet consistent, uniform standards. USDA Organic or international equivalent serves as the basis for Regenerative Organic Certification, with additional requirements included for Soil Health and Land Management, Animal Welfare, and Farmer and Worker Fairness.

Structure

There are three levels of Regenerative Organic Certification: Bronze, Silver, and Gold, with the Gold designation representing the highest achievable level and the Bronze level representing the beginning level. This tiered approach enables producers to adjust and adapt their practices over time, and allows for continuous improvement.

Levels of Regenerative Organic Certification:

- **Bronze Level:** Can be claimed publicly; however, no product labeling is permitted. Annual recertification is required. After three years of Bronze certification, an operation must advance to Silver or Gold if it wishes to make continued public claims. To claim Regenerative Organic Certification at the Bronze level, at least 50% of fiber-or-food-producing land must be certified.
- **Silver Level:** Product labeling is permitted. Annual recertification is required. To claim Regenerative Organic Certification at the Silver level, at least 50% of fiber-or-food-producing land must be certified at initial certification and must reach at least 80% by year 5.
- **Gold Level:** Product labeling is permitted. Annual recertification is required. To claim Regenerative Organic Certification at the Gold level, 100% of fiber-or-food-producing land must be certified.

**Note: Operations in QAI's Certified Transitional program will not be eligible for Regenerative Organic Certification until they achieve USDA Organic (or equivalent) status. The QAI Certified Transitional program is encouraged, but not required for Regenerative Organic Certification.*

The Soil Health and Land Management, Animal Welfare, and Farmer and Worker Fairness modules contain "Guidelines" for each level of certification, which provide guidance that operations should meet, depending on the level of certification sought. Guidelines include practices that are:

- **Core Requirements (R):** Practices that operations must meet for an operation to be eligible for Regenerative Organic Certification at the desired level. Core Requirements (R) include areas of zero tolerance, where failure to meet these practices may represent a disregard for laws and/or basic human and animal rights. Failure to meet Core Requirements (R) must be communicated by the auditing body to the Regenerative Organic Certification body within 24 hours. Operations that fail to meet any Core Requirement (R) may not proceed with certification and instead must reapply following a period of no less than six months.
- **Supplemental Requirements (S)**: Practices that are encouraged for all, but not required, at a particular level. Supplemental Requirements (S) shift to Core Requirements (R) as a producer advances from Bronze to Silver to Gold levels. Fifty percent (50%) of Supplemental Requirements (S) must be met to be eligible for Regenerative Organic Certification at any level.
- **Critical Tolerances (CT):** Practices that require action on the part of producers and must be reported

immediately and remediated within 30 days. If the Critical Tolerance (CT) is not resolved within 30 days, a producer cannot claim Regenerative Organic Certification.

To achieve the desired level of Regenerative Organic Certification, an operation must meet 100% of the Core Requirements (R) for that level and 50% of the Supplemental Requirements (S) for that level.

The below table outlines the Core Requirements (R) and Supplemental Requirements (S) for each level:

	Bronze *		**Silver**		**Gold**	
	R	**S**	**R**	**S**	**R**	**S**
% Threshold	*100%*	*50%*	*100%*	*50%*	*100%*	*50%*
1. Soil Health and Land Management						
# of Guidelines Available	20	13	28	5	30	3
# of Guidelines Required	20	7	28	3	30	2
2. Animal Welfare						
# of Guidelines Available	29	7	35	1	36	0
# of Guidelines Required	29	4	35	1	36	0
3. Farmer and Farmworker Fairness						
# of Guidelines Available	38	14	50	2	52	0
# of Guidelines Required	38	7	50	1	52	0
Total Number of Required Practices	**87**	**18**	**113**	**5**	**118**	**2**
Allowance for Split Operations	*At initial certification: At least 50% of food-or-fiber-producing land must meet Regenerative Organic Certification.*		*At initial certification: At least 50% of food-or-fiber-producing land must meet Regenerative Organic Certification.* *Year 5: At least 80% of food-or-fiber-producing land must meet Regenerative Organic Certification.*		*At initial certification: 100% of food-or-fiber-producing land must meet Regenerative Organic Certification.*	

** Not eligible for product label*

The Path to Regenerative Organic Certification

To achieve any level of Regenerative Organic Certification requires USDA Organic (or equivalent) status, as well as demonstration of additional practices that go beyond organic standards, particularly in the areas of soil health and land management, animal welfare, and farmer and worker fairness. The path for conventional producers to achieve Regenerative Organic Certification is:

Conventional → Transitional Organic → Certified Organic → ROC Bronze → ROC Silver → ROC Gold

Conventional and transitional organic producers can start employing regenerative practices well before they are certified organic. The following roadmap highlights the earliest point that different types of producers can receive Regenerative Organic Certification. The roadmap assumes that producers have met the requirements under the Animal Welfare and Farmer and Worker Fairness modules.

Furthermore, regenerative practices and definitions are provided within this section to help conventional and transitional organic producers familiarize themselves with regenerative principles that they will adopt as they transition.

Current Status	Year 1	Year 2	Year 3	Year 4
Conventional	▪ Begin transition to certified organic ▪ Discontinue use of prohibited substances ▪ Create a plan & begin to incorporate regenerative organic practices, incl. soil health, animal welfare, & farmer and worker fairness	▪ Continue to manage land using regenerative organic practices	▪ Continue to manage land using regenerative organic practices ▪ Eligible for Regenerative Organic Certification if certified organic and silver and gold labels*	▪ Continue to manage land using regenerative organic practices
Transitional Organic	▪ Continue to manage land using organic practices ▪ Create a plan & begin to incorporate regenerative organic practices, incl. soil health, animal welfare, & farmer and worker fairness ▪ Start to manage land using regenerative organic practices	▪ Continue to manage land using regenerative organic practices ▪ Eligible for Regenerative Organic Certification if certified organic and silver and gold labels	▪ Continue to manage land using regenerative organic practices	▪ Continue to manage land using regenerative organic practices
Organic	▪ Begin to incorporate regenerative practices in addition to organic, incl. soil health, animal welfare, & farmer & worker fairness ▪ Eligible for Regenerative Organic Certification and silver and gold labels	▪ Continue to manage land using regenerative organic practices	▪ Continue to manage land using regenerative organic practices	▪ Continue to manage land using regenerative organic practices
Regenerative Organic – Bronze & Silver	▪ Continue to manage land using regenerative organic practices ▪ Eligible for Regenerative Organic Certification and silver and gold labels	▪ Continue to manage land using regenerative organic practices	▪ Continue to manage land using regenerative organic practices	▪ Continue to manage land using regenerative organic practices

No individual module of the Regenerative Organic Certification designation may be communicated until minimum compliance with all modules are met. For example, if a producer meets the requirements for Soil

Health and Land Management but not Animal Welfare (if applicable) or Farmer and Worker Fairness, they are not eligible to claim Regenerative Organic Certification. Producers can communicate they have engaged in the process, but cannot make full claims about meeting Regenerative Organic Certification.

Transitional operations should demonstrate continued progress towards the organic certification as defined under QAI's Certified Transitional requirements. Operations at the transitional level are not permitted to use the Regenerative Organic Certification product label. Operations certified at the Bronze level may not use the Regenerative Organic Certification product label, and must progress to Silver or Gold levels within three years. Operations certified at the Silver or Gold level may use the appropriate Regenerative Organic Certification product label. Silver level operations are not required to advance to Gold, as the Gold level is reserved for pioneering producers that serve as models for others to strive towards.

Key Terms and Practice Areas

Regenerative practices are described in depth in each module: Soil Health and Land Management, Animal Welfare, and Farmer and Worker Fairness. The below bullets include important practices and definitions that are referred to and built upon in the guidelines for each module. For conventional and transitional organic producers, familiarity with these practices and definitions can serve as the first step in incorporating regenerative practices into their operation prior to officially applying for Regenerative Organic Certification.

Soil Health and Land Management:

- **Carbon Sequestration:** The process by which atmospheric carbon dioxide is taken up by trees, grasses, and other plants through photosynthesis and stored as carbon in biomass (trunks, branches, foliage, and roots) and soils. For agricultural operations, increased carbon sequestration may be achieved through, for example, no-till or low-till practices, agroforestry, reforestation, or the use of biomass-containing amendments.
- **Compost:** Compost, when properly managed, results in a high quality soil amendment. Compost may increase the water holding capacity of the soil, helping farmers to produce a good crop even in years of low rain. Compost improves soil structure and stability, recycles nutrients, stabilizes volatile nitrogen, converts wastes into resources and suppresses soil-borne diseases. The composting process destroys weed seeds and pathogenic microorganisms, while beneficial microorganisms grow and multiply in great numbers. Synthetic amendments can provide soluble nutrients for plant growth, but do not build the soil's long-term biological reserves as well as compost does.
- **Cover Cropping:** A cover crop is a crop planted primarily to reduce soil erosion and desiccation of having bare soil. Cover crops may suppress weeds, provide nutrients back to the soil, increase soil organic matter, sequester carbon in the soil, and reduce erosion.
- **Crop Rotation:** Crop rotation is a systematic approach where producers rotate crop varieties and locations from one year to the next. The goals of crop rotation are to help manage organic soil fertility and also to help avoid or reduce problems with soil-borne diseases and some soil-dwelling insects, such as corn rootworms.
- **Pasture**: Pasture is a land use type having vegetation cover comprised primarily of native or introduced forage species that is used for livestock grazing.
- **Rotational Grazing:** Rotational grazing is a livestock production system where livestock graze in one portion (a paddock) of a pasture that has been divided into several paddocks. Livestock are systematically moved from paddock to paddock based on the stage of growth of the forages and on the objectives of the grazing system. While one paddock is being grazed, the rest of the pasture rests. This rest and recovery time maintains forage plants and builds soil organic matter.
- **Soil Health:** Improving soil health is one of the key targets of Regenerative Organic Certification. Soil health is measured by various factors, from the amount of nutrients in the soil (i.e. nitrogen), soil organic matter, humic acid (the component of soil that sequesters carbon over the long term), and biological life (among other metrics described in detail below).
- **Tillage:** Preparation of soil by mechanical agitation of various types, such as digging, stirring, and overturning. Regenerative Organic Certification aims to minimize tilling. Biological principles and

mechanical cover crops may reduce or eliminate the need for tilling.

Animal Welfare:

- **Body Condition Score:** A system of measuring how thin or fat an animal is by reference to a standardized scale.
- **Carrying Capacity:** The average number of animals that can be placed on a pasture for a year without harming it. It is a measure of a pasture's ability to produce enough forage to meet the requirements of grazing animals.
- **Concentrated Animal Feeding Operation (CAFO):** A CAFO, as defined by the USDA, is an animal feeding operation in which animals are raised in confinement that has over 1,000 "animal units" confined for over 45 days a year.
- **Five Freedoms:** The Animal Welfare module leverages the five freedoms for animal welfare, which include:
    1. Freedom from hunger or thirst by ready access to fresh water and a diet to maintain full health and vigor.
    2. Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area.
    3. Freedom from pain, injury, and disease by prevention or rapid diagnosis and treatment.
    4. Freedom to express normal behaviors by providing sufficient space, proper facilities and company of the animal's own kind.
    5. Freedom from fear and distress by ensuring conditions and treatment that avoid mental suffering.
- **Handling:** The handling of animals covers the general treatment of animals during the various tasks performed and requirements of an operation. To minimize stress, pain, and suffering to an animal, Regenerative Organic Certification prohibits certain practices, such as prodding (jabbing of animal with instrument), hot / cold branding, wattling (cutting chunks out of an animal's hide to hang under the animal's neck), and disbudding (removal of horn buds).
- **Mobile Harvesting Unit:** A mobile harvest unit, or mobile slaughterhouse, enables livestock and poultry farmers to slaughter their animals humanely on-site. This decreases the exposure of animals to stressful and inhumane treatment at large scale slaughter facilities.
- **Monogastrics:** Monogastric animals have a simple single-chambered stomach and include dogs, pigs, horses, and rabbits. Their ability to extract energy from cellulose digestion is less efficient than in ruminants, and therefore are permitted to feed on grains.
- **Non-Ambulatory Animals:** Animals that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.
- **Ruminants:** Ruminant species include cud-chewing animals such as cows, goats, bison, and sheep. Ruminants are designed to eat fibrous grasses, plants, and shrubs. A high-grain diet may cause physical problems for ruminants. Additionally, when ruminants are switched from pasture to grain, they can become afflicted with numerous disorders, including a common but painful condition called "subacute acidosis."

Farmer and Worker Fairness

- **Capacity Building:** The process of developing and strengthening the skills, instincts, abilities, processes, and resources to improve the social and economic position of farmers and workers.
- **Democratic Organizations (International):** The ability for small-scale farmers to be democratically organized in order to be able to compete globally.

- **Equal Opportunity:** The policy of treating job applicants or employees equally without regard to the person's race, color, gender, pregnancy, sexual orientation, disability, marital status, age, religion, political opinion, national extraction, social origin, or other personal characteristics.
- **Fair Payments:** Payment sufficient to cover cost of production including living wages for any workers and equivalent income to farmers, plus reinvestment in farm.
- **Freedom of Association and Collective Bargaining:** The method whereby representatives of workers (unions) and producers (farmers/ranchers) negotiate the conditions of employment, often resulting in a written contract setting forth the wages, hours, and other conditions to be observed for a stipulated period. Collective bargaining should be conducted in good faith.
- **Living Wage:** The remuneration received for a standard work week by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family. Elements of a decent standard of living include food, water, housing, education, health care, transport, clothing, and other essential needs including provision for unexpected events.
- **Routine Workplace Audits:** Routine third-party audits should assess that producers minimize exposure to disease, ensure access to safe inputs, provide clean facilities, document identification procedures, record use of treatment products, and properly train workers on the operation's protocols.
- **Trafficked Labor:** Any work performed by a person who has been recruited, transported, harbored or obtained by means of the use of threat, force, coercion or deception for the purpose of exploitation.

Stakeholder Review Process

Regenerative Organic Certification encompasses a stakeholder review process covering Core Requirements (R), Supplemental Requirements (S), Critical Tolerances (CT), implementation roadmap for producers, auditor qualifications, and onsite assessment requirements. These stakeholders also perform a benchmarking exercise to determine which existing standards to leverage as part of the Regenerative Organic Certification equivalency process.

The review committees for the Soil Health and Land Management, Animal Welfare, and Farmer and Worker Fairness modules are comprised of the following stakeholders:

- Farmers, ranchers, and workers
- Auditors
- Social and animal welfare non-governmental organizations
- Veterinarians with farm animal expertise
- Agricultural economists
- Environmentalists and environmental non-governmental organizations
- Certification and standard experts and qualified trade organizations
- Retailers, food companies, and brands that support regenerative practices

Regenerative Organic Certification will be continually reviewed and revised by a diverse committee, including a public review period.

III. Demonstration of Compliance

All levels of Regenerative Organic Certification require producers to be in compliance with local, provincial/state and national laws for animal welfare, labor rights, and land management. In addition, organic requirements are a baseline for Regenerative Organic Certification, therefore, producers must comply with the requirements for local organic certification requirements. The highest requirement, whether local law or Regenerative Organic Certification, applies for each of the sections in the standard.

Regenerative Organic Certification compliance may be demonstrated by successfully undergoing certification for existing standards noted within each module, as well as by undergoing third-party audits for additional elements required under Regenerative Organic Certification.

Certification Label

The following is the official Regenerative Organic Certification logo. When used for labeling purposes, the entire logo with the text “Regenerative Organic Certified” should be used.

Audit Protocols & Auditor Requirements

Regenerative Organic Certification will leverage the audit protocols and auditor requirements of the existing standards that are recognized under the equivalency process. Where those requirements are unsatisfactory and/or to certify the additional requirements described under Regenerative Organic Certification, auditing steps should comply with the guidance outlined in the Appendix.

IV. Organic Baseline & Equivalents

To receive Regenerative Organic Certification, all requirements listed in this document, as well as local organic standards must be met. International organic standards that meet the equivalency requirement to USDA Organic, and thus the baseline for Regenerative Organic Certification, include:

- **European Union Organic Program**: On June 1, 2012, the US-EU Organic Equivalence Arrangement took effect, in which the U.S. and EU recognized each other's organic production rules and control systems as equivalent under their respective rules. Organic products certified to the USDA Organic standards may be sold and labeled as organic in the EU. Both the USDA Organic seal and the EU organic logo may be used on products traded under this arrangement. When using the EU organic logo, exporters must meet all the EU labeling requirements. Similarly, Regenerative Organic Certification recognizes the EU organic program as equivalent to the USDA Organic and thus, serves as a satisfactory baseline for Regenerative Organic Certification.

- **IFOAM Organics International**: The International Federation of Organic Agriculture Movement (IFOAM) is a global trade institution with the goal of "worldwide adoption of ecologically, socially and economically sound systems, which are based on the principles of Organic Agriculture." IFOAM has approximately 750 member bodies from 116 countries. IFOAM has developed a common set of standards for organic production and processing, and a common system for verification and market identity. It fosters equivalence of participating certifiers and thereby facilitates the trade of organic products between operators certified by different participating certification bodies. The IFOAM Accreditation Criteria serve as guidelines to be met in order to be internationally certified. Under the IFOAM Accreditation Criteria requirements, the certification authority must verify if the certification process that includes operator's practices and procedures are in accordance to IFOAM organic standards. Regenerative Organic Certification recognizes the IFOAM Accreditation Criteria as equivalent to USDA Organic and thus, IFOAM Accreditation Criteria serves as a satisfactory baseline for Regenerative Organic Certification.

V. Soil Health and Land Management

The Soil Health and Land Management module of Regenerative Organic Certification seeks to facilitate the adoption of agricultural practices that build, rather than degrade, soils, by increasing soil organic matter, biodiversity, and fertility.

1. Standards for Soil Health and Land Management

1. SOIL & OPERATION MANAGEMENT		Bronze	Silver	Gold
1.1 Existing Certifications	Operation has proof of existing USDA Organic certification or equivalent.	**R**	**R**	**R**
1.2 Operation Management Plan	Operation has a documented holistic operational plan in place for land and soil management, including implementation and timing of: - Cover Crops - Crop Rotations - Fertilizer & Other Input Usage - Forage Resources - Grazing - Intercropping & Groundcover in Tree Cropping - Soil Measurement - Tillage - Water Irrigation / Management Holistic operational plan also includes: - Inventory & assessment of all species on farm - Inventory & assessment of farmers & workers on farm, including worker benefits - Plan to overcome shortcomings, where operations are not able to meet certain Supplemental items. CT: No plan in place	**R**	**R**	**R**
1.3.1 Cover Crops - Volume	Producers use a minimum of one cover crop per year per acre on an annual basis. - Bronze / Silver: One cover crop - Gold: Two or more types of cover crops; polyculture encouraged in cover cropping CT: No cover crops	**S**	**R**	**R**
1.3.2 Cover Crops - Legume Use	Legumes (N-fixing) used for at least one cover crop in a standard 3-year rotation.	**S**	**S**	**S**
1.3.3 Soil Coverage	Land maintains adequate green cover year-round, with roots remaining in the ground, when possible. Bare soil is no higher than the below thresholds: - Bronze / Silver: 10% per year - Gold: 5% per year	**S**	**R**	**R**
1.4 Tillage	Tillage must be less than eight inches. Cultivation tillage (under 2 inches) is permitted as outlined below by level: - Bronze: Two or fewer tillage passes per year for non-vegetable crops; three or fewer tillage passes per year for vegetable crops - Silver: One tillage pass and no more than four cultivations per year for non-vegetable crops; three or fewer tillage passes and no more than four cultivations per year for vegetable crops - Gold: One tillage pass every three years and no more than two cultivations per year for non-vegetable crops; one tillage pass and no more than three cultivations per year for vegetable crops CT: Tillage deeper than 8 inches.	**R**	**R**	**R**
1.5 Nutrition Plan (Animal)	Operation has implemented an animal nutrition plan that encourages consumption of forage and / or regenerative organic grains, wherever applicable. Nutrition plan is also created to minimize internal parasite problems. CT: No plan in place.	**R**	**R**	**R**

1.6 Feed for Monogastrics	Monogastric feed comes from organic or regenerative organic sources. Requirements by level: - Bronze: 0%-50% from regenerative organic sources; remainder organic - Silver: >50% from regenerative organic sources; remainder organic - Gold: >75% from regenerative organic sources; remainder organic	**R**	**R**	**R**
1.7 Feed for Ruminants	Ruminant feed comes from grass/forage/baleage/hay ("grass-fed") or organic sources. Requirements by level: - Bronze: >50% grass-fed; remainder from organic sources - Silver: >75% grass-fed; remainder from organic sources - Gold: 100% grass-fed (including finishing)	**R**	**R**	**R**
1.8 Rotational Grazing	Operation has implemented a rotational grazing plan where animals (excluding bison) are used in high concentrations for a brief period of time. Grazing occurs such that pasture remains at a height of no less than 4 inches. Pastures divided into paddocks, with paddocks grazed for no longer than one week at a time.	**S**	**R**	**R**
1.9 Additional Practices	Operations incorporate one or more of the following practices to improve overall ecosystem health and productivity of operations: - Buffer Strips - Forage & Biomass Planting - Grassed Waterways - Herbaceous Wind Barriers & Field Borders - Integrated Crops & Animals - Moisture-Sensing Technologies for Irrigation - Mulching - Pollinator Habitats or Insectary Strips - Reclamation of Mined Land or Landslide Treatment - Riparian Restoration - Silvopasture Establishment - Vegetative Barriers - Water/ Irrigation Plan syncs w/ Hydrological Cycles - Windbreak & Shelter Belt Establishment	**S**	**S**	**S**
1.10 Extractive Practices	Fracking, mining, and other extractive practices are not conducted on land within the operation.	**R**	**R**	**R**
1.11 Soilless Practices	Aquaponics, hydroponics, and other soilless practices are not eligible for Regenerative Organic Certification.	**R**	**R**	**R**
2. COMPOST, MANURE & FERTILIZERS		**Bronze**	**Silver**	**Gold**
2.1 General	The operation aims for self-sufficiency in its manures and fertilizers, through the use of compost, stable manure, liquid manure, organic waste, mulch, and/or straw. A plan exists on how this will be achieved or documentation on why this is not achievable.	**R**	**R**	**R**
2.2 Synthetic Fertilizer	Operation does not use any synthetic fertilizers or other substance not permitted under USDA Organic or equivalent standards.	**R**	**R**	**R**
2.3.1 Manure / Compost from Concentrated Animal Feeding Operations (CAFO)	If manure / compost comes from CAFOs, documentation is required describing why manure / compost is not available from non-CAFO sources.	**R**	**R**	**R**
2.3.1b Manure / Compost from Concentrated Animal Feeding Operations (CAFO) - Best Practice	Manure / compost does not come from CAFO sources.	**S**	**S**	**R**
2.4 Self-Sufficiency	Manure / compost derived from within the operation or within 250 miles of operation. CT: No documented reasons for use of manure / compost from further than 250 miles from an operation.	**S**	**S**	**R**

3. BIODIVERSITY		Bronze	Silver	Gold
3.1 General	Operations have a crop production management plan to promote biodiversity with minimized negative impacts for surrounding ecosystems & wildlife. Crop production management plan includes a diverse planting scheme. CT: No plan in place.	**R**	**R**	**R**
3.2.1 Crop Rotations	Operations use crop rotations and/or perennial planting with a minimum annual rotation of 3 years.	**S**	**R**	**R**
3.2.2 Annuals	No annual cash crops are planted in the same field for more than two years in succession for cropping systems with a single cash crop per year. CT: Annual crops planted in the same field in three successive years, for single cash crop systems.	**S**	**R**	**R**
3.3 Conservation Areas	Sensitive areas are not grazed in times of the year when it could have a negative impact on the ecosystem or on local wildlife.	**S**	**R**	**R**
3.4 Invasive Species	Farmers monitor and manage the infestation of unwanted exotic or invasive plants and animals.	**R**	**R**	**R**
3.5 Deforestation	Operations do not engage in deforestation for conversion to agricultural land. Operation does not clear primary or old growth secondary forests.	**R**	**R**	**R**
3.6 Endangered Plants and Animals	Operations do not allow hunting, fishing, or gathering of rare or endangered animal species.	**R**	**R**	**R**
3.7 Natural Waterways	Operations do not alter any natural body of water, wetland, or associated habitats.	**R**	**R**	**R**
4. USE OF PROHIBITED SUBSTANCES		**Bronze**	**Silver**	**Gold**
4.1 Synthetic Chemicals	Operation does not use any substances not permitted under USDA Organic or equivalent standard for pest control, weed control, fertilizer, or other application.	**R**	**R**	**R**
4.2 Genetically Modified Inputs & Cloning	Operation does not use any genetically modified additives or processing aids, such as fertilizers, pesticides, herbicides, seeds, or crops derived from genetically modified sources, including emerging technologies that edit or regulate genes such as RNAi, CRISPR, and TALEN. Cloned animals are not eligible for Regenerative Organic Certification.	**R**	**R**	**R**
4.3 Traceability	Operation tracks any input or additive used within the operation to one level back in the biological chain to the direct source organism from which they are produced to verify that they are not derived from genetically modified sources. - Bronze / Silver: 50% of inputs traced back one level - Gold: 100% of inputs traced back one level	**S**	**R**	**R**
5. MEASUREMENT		**Bronze**	**Silver**	**Gold**
5.1 Soil Health Lab Test **See Appendix for detailed instructions**	Producers follow Regenerative Organic Certification Soil Health Lab Test instructions as outlined by Cornell University in their “Comprehensive Assessment of Soil Health: The Cornell Framework Manual” to measure & record the following at initial certification inquiry, and then every 3 years thereafter, except where noted. For locations where it is prohibited to import or export soil samples, other lab tests may be used with supporting documentation, provided the test results include all of the required metrics. Producers must allow access to land for deep core soil samples, which are outside the scope of the Soil Health Lab Test, once every six years. See Appendix for detailed instructions.	**R**	**R**	**R**

5.2 Soil Health In-Field Test See Appendix for detailed instructions	Producers follow Regenerative Organic Certification Soil Health In-Field Test instructions in Appendix.	**S**	**R**	**R**
5.3 Scoring	Soil health test scores show improvements or equivalency from baseline and/or prior year results.	**S**	**S**	**S**
5.4 Performance Measurement	Measure farm performance associated with shift to regenerative practices. For each crop & season, farmers should record the yield per acre, yield stability, drought resilience, runoff reduction, water retention, grass production, etc.	**R**	**R**	**R**

2. Leveraging Existing Standards

As described previously, producers can demonstrate compliance by leveraging existing certifications and having third-party verification of any required Regenerative Organic Certification standards not met by the existing certification.

Producers wishing to fulfill the Soil Health and Land Management module of Regenerative Organic Certification may do so by meeting the following certifications, plus the additional requirements listed:

1.	**USDA Organic**	**Demeter Biodynamic**	**EU Organic**	**IFOAM Organic**
1.1	To be populated – The above list of certifications/standards for illustrative purposes only			
1.2				
1.3.1				
1.3.2				
1.3.3				
1.4				
1.5				
1.6				
1.7				
1.8				
1.9				
1.10				
1.11				
2.	**USDA Organic**	**Demeter Biodynamic**	**EU Organic**	**IFOAM Organic**
2.1				
2.2				
2.3.1				
2.3.2				
2.4				
3.	**USDA Organic**	**Demeter Biodynamic**	**EU Organic**	**IFOAM Organic**
3.1				
3.2.1				
3.2.2				
3.3				
3.4				
3.5				
3.6				
3.7				
4.	**USDA Organic**	**Demeter Biodynamic**	**EU Organic**	**IFOAM Organic**

4.1				
4.2				
4.3				
5.	**USDA Organic**	**Demeter Biodynamic**	**EU Organic**	**IFOAM Organic**
5.1				
5.2				
5.3				
5.4				

VI. Animal Welfare

The Animal Welfare module within Regenerative Organic Certification seeks to ensure humane practices in the raising and/or handling of animals. This module within Regenerative Organic Certification covers all animals undergoing certification, including animals used for dairy, meat, fiber, or farm operations (i.e. dogs used to control predators, horses used for herding or to control the farm premises, etc.).

1. Standards for Animal Welfare

The below standards are intended to incorporate the five freedoms of animal welfare that apply to all animals within, along with any additional species-specific requirements.

1. GENERAL		Bronze	Silver	Gold
1.1 General	Operations have researched all applicable laws regarding animal welfare (general and species specific) and are in compliance with all local, provincial/state, and national laws.	**R**	**R**	**R**
1.2 Concentrated Animal Feeding Operation	Operation does not feed animals in a manner that meets the USDA's definition of a concentrated animal feeding operation (CAFO): "A farm in which animals are raised in confinement that has over 1,000 animal units confined for over 45 days a year."	**R**	**R**	**R**
2. NUTRITION		**Bronze**	**Silver**	**Gold**
2.1 General	Feed and water must be distributed in such a way that livestock can eat and drink without undue competition.	**R**	**R**	**R**
2.2 Water	Animals have access to fresh water. CT: Limited fresh water access.	**R**	**R**	**R**
2.3 Nutrition Plan (Animal)	Operation has implemented an animal nutrition plan that encourages consumption of forage and / or regenerative organic grains, wherever applicable. Nutrition plan is also created to minimize internal parasite problems. CT: No plan in place.	**R**	**R**	**R**
2.4 Feed for Monogastrics	Monogastric feed comes from organic or regenerative organic sources. Requirements by level: - Bronze: 0%-50% from regenerative organic sources; remainder organic - Silver: >50% from regenerative organic sources; remainder organic - Gold: >75% from regenerative organic sources; remainder organic	**R**	**R**	**R**
2.5 Feed for Ruminants	Ruminant feed comes from grass/forage/baleage/hay ("grass-fed") or organic sources. Requirements by level: - Bronze: >50% grass-fed; remainder from organic sources - Silver: >75% grass-fed; remainder from organic sources - Gold: 100% grass-fed (including finishing)	**R**	**R**	**R**
2.6 Rotational Grazing	Operation has implemented a rotational grazing plan where animals (excluding bison) are used in high concentrations for a brief period of time. Grazing occurs such that pasture remains at a height of no less than 4 inches. Pastures divided into paddocks, with paddocks grazed for no longer than one week at a time.	**S**	**R**	**R**
2.7 Malnutrition	Farming practices promote proper nutrition, avoiding malnutrition.	**R**	**R**	**R**
2.8 Forced Feeding	Operations do not force feed animals.	**R**	**R**	**R**

3. ENVIRONMENT		Bronze	Silver	Gold
3.1 General	Environment considers an animal's welfare needs. Environment is designed to protect animals from physical and thermal discomfort, fear, distress, and allows them to perform natural behaviors conducive to good animal welfare. Additional species-specific requirements to be made below. For example: - Sheep for merino wool are able to roam freely in mountainous regions, which may be subject to extreme temperatures. - Chickens require a perch (A rod or branch-type structure above the floor of the house that accommodates roosting, allowing birds to utilize vertical space in the house) of at least six inches per bird. Selection of species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites.	**R**	**R**	**R**
3.2.1 Shelter	Animals are provided with shelter adequate for their physical and behavioral needs.	**R**	**R**	**R**
3.2.2 Indoor Spaces for Avian Species	The indoor space for avian species utilizes a mobile structure with solid or perforated flooring that is moved regularly during the grazing season and allots at least two square feet per bird.	**R**	**R**	**R**
3.2.3 Temporary Confinement	Livestock should generally live, eat, and sleep outdoors on pasture, with shelters provided to avian species to roost and sleep in. An operation only provides temporary confinement for an animal under inclement weather or other situations that threaten the health and safety of an animal or to administer treatments for sick animals.	**R**	**R**	**R**
3.3 Light	Animals have exposure to natural light and are not exposed to artificial light for more than 16 hours. A minimum period of 8 hours of darkness must be provided. Natural light must be sufficient indoors on sunny days, such that an inspector can read and write when all lights are turned off. Artificial light intensity is lowered gradually to encourage hens to move to perches or settle for the night.	**R**	**R**	**R**
4. HANDLING & MANAGEMENT		**Bronze**	**Silver**	**Gold**
4.1 General	Producers promote compassionate care and handling of animals.	**R**	**R**	**R**
4.2 Animal Abuse, Cruelty, and Physical Modifications	Operations do not abuse animals or treat animals with cruelty. In particular, operations do not use the following methods: - Beak Trimming / De-Beaking - Caponization - Cattle Wattling - Clipping, Grinding, or Filing of Teeth - De-Clawing/ Toe Clipping - De-Snooding - De-Spurring - Disbudding - Dubbing - Forced Molting - Hot / Cold Branding - Mulesing - Nose Ringing - Pinioning - Prodding - Tail Docking of Cattle - Tail Docking of Sheep shorter than Distal End of Caudal Fold - Tusk Removal See specific definitions of these practices in Appendix.	**R**	**R**	**R**

5. HEALTH		Bronze	Silver	Gold
5.1 General	Treatment for sick, injured, or diseased animals is undertaken at the first reasonable opportunity to alleviate any unnecessary pain or distress. Operation does not withhold medical treatment from a sick animal in order to preserve certification status. Treatment is also undertaken for non-ambulatory livestock, even if the treatment causes the livestock to lose its certified status or to be humanely euthanized. CT: Animals are not treated effectively or promptly for injuries or sickness, or euthanized if necessary, using humane euthanasia methods as described in Section 7.7.	**R**	**R**	**R**
5.2 Body Condition	Body condition score above 3 for… - Bronze / Silver: At least 60% of herd - Gold: At least 80% of herd CT: Body condition score not measured and recorded on an annual basis.	**S**	**R**	**R**
5.3 Lameness	Herd lameness average of... - Bronze / Silver: Less than 10% - Gold: Less than 5% CT: Lameness not measured and recorded on an annual basis. CT: No action taken when lameness present.	**S**	**R**	**R**
5.4 Vaccines & Antibiotics	When recommended by a veterinarian or if homeopathic, herbal, and other non-antibiotic treatments are not available, antibiotics are used to treat sick or injured animals. Vaccines are used for prevention of disease to minimize future use of antibiotics. Growth hormones or non-therapeutic use of substances to induce heat are prohibited. Animals treated with antibiotics are not slaughtered for meat until twice the licensed withdrawal period of antibiotic used has passed.	**R**	**R**	**R**
6. ANIMAL HUSBANDRY		**Bronze**	**Silver**	**Gold**
6.1 Confinement	Operations do not use any type of temporary or permanent confinement (including cages, crates, tie-stalls, and any other system that restricts mobility) at any point during the production cycle, except if necessary for veterinary treatment or transportation.	**R**	**R**	**R**
6.2 Personnel	Producers are thoroughly trained, skilled, and competent in animal husbandry and welfare, and have a good working knowledge of their system and animals under their care.	**R**	**R**	**R**
7. SLAUGHTER/ KILLING		**Bronze**	**Silver**	**Gold**
7.1 General	All slaughter/killing systems need to be designed and managed to ensure animals are not caused unnecessary or intentional distress or discomfort.	**R**	**R**	**R**
7.2 Slaughter Personnel	Personnel involved in the slaughter are thoroughly trained and competent to carry out the tasks required of them.	**R**	**R**	**R**
7.3 Pre-slaughter	Operations work to minimize the pre-slaughter handling of animals.	**S**	**R**	**R**
7.4 Slaughter	Slaughter is performed using stunning methods that result in immediate insensitivity, such as a shot to brain or penetrative bolt stunning followed by bleeding. Pre-shackle, multi-step controlled atmosphere stunning may be used in poultry. Ritual slaughter is permitted. This includes slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.	**S**	**R**	**R**
7.5 Off-Farm Slaughter	All off-farm slaughter is conducted at slaughterhouses that follow humane practices, as described above.	**R**	**R**	**R**
7.6 On-Site Slaughter	Operation slaughters on-site through use of on-site mechanisms, such as a mobile harvesting unit.	**S**	**S**	**R**

7.7 Euthanasia	Animals experiencing pain or suffering from which they are unlikely to recover must be promptly euthanized on the farm in a manner that renders the animal immediately insensible to pain. Prohibited euthanasia practices include: - Suffocation - Manual blow to head by blunt instrument or any manual blunt force trauma - Use of equipment that crushes the neck (incl. killing pliers or Burdizzo clamps) CT: Euthanizing in a way that causes unnecessary pain or suffering.	**R**	**R**	**R**
8. TRANSPORTATION		**Bronze**	**Silver**	**Gold**
8.1 General	Animal transport systems are designed and managed to ensure animals are not subjected to unnecessary distress or discomfort. Operations and handlers have emergency plans in place that address possible animal welfare problems that may arise during transport.	**R**	**R**	**R**
8.2 Transport Time	Transportation time from loading of first animal to last animal unloading is less than 13 hours. Food and water is not withdrawn for more than 12 hours prior to slaughter.	**S**	**R**	**R**
8.3 Personnel	Personnel involved in transport must be thoroughly trained and competent to carry out the tasks required of them.	**R**	**R**	**R**
9. TRAINING		**Bronze**	**Silver**	**Gold**
9.1 Training	Operations ensure that all employees working with animals are trained on basic measures of animal welfare and have the relevant and necessary skills to perform their duties.	**R**	**R**	**R**
9.2 Documentation	Training manuals and regularly scheduled training exists for all personnel.	**R**	**R**	**R**
9.3 Frequency	Training for all personnel occurs on an annual basis.	**R**	**R**	**R**
SPECIES SPECIFIC		**Bronze**	**Silver**	**Gold**
SPECIES SPECIFIC	Species specific requirements to be incorporated into above sections by species experts.			

2. Leveraging Existing Standards

As described previously, producers can demonstrate compliance by leveraging existing certifications and having third-party verification of any required Regenerative Organic Certification standards not met by the existing certification.

Producers wishing to fulfill the Animal Welfare module of Regenerative Organic Certification may do so by meeting the following certifications, plus the additional requirements listed:

1.	**Global Animal Partnership (GAP)**	**Animal Welfare Approved (AWA)**	**Certified Humane (CH)**
1.1	To be populated – The above list of certifications/standards for illustrative purposes only		
1.2			
2.	**GAP**	**AWA**	**CH**
2.1			
2.2			
2.3			
2.4			
2.5			
2.6			
2.7			
2.8			
3.	**GAP**	**AWA**	**CH**

3.1			
3.2.1			
3.2.2			
3.2.3			
3.3			
4.	GAP	AWA	CH
4.1			
4.2			
5.	GAP	AWA	CH
5.1			
5.2			
5.3			
5.4			
6.	GAP	AWA	CH
6.1			
6.2			
7.	GAP	AWA	CH
7.1			
7.2			
7.3			
7.4			
7.5			
7.6			
7.7			
8.	GAP	AWA	CH
8.1			
8.2			
8.3			
9.	GAP	AWA	CH
9.1			
9.2			
9.3			
SPECIES SPECIFIC	GAP	AWA	CH

VII. Farmer and Worker Fairness

The scope of the Farmer and Worker Fairness module within Regenerative Organic Certification includes guidelines for farmers, workers, and buyers.

The Farmer and Worker Fairness module accepts several existing certifications, with certain additional requirements. Equivalency with existing standards allows for lower costs and faster implementation of Regenerative Organic Certification, with the goal of implementing better labor practices around the world.

Monitoring and enforcement should benefit and prioritize workers. Violations should not be ongoing indefinitely, and progress and plans must be documented. Emphasis should be on capacity building and continuous improvement to better the social and economic position of farmers and workers.

1. Standards for Farmer and Worker Fairness

1. LAW AND CODE COMPLIANCE		Bronze	Silver	Gold
1.1 Business License	Operations have a valid business license and/or building permit where required by law to operate.	**R**	**R**	**R**
1.2 Labor Laws	Operations have researched all applicable laws regarding labor / worker welfare and are in compliance with all local, provincial/state and national laws. CT: Lack of proper, valid, up-to-date licenses and/or permits as required by law; inability to show proof of meeting all requirements of the permits and all relevant legal regulations. (Examples: operation of onsite boilers and generators, water extraction, wastewater discharge, emissions to air, storage and disposal of the hazardous and non-hazardous waste produced onsite, storage and use of hazardous substances that are stored or used onsite, and any incineration done onsite).	**R**	**R**	**R**
2. CHILD LABOR		**Bronze**	**Silver**	**Gold**
2.1 Child Labor	With the exception of the operator's family members, no children below the lowest of 15, legal age, or age of compulsory schooling are employed. Children under 18 do not perform work that jeopardizes health, safety, education, and emotional or physical development. CT: Missing age verification system with no commitment to remediation. CT: Missing or falsified age documentation.	**R**	**R**	**R**
2.2 Family Members	If an operator's children work onsite, the operator must ensure that a child's employment does not interfere with his or her schooling, safety or physical development. CT: Children of operators involved in more than just light work, or involved in light work that: is dangerous and harmful to health or development; prejudices attendance at school or during holidays; is inappropriate to the child's age and physical condition and jeopardizes the child's social, moral, or physical development; is conducted without parental supervision and guidance.	**R**	**R**	**R**
2.3 Work Restrictions for Children and Young Workers	Children (including those residing on the farm and those of migrant workers) are not exposed to dangerous agriculture production activities, including exposure to chemicals/pesticides. CT: Missing required documents for young workers (health checks, work permits, list of all young workers with their entry dates, proof of age, and description of their assignment, etc.). CT: Improper job assignment or working hours for young workers.	**R**	**R**	**R**
2.4 Child Labor for Ginning, Spinning, Dying Facilities of Apparel Supply Chain	For apparel and textiles, standards must apply to all stages of production including but not limited to fiber production, ginning, spinning, knitting/weaving, and sewing.	**R**	**R**	**R**
3. FORCED LABOR		**Bronze**	**Silver**	**Gold**

3.1 Human Trafficking and Forced Labor	People are not forced to work or remain on premises against their will. CT: Mandatory overtime (in practice or in written policy). CT: Unreasonable restriction of movement or curfews.	**R**	**R**	**R**
3.2 Hiring Practices	Hiring practices are not deceptive and do not result in forced labor. Operator must not facilitate human trafficking or labor brokerage fees that must be paid back by workers. CT: Spouses and adult children of hired workers are required to work and are not voluntarily contracted. CT: Labor brokerage fees that must be paid back by workers.	**R**	**R**	**R**
4. HARASSMENT, ABUSE AND DISCIPLINARY PRACTICES		**Bronze**	**Silver**	**Gold**
4.1 Physical Abuse	No physical abuse. CT: Verbal or psychological abuse: threats, foul language towards workers, intimidation. CT: Demoralizing or overly harsh treatment or disciplinary action. CT: Monetary fines. CT: Disciplinary action administered by security personnel. CT: Lack of action taken by management to discipline personnel (supervisors or workers) who engage in any sort of harassment or abuse.	**R**	**R**	**R**
4.2 Sexual Harassment	No cases of sexual harassment experienced before, during, or after end of employment relationship. CT: Opposite sex pat-down.	**R**	**R**	**R**
5. DISCRIMINATION		**Bronze**	**Silver**	**Gold**
5.1 Discrimination	No discrimination in any aspect of the employment relationship, including recruitment, hiring, compensation, benefits, work assignments, access to training, advancement, discipline, termination, or retirement.	**R**	**R**	**R**
6. FREEDOM OF ASSOCIATION & COLLECTIVE BARGAINING		**Bronze**	**Silver**	**Gold**
6.1 Legal Compliance	Operation is in compliance with all Freedom of Association and Collective Bargaining laws, as outlined by the International Labor Organization. http://www.ilo.org/declaration/principles/freedomofassociation/lang--en/index.htm CT: Lapse in enforcement or implementation of national Freedom of Association and Collective Bargaining laws, such as not holding elections in a timely manner or not posting the names of worker representatives as required by law.	**R**	**R**	**R**
6.2 Threats	Operation does not threaten workers directly or indirectly with termination, pay cuts, loss of benefits, or plant closure.	**R**	**R**	**R**
6.3 Intimidation	Operation does not intimidate workers, including asking workers whether they support a union or have engaged in union activities.	**R**	**R**	**R**
6.4 Promises	Operation does not promise better shifts, promotions, or salary raises to non-union members or as a reward for not voting to unionize, and does not deny equal treatment to all employees (assigning union supporters to less desirable shifts).	**R**	**R**	**R**
6.5 Spying / Surveillance	Operation does not spy on employee activities (standing outside a union meeting; keeping notes on who attends).	**R**	**R**	**R**
6.6 Interference	Operation does not interfere with worker efforts to assemble, strike, or hold elections in an independent manner. This includes interference or prevention of strikes; employer proposed or initiated worker elections; worker elections conducted or facilitated by management; mandatory worker participation in elections; prevention of worker organizations from presenting to workers; prevention of trade union representatives from regular and reasonably free access to workers during workers' free time.	**R**	**R**	**R**
6.7 Employer Instituted Unions	Employers do not institute unions or alternative associations used by employers to hinder union organization (such as solidarity associations in Latin America). Employers do not utilize protection contracts (such as in Mexico).	**R**	**R**	**R**

7. EMPLOYMENT RELATIONSHIP		Bronze	Silver	Gold
7.1 Access to Audits	Auditors are granted access to the entirety of requested audits. CT: Denied access to parts of requested audits.	**R**	**R**	**R**
7.2 Bribes	Operation does not offer bribes to auditors.	**R**	**R**	**R**
7.3 Precarious Employment	Operation does not utilize atypical employment contracts in order to avoid workers' full or partial enjoyment of social benefits and statutory entitlements, or as a way of limiting workers' ability to freely associate and collectively bargain.	**R**	**R**	**R**
7.4 Manipulated or Manipulative Records	No double records or off-clock work CT: Double books; employee coaching; off-clock work. CT: Lack of, manipulated, or inadequate time records, payroll records, labor contracts, pay slips, and/or hiring notices. CT: Labor contracts not provided to workers, written in a language other than what the worker speaks, or (for those that are illiterate or for informal workplaces) are not explained to workers in order to ensure that they understand their contents. CT: Conflicting employee testimonies with payroll, time, and/or training records that result in wage or training deficiencies.	**R**	**R**	**R**
7.5 Worker Voice	Operations have process to listen and address worker complaints in a transparent process. CT: Complete lack of an internal complaint management system for personnel to voice their concerns.	**R**	**R**	**R**
7.6.1 Worker Empowerment – Negotiations	Workers hold independent, democratic elections to form worker associations for contract negotiations involving pay and conditions on farm/ranch. All labor requirements apply to any farm with 5 or more permanent employees and/or 25 employees at any one time. Some exemptions on labor requirements may be made for entities with fewer employees to reduce the burden of compliance for small producers, though in no case will exploitation of workers be tolerated.	**S**	**S**	**R**
7.6.2 Worker Empowerment – Health, Safety, & Benefits	Workers democratically elect committees for health and safety and fair trade premiums.	**S**	**R**	**R**
7.7 Employment Contracts & Terms	Employment contracts are executed in good faith and operator honors any commitments made in a contract. CT: Requiring workers to consent to arrangements by signing any document that is blank or is not written in a language that they understand. CT: Operator does not take sole responsibility for fees associated with employment of workers. CT: Misclassification of personnel (for example: apprentices, student workers, vocational students, OT exempt vs. non-exempt). CT: Failure to meet terms of required labor contract.	**R**	**R**	**R**
7.8 Group Protection	Standards are in place to protect the farmer, worker, and farm producer groups (co-ops etc.).	**R**	**R**	**R**
8. WAGES & BENEFITS		**Bronze**	**Silver**	**Gold**
8.1 Wages	Operations pay wages and benefits in accordance with the law. CT: Wage violation. CT: Illegal cash payment. CT: Benefit payment violation. CT: Unreasonable quota system. CT: Illegal or excessive legal deductions (including charges/deposits for tools, equipment, uniforms, etc.). CT: Pay below minimum wage.	**R**	**R**	**R**

8.2 Living Wages	Workers earn a living wage as calculated based on the region's cost of living and typical expenses. Operations leverage one of the following toolkits to calculate living wage: 1. AJP Living Wage Toolkit 2. Global Living Wage Coalition 3. MIT Calculator +10% and childcare based on one working adult 4. For Global South workers living wages should be calculated using Fairtrade International benchmarks per region. Regions that are not covered can use the Global Living Wage Coalition's calculation manual or Fair Labor Association benchmarks.	**S**	**R**	**R**
8.3 Price Negotiations	Transparent fair price negotiations based on actual production costs as the leadership model and a premium model as a step to achieve it. Premium model includes an additional sum of money which goes into a communal fund for workers and farmers to use – as they see fit – to improve their social, economic, and environmental conditions. Pricing should be set at a rate that covers the producers cost of production, including living wages for farmers and workers. - Bronze: Premium pricing model used - Silver: Transparent price negotiations - Gold: Transparent price negotiations	**S**	**R**	**R**
8.4 Housing	Housing is provided as a voluntary benefit and does not represent a financial burden. Housing includes a clean personal bed and space for personal belongings. Housing provides a reasonable level of privacy and recreational areas.	**R**	**R**	**R**
9. HOURS OF WORK		**Bronze**	**Silver**	**Gold**
9.1 Hours of Work	Operators shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed. The regular work week shall not exceed 48 hours or the maximum allowed by the law of the country of manufacture, whichever is less. Operators shall allow workers at least 24 consecutive hours of rest in every seven-day period. Employers shall not request overtime hours on a regular basis. The sum of regular and overtime hours in a week shall not exceed 60 hours or the maximum allowed by the law of the county of manufacture, whichever is less. CT: Employees work 14 consecutive days without day of rest or one or more of the following: Daily work hours exceed 12 per day; Regular work week exceeds legal limit or 48 hours per week; Total hours exceed legal limit or 60 hours per week.	**R**	**R**	**R**
10. HEALTH & SAFETY		**Bronze**	**Silver**	**Gold**
10.1 Hazards	Operation minimizes number of immediate threats to workers lives (immediate physical hazards; lack of emergency preparedness; improper handling or storage of flammable materials/chemicals). CT: Substandard, unsafe, or unsanitary conditions that pose danger to employees or the environment. CT: Unsafe exposure to airborne particles or chemical vapors. CT: Unsafe handling and/or storage of hazardous chemicals. CT: Use of chemicals and hazardous substances that are not allowed by local law or by international standards.	**R**	**R**	**R**
10.2 Exits	Operation meets the minimum required number of exits per room or per building, and the exits are not locked.	**R**	**R**	**R**
10.3 Buildings	Buildings constructed legally and for the purposes they were intended. Buildings are designed to minimize energy usage, water usage, and waste, and use low VOC paints and materials.	**S**	**R**	**R**
10.4 Housing	Housing protects workers from temperature extremes and provides good ventilation sufficient for good air quality. Housing also provides access to clean water for cooking, drinking, and bathing in addition to access to functional toilets.	**R**	**R**	**R**
11. ENVIRONMENT		**Bronze**	**Silver**	**Gold**

11.1 Wastewater	Operation does not directly discharge untreated wastewater into natural waterways or soil. Operation does not divert wastewater to bypass treatment. Industrial wastewater goes through Primary and Secondary treatment (onsite or offsite). CT: Leaking wastewater pipes; wastewater is not prevented from overflowing outside the proper effluent streams in the case of rain. CT: Lack of description and schematic diagram of onsite wastewater treatment system. CT: For a facility that produces more than 50 cubic meters (m3) per day of industrial wastewater and has onsite wastewater treatment, there are no measurements in the past 12 months of wastewater quality (pH, COD, BOD, and TSS) after the onsite treatment.	**R**	**R**	**R**
11.2 Waste	Operation does not illegally dump waste. Documentation exists for disposal of hazardous waste. Operation does not bury or openly burn any waste on-site. CT: Non-disclosure of any and all onsite sources of air emissions. CT: Failure to identify, isolate, and properly handle and dispose of hazardous waste. CT: No Restricted Substances List and/or lack of a program to ensure compliance with it.	**R**	**R**	**R**
11.3 Contamination	The facility does not cause contamination to land, soil, or water.	**R**	**R**	**R**
12. FARMERS & BUYERS		**Bronze**	**Silver**	**Gold**
12.1.1 Long Term Commitments	Buyers commit to working with producers for a minimum of 3 years and give producers a reasonable opportunity to remediate any issues and improve their methods under the guidance of the buyer.	**S**	**R**	**R**
12.1.2 Ending Long Term Commitments	Long-term commitment from buyer that is terminated only with cause and reasonable notice.	**R**	**R**	**R**
12.2 Bargaining	All farmers have the right to freedom of association and to organize and engage in collective bargaining, free from retaliation of any kind by the buyer or his/her agents. If farmers so choose, contracts between buyers and farmers are negotiated using a collective bargaining process. If a farmer chooses to select a representative, the buyer recognizes and negotiates with representatives chosen by the farmer or democratically chosen by the farmer's association in the case of collective bargaining.	**R**	**R**	**R**
12.3 International Recognition	Small-scale farmers internationally must be organized in some way.	**S**	**R**	**R**
12.4 Contractors and Broker Fees	If recruited or contracted labor is used, the employer must pay any fees associated with recruitment and contract employees must have same rights and benefits as direct employees. All standards apply to all employees whether hired directly or through a contractor, including access to a grievance process for any complaints, the right to be free of forced labor, and no unfair deductions from paycheck. The use of recruiters and subcontractors is allowed only when employer can document a need.	**R**	**R**	**R**
12.5 Buyers	All contracts between producers and buyers are fair and equitable. This includes fairly negotiated and equitable contracts with producers, cost transparency for purposes of determining fair prices, fair conflict resolution, and buyers' right to require up-to-date farmer certification of all applicable products.	**S**	**R**	**R**
12.6 Fair Pricing	Pricing between buyers and producers is mutually agreed by all through dialogue and participation by both to provide fair pay to producers. Where Fair Trade pricing structures exist, these are used as a minimum. Where Fair Trade pricing structures do not exist, pricing should be based on the socially acceptable remuneration (in the local context) considered by producers themselves to be fair and which takes into account the principle of equal pay for equal work by women and men.	**S**	**R**	**R**

12.7 Transparent Negotiation	Negotiations between producers and buyers include: - Transparent communication of pricing and contracting terms, - Openness to exploring and negotiating all terms of contracts and clarifying expectations clearly, - Providing market information on demand, supply, pricing, and transfer of value in the chain, - Where possible, articulating long-term commitment to the relationship, and - Encouraging farmer organizations to provide transparent information on all relevant transactions to members to encourage transparency and accountability along the chain.	**S**	**R**	**R**
12.8 Capacity Building	Buyers work directly with small producers to develop specific activities to help these producers improve their management skills, production capabilities and access to local / regional / international / Fair Trade and mainstream markets as appropriate.	**S**	**R**	**R**
13. Other		**Bronze**	**Silver**	**Gold**
13.1 Dedicated Staff	Small farms/ranches: Operation has at least one staff member who dedicates 25% of time to Regenerative Organic Certification modules and demonstrates competency. Medium farms/ranches: Operation has at least one staff member who dedicates 75% of time to Regenerative Organic Certification modules and demonstrates competency. Large farms/ranches and large small-holder projects: Operation has at least two staff members who dedicate 100% of time to Regenerative Organic Certification modules and demonstrate competency.	**S**	**S**	**R**
13.2 Training	Training for capacity building, implementation of standards, and overall effectiveness of program with an emphasis in worker to worker training.	**S**	**R**	**R**
13.3 Fiber and Food Supply Chain Requirements	Certification required at the following stages of the supply chain: Fiber: - Bronze: Producer level (farm or ranch) - Silver: Producer level and at cut & sew location - Gold: Producer level, principal textile mill, and at cut & sew location Food & Personal Care: - Bronze: Producer level (farm or ranch) - Silver: Producer level and first processing mill, plus final product compounding - Gold: Producer level, first and second processing mills, plus final product compounding	**R**	**R**	**R**
13.4 Packaging	Packaging does not use polyvinyl chloride (PVC), chlorinated plastics, polystyrene, other plastics containing styrene, or materials derived from genetically modified organisms.	**S**	**R**	**R**

2. Leveraging Existing Standards

As described previously, producers can demonstrate compliance by leveraging existing certifications and having third-party verification of any required Regenerative Organic Certification standards not met by the existing certification.

Producers wishing to fulfill the Farmer and Worker Fairness module of Regenerative Organic Certification may do so by meeting the following certifications, plus the additional requirements listed:

1.	Agricultural Justice Project (AJP)	Naturland (NLD)	Fair Trade USA (FTUSA)	Fairtrade International (FTI)	Small Producer Symbol (SPP)	World Fair Trade Organization (WFTO)	Fair for Life (FFL)	Coalition for Immokalee Workers' Fair Food Program (FFP)	Equitable Food Initiative (EFI)
1.1	To be populated – The above list of certifications/standards for illustrative purposes only								
1.2									

2.	AJP	NLD	FTUSA	FTI	SPP	WFTO	FFL	FFP	EFI
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2.2									
2.3									
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3.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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4.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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5.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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6.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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7.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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8.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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9.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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10.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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11.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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12.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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12.8									
13.	**AJP**	**NLD**	**FTUSA**	**FTI**	**SPP**	**WFTO**	**FFL**	**FFP**	**EFI**
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VIII. Appendix

1. Definitions for Prohibited Animal Handling & Management Practices

- **Beak Trimming / De-Beaking:** The removal of all or a portion of the beak of a bird.
- **Caponization:** Castration of chickens, turkeys, pheasants, and other avian species.
- **Cattle Wattling:** The surgical separation of two layers of the skin from the connective tissue for along a 2 to 4-inch path on the dewlap, neck, or shoulders used for ownership identification.
- **Clipping, Grinding, or Filing of Teeth:** Shaving or removing an animal's teeth.
- **De-Clawing / Toe Clipping:** The removal of an animal's claws by amputating all or a part of an animal's nail and distal joint.
- **De-Snooding:** The removal of the turkey snood (a fleshy protuberance on the forehead of male turkeys).
- **De-Spurring:** Removing spurs from animals.
- **Disbudding:** The removal or destruction of horn-producing cells before an animal's horns become attached to its skull.
- **Dubbing:** The removal of poultry combs and wattles.
- **Forced Molting:** The induced shedding old feathers, hair, or skin, or an old shell, to make way for a new growth by unnatural methods or by withdrawal of feed.
- **Hot / Cold Branding:** Creating identification markers on animals by pressing an extremely hot or cold branding iron onto their flesh.
- **Mulesing:** The removal of skin from the buttocks of sheep, approximately 2 to 4 inches wide and running away from the anus to the hock.
- **Nose Ringing:** Wrapping or inserting an implement around or into an animal's nose to control unwieldly behavior, accelerate weaning or prevent animals from rooting in fields.
- **Pinioning:** Surgically removing a bird's pinion joint.
- **Prodding:** Striking, poking or electrocuting animals with an implement to influence and control their movement.
- **Tail Docking:** The cutting or shortening of an animal's tail.
- **Tusk Removal:** The amputation of an animal's tusks.

2. Soil Health Lab & In-Field Tests

Regenerative Organic Certification relies on two methods of testing: (1) a Soil Health Lab Test and (2) a Soil Health In-Field test. While both tests provide producers with valuable information, when used together, they provide a holistic and cost-effective method of understanding soil health and the impact of agricultural practices.

Test results are only as accurate as the inputs that are collected. For this reason, it is imperative that auditors and operators provide proper training for both lab and in-field testing. A portion of this training should be focused on consistency of measurement, especially related to collecting samples and conducting tests at the same point and conditions each year.

Soil Health Lab Test

The following table highlights the soil indicators to be lab tested. After an initial baseline test is conducted, each indicator should be measured every three years. Because total organic carbon and bulk density requires a separate, more in-depth measurement process, these two items should be measured every six years. Soil Health Lab Tests require third-party soil collection and testing.

The Soil Health Lab Test should be performed by Cornell University whenever possible in order to ensure consistent testing. All but three of the indicators are included in Cornell's Standard Soil Health Analysis Package for $110 per sample (pricing as of July 2017). Mineralizable nitrogen, bulk density, and total organic carbon are not standard offerings; however, Cornell has indicated that they are willing and able to test them at minimal extra cost (approx. $50 per sample). If another laboratory is used, the laboratory must carry a certification and must participate in the North American Proficiency Testing Program (NAPT), follow the protocols outlined by Cornell's Standard Soil Health Analysis Package, or follow the protocols outlined in the Soil Science Society of America series – Methods for Soil Analysis.

Soil Health Lab Tests should be done for each distinct parcel of land on a farm, and one sample should be taken for approximately every 20-50 acres. Further details about soil testing procedures and indicators can be found with *The Cornell Framework Manual Comprehensive Assessment of Soil Health*.

Indicator	Measures	Units	Interpreting Results
Active Carbon	The proportion of organic matter that is most readily available to microbes.	ppm	Largely responsible for fueling microbial activity; improves with additions of "fresh" organic material (manure, leguminous cover crop residues, continual plant inputs through roots). Like soil respiration, active carbon can be a quick-to-respond soil health indicator.
Aggregate Stability	An indicator of soil structure and resistance to intense "wetting" episodes like heavy rain and irrigation.	%	An indicator of soil structure, higher aggregation indicates optimum air and water movement through soils; aggregation generally improves with no-till and the addition of organic matter; a slower to respond soil health indicator, as aggregates are a product of microbial activity (~3-5 years).
Available Water Capacity	The amount of plant available water in the soil.	gram H_2O/gram soil	Generally increases with the addition of organic matter in both the short and long-term; important to gauge a soil's resistance and resilience to drought conditions.
Bulk Density**	A measure of soil compaction.	g/cm^3	Both an indicator of soil structure (heavily compacted soils have higher bulk densities) and also necessary to measure carbon stocks over time. Generally improves in the mid-term (~2-3 years) with the addition of organic matter and adoption of regenerative practices.
Extractable Phosphorus	An indicator of how much P is available to plants.	ppm	More is generally better, however too much can cause environmental damages such as eutrophication.
Extractable Potassium	An indicator of how much K is available to plants.	ppm	More is generally better and can be adjusted using specific amendments and organic fertilizers.
Minor Elements (Mg, Fe, Mn, Zn)	Concentrations of essential plant-available minor elements.	ppm	Taken up in smaller concentrations than N, P, and K, these minor elements are still essential to plant growth
Organic Matter	A measure of all material that was or is living in the soil.	%	Confers a host of beneficial biological (food source for microbes), physical (improves soil structure, holds onto water, improves aeration), and chemical (binds nutrients) properties. In the short-term (1-3 years), soil organic matter levels can increase with the addition of compost, manure, and crop residues, but to sustain and build levels over time, continued regenerative practices are necessary.
pH	A measure of soil acidity.	log-scale	Soil acidity can impact nutrient availability (at low pH values, certain nutrients can become unavailable to plants). Specific crops can require specific pH ranges, and the pH of a soil can be adjusted through the use of amendments (e.g. lime additions for very acid soils, or sulfur additions for basic soils).
Potentially Mineralizable Nitrogen**	An indicator of plant-available nitrogen.	micrograms of N/ gram of soil/week	Most N in soils is bound up and not plant available so this measure provides an indicator of how much can be converted by microbes into plant available forms.
Soil Protein	A proxy for organic nitrogen (non-plant available forms of N).	mg protein/ gram of soil	Serves as a proxy for how much N could be made available for plants (i.e. mineralized) through microbial activity. Generally increases with additions of organic materials and minimized soil disturbance.
Soil Respiration	A measure of how active the microbial community is within a given soil.	mg CO_2/gram of soil	Generally, more respiration means more biological activity, and thus indicates nutrient flows and availability (as microbes decompose organic matter to make nutrients available to plants). Generally improves with the addition of organic materials and is probably one of the fastest to respond and most sensitive indicators of changes in management.
Soil Texture	The percent sand, silt, and clay in the soil.	% sand, % silt, % clay	An important mediator variable to determine a soil's potential for accumulating organic matter; an inherent soil characteristic, soil texture generally does not change in response to management.
Subsurface Hardness	An indicator of soil compaction at depth (15-30 cm).	psi	Often an issue in tilled soils, and generally improves with the adoption of no-till practices though could be slower to respond than surface hardiness (>3 years).
Surface Hardness	How resistant a soil is to penetration; an indicator of soil compaction at the surface (0-15 cm).	psi	A lower value indicates enhanced movement of water and air; generally improves with the adoption of regenerative practices in the shorter and longer-term.
Total Organic Carbon**	The amount of organic carbon within a gram of soil.	gram C/g soil	Necessary to accurately measure carbon stocks over time. Significant (and meaningful) changes in carbon stocks are very difficult to detect over short time scales (<5 years).

***Not currently included in standard Cornell Soil Health Test, but can be added*

Soil Health In-Field Test

Soil Health In-Field Tests, more qualitative in nature, provide valuable insights on the health of an operation's soil. Soil Health In-Field Tests should measure the below indicators against the applicable ratings. In-field tests will be conducted by farm operators annually and will be self-reported.

Indicator	Measures	Units	Rating	Interpreting Results
Compaction	How easily penetrable the soil surface is	Can be measured using a wire probe	Poor: wire probe will not penetrate Fair: wire probe penetrates with difficulty to less than 20 cm Good: wire probe penetrates to 20 cm or more very easily	A heavily compacted soil can restrict root growth and limit air and water movement in soil. This is a simple field measure of surface and sub-surface hardiness.
Crusting	A measure of the soil's surface crust	Measured by visual observation	Poor: surface seals after rain Fair: some surface sealing, minimal restriction of seedling emergence Good: open, porous soil, seedlings emerge without any restriction	Surface crusting can indicate poor water and air movement in soils and is generally associated with high levels of tillage and poor structure. This qualitative assessment is covered by aggregate stability.
Diversity of Macro-life	The amount of different soil animals in the soil	Number of soil animals per observational unit (e.g. field or sub-plot)	Poor: < 2 soil animals Fair: 2-5 soil animals Good: >5 soil animals	A higher diversity of soil animals indicates a healthier, more robust soil food-web, which fuels nutrient availability.
Ground Cover	The percentage of ground covered by plants, plant residues, or mulch	Percentage cover per observational unit	Poor: < 35% ground cover Fair: 35 - 50% ground cover Good: >50% ground cover	A higher percentage of ground cover protects soil from erosion, provides soil animals with a food source, and improves soil structure. Observational should be conducted for each distinct field within an operation.
Infiltration	How easily a known volume of water enters the soil	Visual assessment of surface ponding	Poor: water ponds on the soil surface Fair: some ponding on the surface Good: no ponding	A field infiltration test can provide an indication of how easily water moves through the soil; less surface ponding means soil can easily infiltrate and move down the soil profile to provide water for plants. This field measurement is covered by water holding capacity and aggregate stability in the lab.
Plant Health	A visual measure of crop leaf color, height and uniformity	Visual assessment	Poor: yellow, stunted growth, variable stand height, spotty germination Fair: variation in color, height, and germination Good: dark green, even growth and germination	Identifying zones of uneven or stunted crop growth can help a farmer locate problematic areas on a farm that may require specific attention and management interventions.
Root Growth	A visual measure of fine root growth in the surface soil (0-5 cm)	Visual assessment	Poor: restricted roots, few fine roots Fair: somewhat restricted roots, some fine roots Good: healthy, uninhibited roots, lots of fine roots	Inspecting fine root growth provides an idea of how well the plants are able to put out roots and can indicate whether or not there are restrictions to root growth either physically (poor soil structure) or chemically (nutrient deficiencies).
Structure/ Aggregation	How easily a soil crumbles, the amount of soil bound up in aggregates	Measured by touch, feel, and observation of soil	Poor: hard soil, lots of clods, difficult to break apart Fair: Soil crumbles with pressure, few clods Good: soil crumbles easily, no clods	A soil that crumbles easily promotes air and water movement through soil, indicates robust biological activity (as microbes generate soil aggregates). This is a qualitative assessment that generally covers the lab-measured aggregate stability and should be conducted for each distinct field within an operation.

3. Labeling and Chain of Custody

Products that carry the Regenerative Organic Certification product label must demonstrate chain of custody from the farm/ranch through to the finished goods, including:

- **Management Systems:** Policies, procedures, accountability, training, implementation, communication, monitoring, and continuous improvement.
- **Input Storage Segregation:** Ensuring claimed material is kept separate in the warehouse, and not mixed or blended with conventional material.
- **Inventory Management:** Quantities of claimed raw material and finished goods must be recorded and be subject to reconciliation.

- **Separation**: All products should be clearly identified in some way while they are in production. When Regenerative Organic Certified and conventional materials are processed in the same locations or machinery, there should be a clean out procedure between batches.
- **Traceability Documentation:** Commercial and shipping documents must be available throughout the supply chain that attest to the origin of the claimed material.
- **Volume Reconciliation:** Accurate data on the ratios of raw materials to finished goods must be available for review, including the average amount of loss to be expected during production processes.
- **Labeling and Packaging:** Labeling claimed at every level of the supply chain.

4. Auditor Requirements for All Modules of Regenerative Organic Certification

Auditor remuneration is not incentive based, nor based on the outcome of inspections. All approved auditors must receive initial training, as well as ongoing continuous education and periodic evaluation.

Visual inspections should be approached with collaboration and mutual respect towards suppliers at all levels, with a focus on education and sustainable remediation. All farm/ranch visits will be scheduled around the production cycle, with special attention paid to periods of increased risk to animal welfare, such as castration or other mutilations, birthing, shearing, loading, and similar. The scope of the on-site audit should include, but is not limited to, a walk-through of the facility and review of the following items:

- Visual inspection of the treatment of the workers and animals (if applicable to the entity);
- Visual inspection of the workers' and animals' environment (if applicable to the entity);
- Review of product labeling practices and procedures;
- Review of segregation and separation practices and procedures;
- Review of traceable supply chain process implementation;
- Worker interviews to ensure proper implementation of traceability policies, procedures, documentation, training, and animal welfare legal compliance;
- Issues identified during the document review;
- Complaint policies;
- All other requirements as required by Regenerative Organic Certification.

Documentation required to demonstrate compliance must be made available for review during the audit or pre-audit process at all levels of the supply chain. Additionally, auditors must be allowed to conduct private management and worker interviews in the local language at all levels of the supply chain to assess proper implementation of traceability policies, procedures, and documentation, training, and animal welfare compliance. The maximum period between on-site assessments should not be more than 18 months.

<u>Auditor Requirements Specific to Animal Welfare:</u>

Auditors should be Professional Animal Auditor Certification Organization (PAACO) or equivalent trained and certified. Auditors must have a minimum of 25 field audits, with a minimum of 10 accompanying or being shadowed by a senior auditor. Remote video auditing is encouraged, but not required. Auditors must have a strong working knowledge of animal welfare risks in the species being assessed.

Auditors will be allowed to review all relevant chain of custody documentation, animal welfare legal compliance documents, veterinarian reports, and other paperwork at each level in the supply chain that proves the implementation of animal welfare practices, traceability management systems, and employee training.

<u>Auditor Requirements Specific to Farmer and Worker Fairness:</u>

Auditors must provide current resumes, professional references, proof of completed trainings/certifications,

and sign a non-disclosure agreement.

Each audit team must consist of at least one lead-qualified auditor and two levels of auditors (i.e., Level 1 vs. Level 2 or Lead vs. Support auditors). Auditors, which can be employed by an organization or act as an independent contractor, must be approved on an individual basis rather than whole organizations or companies. Auditors will be monitored and evaluated through feedback mechanisms which can include supplier questionnaires and shadow audits. Auditor approval may be revoked at any time due to inadequate performance.

References and Resources:

ISO 19011: Guidelines for auditing management systems
Section 7.2 “Determining auditor competence to fulfill the needs of the audit programme”
https://www.iso.org/obp/ui/#iso:std:iso:19011:ed-2:v1:en

GSCP (Global Social Compliance Programme)
Table A - Core auditor competence and prerequisite reference requirements (for social and environmental compliance assessment), pg. 13 http://www.theconsumergoodsforum.com/images/the_forum_images/strategic-focus/gscp/gscp-work/reference_tools/pdf/GSCP_Auditing_Competence.pdf

APSCA (Association of Professional Social Compliance Auditors)
Competency Framework for Social Compliance Auditors
http://www.theapsca.org/uploads/7/3/4/0/73406857/apsca_competency_framework_v5_.pdf

Comment Letter O.4 – Gaviota Coast Conservancy

O.4-1 The EIR provides a detailed analysis of potential impacts under the Project and sets forth mitigation measures to reduce or avoid such impacts. Estimated maximum cannabis canopy countywide is 1,200 acres and only three have been within the Gaviota Coast (beginning within mid-Goleta, heading west). While this currently limited interest in Gaviota are cultivation is not a guarantee that cultivate will not expand in that area, under current forecasts, potential for impacts is limited. Nonetheless, any Gaviota area cannabis permits would be subject to rigorous application of the Best Management Practice and mitigation measures required to reduce or avoid impacts. All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

O.4-2 Because all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project, the implementation of regenerative agricultural strategies, including the potential for Regenerative Organic Certification, will be considered for inclusion within the BMPs implemented by the Project, such as within **Recommended MM HWR-3**, *Water Conservation-Water Efficiency for Cannabis Activities*.

O.4-3 While inclusion of the commenter's suggested mitigation measure would potentially reduce adverse impacts to all 13 identified EIR resource impacts, the mitigation would not necessarily reduce the significance level of any particular resource impact. Nonetheless, the mitigation measure will be considered and made available to the decision-makers, as discussed in **Comment Response O.4-2**.

Individual

From: Aaron Smith <aarons@cisurfboards.com>
Sent: Tuesday, October 03, 2017 10:38 AM
To: Cannabis Info
Subject: comment on draft ordinance

I.1-1 My two comments I would like on record regarding your draft ordinance. The distance that cannabis can be grown near a zoned residential area need to be much farther. 50 feet is nothing. I would think 300 ft for residential zoned properties and 800 ft from schools or parks. I live 650 ft away from a greenhouse that was illegally growing last fall and the stench was out of control on warm days.

I.1-2 The right to farm act is a tricky one, when current residents bought their property growing cannabis was not a legal nor normal farming practice. Adding a huge stench to a neighborhood will reduce the property values and those new practices should not be protected under the right to farm act.

Aaron Smith
Product Manager
Channel Islands Surfboards
805-745-2802
www.cisurfboards.com
STATEMENT OF CONFIDENTIALITY: The information contained in this e-mail (including any attachments) contains information that may be confidential or may constitute non-public information and may be legally privileged and confidential. It is intended only for the use of the individual(s) or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited and may be unlawful. If you have received this email in error, please immediately notify the sender and destroy all hard copies and any copies that may be on your computer. Thank you

Comment Letter I.1 – Aaron Smith

I.1-1 This comment addresses the effectiveness of the proposed setbacks. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. The setbacks analyzed within this EIR are based on Bureau of Cannabis Control regulations, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance. County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**. With regard to impacts from odors and consideration of mitigation measures for reducing odor impacts, please refer to **Master Comment Response 2 – Odor Abatement Initiatives**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.1-2 With regard to applicability of the County Right to Farm Act, please refer to **Master Comment Response 5- Right to Farm Consideration.**

Individual

From: Karen Jowers <kjowersmail@gmail.com>
Sent: Thursday, October 05, 2017 2:12 PM
To: Cannabis Info
Subject: Fwd: Cannabis industry regulation

October 5, 2017

RE: Cannabis industry regulations

Dear Santa Barbara County Supervisors,

I am deeply concerned with the detrimental impact the cannabis industry will have on our central coast. We need to make a strong stand now to keep this in check. Our property values will drop, which will reduce property taxes the county needs to operate. Our safety will be impacted by the workers driving through our communities under the influence of pot. There will be an element of crime and pollution that will cost our communities as well. The industry should have to pay for all of it's own policing through permit process fees.

Prop 64 is worded that each county has the right to decide if they want to allow it or not or set guidelines on where and how it is to be grown and distributed. As elected supervisors, you need to protect SB County. This type of high impact farming should be heavily regulated. Limit the number of farms in the county to 20 total at any one time. We will be able to monitor illegal farms quicker if we know exactly what farms have approval. Keep the farms at least one mile from neighborhoods of 20 acre parcels or smaller to limit the devaluation of residential property. Place requirements for hazardous waste removal, smell containment, and farm waste management including old plastic from hoop houses, drip irrigation, as well as organic waste. Noise and smell from fans running to dry the crop must be mitigated and regulated as well.

I.2-1

I have heard from people in other areas who have dealt with illegal pot farming alongside their homes and it isn't acceptable. We must take a strong stand now to protect our county from outside money coming in, buying or leasing properties to grow pot, with no concern to the detrimental effects on our community.

I am adding an excerpt from Derek letter because I think the information bears repeating!

"Dennis Bonzanich has been quoted as stating, "Taking the cannabis industry and moving it forward from a black-market series of enterprises to a regulated industry is a once-in-a-lifetime opportunity for policymakers."

As our neighbors to the south have found out, this is a very formidable task, the drug cartels have won that war and the black-market prevailed. The black-market has flourished in California due to half-hearted enforcement. We have 8 illegal growers in Cebada Canyon at this time. This will continue if we don't have enough revenue to support regulatory enforcement. That black-market money is now pouring into Santa Barbara county purchasing land, leasing properties, buying lobbyists, buying votes, and influencing regulators. The competition for this legal market will not be your mom and pop grower, but dirty money funded cartels. Already, cash payments of $30/hour and all you can smoke is tightening the county labor market.

You've been asked to "please keep an open market" by Liz Rogan. I'm going to ask that you regulate marijuana as "big energy" is regulated with the most comprehensive licensing, zoning, environmental, safety, and labor regulations possible.

The reason is simple. The cannabis competition has capital, resources and expertise. They are not growing lima beans. The little grower will be driven into extinction or into the black-market as California cannot consume all the cannabis production.

Government is chasing the revenue generated by marijuana today. It pays for jobs and overcomes budget deficits, but only if that revenue is threatened will enforcement actions against the black-market be taken. And enforcement raises the cost side of governing. We currently experience that the county does not enforce laws against lower economic targets, so you will need big revenue to make this work.

I.2-1 Here are some items I did not see in your presentation:

1. Growers should be bonded now, so we don't have superfund cleanup sites in the future.

2. Workers need to be Live Scanned so cartels can't have gang style influence, and the state felony law is enforced.

3. Form I9, IRS compliance for renewal of the license in the second year.

4. A system to track cash payments must be instituted.

5. Environmental impact reports for every legal grower.

6. Minimum AG-I-40 acreage requirement.

If we don't take the heavy-handed government approach now, enforcement will suffer, the black market will flourish and you'll be asking for more money to cover the budget deficits in the future."

Thank you in advance for your serious consideration of this matter.

Sincerely,

Karen and Robert Jowers

Santa Ynez, CA

Comment Letter I.2 – Karen Jowers

I.2-1 When considering the direct impacts of the Project, which would involve fully licensed and regulated cannabis activities, it is important to consider the distinction between past illegal/unregulated cannabis activities and those to be regulated and enforced upon under the Project. For additional information and discussion of enforcement of cannabis operations under the Project, please see **Master Comment Response 4 – Enforcement of Cannabis Operations**. With regard to effects of the Project on property taxes and values, economic effects need not be considered in an EIR. See CEQA Guidelines Section 15064(e). Further, a number of issues in this comment are not related to an environmental issue pursuant to CEQA and directly address the merits of the Project or proposed regulation. Such comments and concerns are best addressed towards County decision-makers. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Individual

From: Sandra S Mezzio <sandymv@me.com>
Sent: Wednesday, October 11, 2017 9:31 AM
To: Cannabis Info
Subject: Terrible smell

Hello.

I am a longtime Carpinteria resident. I love this little town.

I.3-1 It is so very sad that our residents and visitors have to live with the stench of marijuana cultivation twenty four hours a day.

I had a one on one meeting with Das Williams and it is quite clear that "nothing can/will be done" to help the 17,000+ residents in this matter.

I am asking for help/relief from this nuisance which so negatively affects our quality of life in Carpinteria.

I.3-2 Frankly, I realize that the county wants the revenue, as do the growers, who are grossing, reportedly, 5 million dollars per acre.

But, my vote will follow whoever will ban this nuisance. Ventura did it and I hope our county will protect us, as well.

Thank you.

Sandra Mezzio

Comment Letter I.3 – Sandra Mezzio

I.3-1 For comments and concerns related to odors from licensed cannabis operations, please refer to **Master Comment Response 2 – Odor Control Initiatives.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.3-2 This comment addresses the merits of the Project and does not identify any inadequacy in the analysis, conclusions, or mitigation measures in the EIR. These comments are best addressed towards County decision-makers. In an effort to provide the public and County decision-makers with a range of feasible alternatives which may address public and community concerns, meet Project objectives, and/or reduce significant impacts of the Project, the EIR provides for the consideration of Alternative 1 – Exclusion of Cannabis Activities from the AG-I Zone District Alternative in Chapter 4, *Alternatives Analysis*. Specifically, this alternative is provided with the intent to reduce perceived potential environmental and land use compatibility concerns or neighborhood compatibility impacts of the Project that were identified during the NOP scoping process and from general public interest. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Denise <denise@wegotpuppies.com>
Sent: Thursday, October 12, 2017 9:44 PM
To: Cannabis Info
Subject: Cannabis in Cebada Canyon

I live on 20 acres, there are marijuana farms popping up all around my ranch. law enforcement won't stop them, county won't stop them and I know for sure they do not have permits. They are putting up their "plastic hoop houses" in high fire areas, in tall brush thinking we cannot see them. As I understand it, Hoop Houses are still considered growing outside.

Fire is one of the many concerns I have with these growers. I attended the Supervisors meeting in Santa Maria on Sept 19th, the hot lights and volatile method they are using to make oils and extracting THC for other uses is another fact I.4-1 that should be considered when it comes to the possibility of fire. This is a perfect opportunity for Cartel to move in because nothing is being governed. I know they are selling marijuana because the cars that drive in the canyon are driving out about 15 minutes later. I can be sitting on my horse in my arena and watch these people all day.

This canyon used to be a ranch environment, friends would ride by on the horseback or ride over to chat. People waved. Now we have total strangers racing up and down our private roads.

I heard an ad the other day for County Employment in the Cannabis Work Force. The County has not yet figured out how to tax these operations, so where is the money coming from to pay these new employees? How are you going to tax these grow houses when everything is in cash? Is it going to be neighbor telling on neighbor? Santa Barbara will be chasing revenue for years if they do not take a serious stand to stop illegal growers now. Law Enforcement will loose their leverage, the black market will flourish and you'll be asking for more money to cover the budget deficits in the future.

I.4-2 Even if money is to be made in the process, freely allowing THC/marijuana use, is just a bad idea. Do not forget that the federal government still classifies this as a class 1 drug so they are breaking the law.

The waste that these growers will leave behind will be catastrophic. The piles of plastic, toxic fertilizers will be alarming.

Please vote AGAINST recreational growing of marijuana in residential areas, I do not want it growing in my backyard. I support Peters Adam's proposal to move the growers to 40 acres and greater and out of residential areas.

Escrow closed on another property yesterday and they are already preparing to build a marijuana grow house. Don't they need a permit?

Denise Peterson
[redacted]
Lompoc, CA

Comment Letter I.4 – Denise Peterson

I.4-1 For discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**. As discussed in Section 3.8.2.3, *Hazardous Materials and Manufacturing*, although volatile cannabis manufacturing can be performed safely due to implementation of industry standard practices, use of certified safe equipment, or implementation of fire development standards, risk of upset (e.g., fires, explosions, hazardous material spills, etc.) may nonetheless occur. However, County Fire Code requirements for cannabis related activities within structures would likely require site improvements (e.g., adequate water supply, fire sprinklers, road improvements, defensible space, etc.), and manufacturing operations under the Project would occur within permitted structures subject to building codes, electrical codes, and review by the County Building Official and Fire Department. Demonstration that proposed or existing development complies with these codes would be required prior to the issuance of a building or development permit or a cannabis license. With regard to neighborhood compatibility within Existing Developed Rural Neighborhood (EDRN) areas and the inclusion of requirements for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

I.4-2 Economic effects, including those related to tax revenue and property values need not be considered in an EIR. See CEQA Guidelines Section 15064(e). With regard to discussion of enforcement of licensed and unlicensed cannabis operations and how the Project would enforce proposed regulations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

With regard to application of hazardous agricultural materials and chemicals, the County shares the commenter's concerns over the potential impacts of waste and fertilizers. As discussed in Impact HAZ-3 of Section 3.7, *Hazards and Hazardous Materials*, the EIR acknowledges that cannabis cultivation under the Project could result in impacts from the use, storage, transport, or discharge of hazardous materials, particularly with respect to the use of rodenticides, fungicides, herbicides, insecticides, fertilizers, and other agricultural chemicals. However, cannabis cultivation would be subject to existing laws and regulations governing the cultivation and associated hazardous activities, including pesticide use regulations under USEPA, CalEPA and the California Department of Pesticide Regulation. With implementation of **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order*, the County Planning and Development Department would ensure that impacts from pesticides/fertilizers would be minimized by reviewing and approving compliance with the requirements of the SWRCB, and would ensure residual impacts were *less than significant with mitigation*. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Alyssa Moffitt <alyssalealphoto@me.com>
Sent: Friday, October 13, 2017 9:51 AM
To: Cannabis Info
Subject: Cannabis Land Use Ordinance and Licensing Program

To whom it may concern,

I am a resident of the Tepusquet Community I am writing you regarding the Draft PEIR findings in regards to the Tepusquet area.

I.5-1 We find that the Draft PEIR has recognized extensive, unmitigable hazards and impacts that cannabis cultivation, processing, manufacturing, testing, distribution and selling would have on the Tepusquet Community. At present this small area has 6% of the recognized cannabis cultivators and most likely more if one counts the number of cannabis farms increasing during the moratorium. According to the County Sheriff's office, very few busts of grow sites have occurred since the passage of Prop 64, which may be a result of the remoteness of our area.

None of the three alternatives in the Draft PEIR specifically address the Tepusquet Community's unique concerns for the natural community the hazardous road conditions, limited water resources and lack of nearby Fire and Police services.

Without specific protections for particular communities that are overburdened with the cannabis farming and particularly sensitive and unsuitable for this agriculture, areas such as Tepusquet Canyon and Lompoc Valley do not receive fair and equal protection under the law. Such sensitive communities are also in imminent need of enforcement to reduce the numerous impacts occurring at present and impacting the well being of the residents and environment.

Below you will find our notes from the Draft PEIR that iterate the numerous environmental impacts to our community.

Thank you for your consideration.

Alyssa and Barak Moffitt

Comment Letter I.5 – Alyssa Moffitt

I.5-1 With regard to addressing impacts from cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** The EIR acknowledges many of the constraints present within certain communities of the County related to emergency access, traffic safety, fire response, fire hazard, etc. The EIR has acknowledged that several highly constrained communities, such as Tepusquet, may be at increased threat from natural hazards or may be ill-suited for licensed cannabis operations due to these existing constraints. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: PAUL EKSTROM <paulekstrom@cox.net>
Sent: Friday, October 13, 2017 10:35 AM
To: Cannabis Info
Subject: Draft EIR

I.6-1 Hi Jessica, I attended Oct. 12th meeting and again I wish to thank you and the committee for working on this project. I am not a grower but I live very close to the Everbloom greenhouses which were built years after I purchased my home. My dining room window is 50' from the wall of the greenhouse structure. I support the commercial growing of marijuana and I hope the growers will try harder to get along with their residential neighbors. The odor from greenhouse growing of marijuana is terrible for me and a lot of the Carpinteria valley. I hope Santa Barbara County can do something about it. I do not trust the majority of the growers, they have not followed the rules in the past with flower growing and I don't trust that they will with marijuana growing-there is too much money to be made. I hope you consider my view. Thank you, Paul

Comment Letter I.6 – Paul Ekstrom

I.6-1 With regard to concerns from cannabis-related odors, particularly within the Carpinteria Valley, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Response L.2-3.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Susan Ashbrook <sjashbrook@gmail.com>
Sent: Friday, October 13, 2017 5:41 PM
To: Cannabis Info
Subject: Cebada "Cannabis" Canyon

Dear Jessica,

I attended the Supervisors meeting in Santa Maria on Sept 19th for the discussion regarding marijuana farms. I am writing to encourage our county to enforce tough regulations on growers.

I'd like to share my own experience of living next to 8 grow houses. Our area is a neighborhood with 20-acre parcels. Before the hoop houses and growers started to take over our canyon, we had BBQ's twice a year and welcomed new neighbors.

Many home owners added horse barns and metal buildings for their ranch equipment – through a permitting process that included testing for tiger salamanders. All the illegal grow houses in our canyon are not permitted and if there was any evidence of tiger salamanders, the numerous hoop houses have destroyed them.

Some of the other challenges we encounter daily include:

I.7-1

- Workers living illegally on property
- Use of unknown fertilizers and pesticides
- Selling Cannabis directly.
- Increased traffic on our private roads
- The 4-6 crops per year influence air quality - the skunk smell is constant
- Increased water usage. One neighbor has 6 water tanks on 20 acres
- Many growers with "security" have threatened neighbors
- Real Estate property values have decreased 10%
- Some growers have children living on the property
- 3 parcel owners are leasing their property to a Los Angeles grower

I.7-2 I am very concerned to learn Cannabis is manufactured through non-volatile or volatile means. In a high fire danger area, volatile production can easily become a fire danger in the wrong hands.

Supervisor Peter Adam is suggesting permitting 40+ acre AG properties for Cannabis properties. I can support that along with tough environmental regulations and a permitting process.

Respectfully,

Susan Ashbrook

[redacted], Lompoc, CA 93436

Buggert, Matthew

From: Susan Ashbrook <sjashbrook@gmail.com>
Sent: Friday, October 13, 2017 6:13 PM
To: Cannabis Info
Subject: 2 Cebada Canyon Cannabis Growers
Attachments: Plants Sept 10, 2017.jpg; Old Bridge Farm.JPG

Jessica,

These are just 2 of the illegal growers that have complaints with the County:

[redacted]

[redacted]

Thank you,
Susan

Comment Letter I.7 – Susan Ashbrook (1)

I.7-1 For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.** With regard to neighborhood compatibility within EDRN areas and the inclusion of requirements for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**. The County shares the commenter's concerns over the potential impacts of pesticide and fertilizer use. As discussed in Impact HAZ-3 of Section 3.7, *Hazards and Hazardous Materials*, the EIR acknowledges that cannabis cultivation under the Project could result in impacts from the use, storage, transport, or discharge of hazardous materials, particularly with respect to the use of rodenticides, fungicides, herbicides, insecticides, fertilizers, and other agricultural chemicals. However, cannabis cultivation would be subject to existing laws and regulations governing the cultivation and associated hazardous activities, including pesticide use regulations under USEPA, CalEPA and the California Department of Pesticide Regulation. Any commercial agricultural operations planning on using pesticides must obtain an Operator Identification Number from the Agricultural Commissioner's Office before they can purchase or use pesticides/rodenticides. In addition, with implementation of **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order and Pest Management Plan*, the County Planning and Development Department would ensure that impacts from pesticides/fertilizers would be minimized by reviewing and approving compliance with the requirements of the SWRCB, and would ensure residual impacts were *less than significant with mitigation*.

With regard to consideration of Project effects on traffic, as discussed in Impact TRA-1 of Section 3.12, *Transportation and Traffic*, the EIR acknowledges that implementation of the Project would potentially increase traffic volumes and degrade roadway and intersection operations beyond projected or planned levels in applicable local or regional transportation plans, policies, and/or programs. Despite projected new traffic volumes, the Project would not likely substantially increase vehicle trips or traffic volumes along any one road or intersection, as proposed cannabis operations would be dispersed across a relatively wide area, some of which are already experiencing cannabis-related trips from existing medical cannabis cultivation. Further, implementation of MM TRA-1, *Payment of Transportation Impact Fees,* and MM AQ-1, *Cannabis Site Transportation Demand Management,* would reduce impacts to County transportation facilities. However, at a programmatic level, impacts to a specific intersection or road segment, as well as mitigation measures necessary to reduce such impacts cannot be identified. With regard to concerns from cannabis-related odors and amendments to **MM AQ-5**, *Odor Abatement Plan (OAP),* to further address cannabis-related odor impacts, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

Regarding concerns related to increased water usage, the EIR provides a highly detailed and thorough analysis of the Project's potential impacts on utilities and water supplies as a result in increases in existing water demands based on best available data retrieved from individual responses to the 2017 Cannabis Registry, review and reference to scientific data sources which provide detailed information on average cannabis water demands, and thorough review and consideration of existing and planned County water supplies and demands. This analysis includes consideration of impacts from increased water demand associated with irrigation and water storage requirements. Please refer to discussion of Impact UE-1 in Section 3.13, *Utilities and Energy Conservation.* With regard to comments addressing the

economic or social effects of the Project, provision of such discussion within the EIR is not required under CEQA Guidelines. See CEQA Guidelines Section 15064(e).

I.7-2 The EIR thoroughly acknowledges the potential impacts associated with fire hazards resulting from the operation of cannabis sites throughout the County in Section 3.7, *Hazards and Hazardous Materials* (refer to Impact HAZ-4). However, impacts associated with fire hazards and licensed cannabis activities are considered to be less than significant due to the requirement for adherence with general development standards proposed under the Project and existing federal, state, and local regulations governing fire protection development standards and requirements. Similar to all other development allowed within the County, if licensed, cannabis operations would be subject to such standards, which are determined adequate for addressing and reducing impacts related to fire hazards.

Individual

October 16, 2017

Santa Barbara County
Board of Supervisors

Clerk of the Board , and

Jessica Metzger, Comments on Cannabis Draft PIER

Re: Cannabis Draft PIER-Regarding Unincorporated Areas of Santa Barbara County

Several Cannabis Grows are taking place in Tepusquet and Colson Canyon, a rural area of Santa Barbara County. The narrow, winding road consisting of blind curves and steep terrain is from Foxen Canyon Road to Hi-way 166, a length of 15.8 miles. (+ or -)

I encourage the County Board of Supervisors to adopt and regulate ordinances as far as land use for Cannabis Growers; such as road improvements on Tepusquet Canyon Road and accesss roads through easements in order to quiet dust and sound of traffic through neighbors' easements to grows. Water, safety and drainage, needs to be a stipulation for growers to provide, **if** and when a grow is permitted.

I.8-1 As of now, these "legal", non-conforming grows have had many impacts that effect neighbors of Tepusquet Canyon, since January 19, 2016. If permitted, Cannabis Grows will alter our community, permanently. Therefore, it is important to have strict conditions as a requirement, before a permit can be issued. We have already witnessed increase in traffic, labor, supplies, equipment. **Increased funding for Fire, Safety and Water is a must from the grower!**

Also, since Federal Banking Laws do not allow income to be deposited in "banks", and since **CASH OPERATIVES** are already in existence, **how is Santa Barbara County going to be able to track income from the Cannabis Growers, to insure taxes can be collected on Cannabis product sold? Until the Federal Government recognizes income from Cannabis, what is the plan for collecting, other than property taxes, on a grow?**

Kathryn Donovan
[redacted]
Santa Maria, Ca. 93456
Resident of Tepusquet Canyon
Santa Barbara County
California

Comment Letter I.8 – Kathryn Donovan

I.8-1 The EIR currently includes consideration and identification of a number of existing federal, state, and local development standards, regulations, and permitting requirements which would apply to all licensed and unlicensed cannabis operations within the County. In addition, the EIR identifies a number of mitigation measures specifically required of the Project and future licensed cannabis operations to reduce adverse impacts to the environment. These include requirements for appropriate land development permits, adherence to water quality and discharge requirements from state and regional water agencies, implementation of fire development standards, and a number of other regulatory requirements identified in the *Regulatory Setting* discussion provided in each of the Sections 3.1 through 3.14 of this EIR. With regard to addressing cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** Social and economic effects, including those related to income, funding, and taxation, need not be considered in an EIR. See CEQA Guidelines Section 15064(e). Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

Received: Tuesday 10/17/2017 6:15 PM
Ken Volk <tunakahunakenvis@yahoo.com>
Cannabis Growing in Tepusquet Canyon
To: Cannabis Info < cannabisinfo@countyofsb.org>

Dear County of Santa Barbara,

RE: Cannabis Cultivation in Tepusquet Canyon

My Name is Ken Volk I have been in the Central Coast Wine Industry for 40 years. I purchased the original Byron winery in 2004 from Robert Mondavi. I rebranded the property at 5230 Tepusquet road to Kenneth Volk Vineyards in 2005. Since acquiring the property I have become friends with many of the residents of Tepusquet canyon. I'm writing you today to express my concern over legal and illegal cannabis grows in Tepusquet canyon.

I'm in favor of legalization of marijuana however not at the expense of the quality of life for the residents of Tepusquet. I have been in the licensed beverage industry for most my life. I'm familiar with the problems of the repeal of prohibition of alcoholic beverages and the Volstead act.

I.9-1

It seems that the state of California 's does not remember the problems created by the repeal of the prohibition of alcohol. When many bootleggers operated out of Santa Cruz Island and post prohibition became legal alcoholic beverage distributors. That was not right then and will not be right now in the second prohibition.

Proposition 64 creates many of the same problems. Where many illegal marijuana growers are able to enter the legal cannabis trade. There are many illegal cannabis grows in Santa Barbara County. Some of which can be directly linked to organized crime rings particularly Mexican drug cartels. These gangs have been in Santa Barbara county for years. You may recall the devastating La Brea Fire of 2009 when 89,000 acres of Santa Barbara burned due to a cooking fire of an illegal Mexican cartel grow in the Las Padres. This same gang has set up shop in the upper Tepusquet Canyon and have threaten myself and other canyon residents.

Some of the *Medical Marijuana* growers in Tepusquet canyon are in line for the new permitting system for legal growing. Some of these medical growers will be coerced at gunpoint to illegally sell marijuana in Santa Barbara county. The cartels prefer to sell out-of-state in the black and illegal marketplace but they will seek sales anywhere.

I.9-1 There is no mechanism in prop 64 for enforcement of field inspections and chain of custody of marijuana. There seems to be no enforcement of existing firearm or cannabis cultivation laws by our sheriffs – why? The legislation that is proposed for Santa Barbara County again does not provide funding for enforcement or oversight. I feel Santa Barbara County is rushing into legal cannabis cultivation and distribution without properly thinking through all of the potential unintended consequences.

I could go on about the short comings of proposition 64. My main point is to ask you to delay implementing legal cannabis cultivation in Santa Barbara County until you have given it more consideration.

Sincerely

Ken Volk
President, Director of Wine Making
Kenneth Volk Vineyards
Ken@volkwines.com
805 938 7896 , Cell 805 459 4466
Correspondence
[redacted], San Luis Obispo, CA 93405
Winery Physical address
[redacted], Santa Maria, CA
Please visit our web site Volkwines.com

Comment Letter I.9 – Ken Volk

I.9-1 With regard to addressing cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** For concerns and issues addressing the enforcement of licensed and unlicensed cannabis operations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Renee ONeill <chasingstar2701@yahoo.com>
Sent: Tuesday, October 17, 2017 2:24 PM
To: Cannabis Info; Metzger, Jessica
Cc: Lavagnino, Steve; Hartmann, Joan; Wolf, Janet; Adam, Peter; Williams, Das
Subject: PEIR Response
Attachments: PEIR letter from Tepusquet.docx; Tepusquet Draft PEIR Notes.pdf

Dear PEIR Committee and Jessica Metzger,

I want to express my warmest appreciation to you, for undertaking this *daunting endeavor!* MY PLAUDITS!

Attached, you will find my written response re PEIR and a thirteen page summary of the PEIR Report, as it applies to Tepusquet Canyon. This document was created by a member of the Tepusquet Canyon Crisis Committee. We truly need more time to review that 608 page document but for the most part, I think I can speak to a couple of the issues you addressed.

Warmest Regards,

Renée O'Neill

To: Ms. Jessica Metzger and the PEIR Committee October 17, 2017
Cc: Santa Barbara County Board of Supervisors

My name is Renée O'Neill. I have been a resident of Tepusquet Community for over 20 years. I want to commend the PEIR Committee for undertaking this daunting endeavor! My plaudits to every one of you!

As one of Tepusquet's leading Community Advocates, I am expressing our community's grave concerns regarding the escalating Cannabis Crisis in our canyon. One local resident recently reported, "There are WAY MORE than 21 farms out here! I've seen them!" This individual has traversed this canyon, on foot, from one end to the other. We strongly request that all aspects of this industry be prohibited and removed, IMMEDIATELY! This industry is having devastating effects to our community! The detrimental impacts this is currently having, are irremediable!

The PEIR states, "Tepusquet is relatively remote and response times from the Fire Department and the Police Department are long. It does not have agricultural infrastructure."
This commercial industry is unsustainable in Tepusquet Canyon! We have also brought our concerns to SB County, via the Sheriff's, DEA, District Supervisor, etc., since 2014! NOTHING has been done to remedy it! We feel many of our government officials are purposely turning a blind eye to our pleads for help! We want to know **WHY and WHO is profiting by ignoring TEPUSQUET?**

We strongly urge the PEIR Committee and the County Board of Supervisors to make *wise decisions*, as to WHERE cannabis growers are authorized to operate. It is also evident that the county is unable/unwilling to control any aspect of this industry, in isolated, rural areas, like Tepusquet Canyon! They have certainly proven their inability/unwillingness to enforce their current laws! Our Voices, Our Concerns and Our Civil Rights have been ignored for too long!
We strongly recommend that the EIR Committee develop language to prohibit all cannabis industry in Tepusquet!

I.10-1

We also recommend that the EIR Committee designate Cannabis to be grown in areas that already have existing agriculture and greenhouse operations, such as on Black Road, in Santa Maria. These areas are *accessible* and can be easily monitored, regulated, TAXED and ENFORCED! If growers try to transport their product out of the county *or state lines*, where 'revenue' is then lost, then State and Federal authorities can lend their authoritative support. If allowing cannabis is truly about 'REVENUE,' then issue permits to grow it where it can be SEEN, MONITORED, REGULATED and ENFORCED, not in "The Hinterlands;" the isolated, inaccessible, rural areas of the county! This county HAS NOT monitored ANY Cannabis activity, in Tepusquet Canyon, thus far and they WILL NOT do so, in the future!

CRITICAL!!! For the health and protection of consumers, this product must be scrupulously monitored! It will be used to treat medical patients or purchased for recreational use. Therefore, it is *inestimably important* for the health and wellbeing of these patients/clients to receive a high quality (no pun intended) product, which is free from chemicals, pesticides and contamination of any type! WHO is going to oversee THIS STANDARD? HOW will it be regulated? *How many lawsuits will the county have to deal with*, when people come forward to testify that these plants were grown on *known, contaminated sites?* How much REVENUE will remain in the county coffers, as opposed to how much will be lost to litigation. BE CAUTIOUS! This is another Pandora's Box just waiting for its turn to open and rear its ugly head!

The unregulated, illegal cannabis growers have nothing 'wholesome' to contribute to communities, patients or clients. They are a danger to our community and to the people they supply their product to! These people do not hold *ANYONE'S* BEST INTEREST AT HEART *BUT THEIR OWN!!!*

Sincerely Concerned,
Renée O'Neill

SUMMARY OF DRAFT PEIR FINDINGS:

CONDITIONS:

The Tepusquet area of Northern Santa Barbara is a remote, unincorporated, mountainous area of steep slopes. It has sensitive, natural communities of Oak woodlands, grasslands, sage scrub, chaparral, and riparian woodland habitats along the Tepusquet Creek. It is a high fire hazard area and subject to wildfires. It is also susceptible to erosion and landslide hazards. It is hydraulically sensitive. There is little groundwater and precipitation in the area. Most of the water used for agricultural activities comes from limited, fragmented groundwater resources and surface runoff."

Tepusquet is relatively remote and response times from the Fire Department and the Police Department are long. It does not have agricultural infrastructure.

Tepusquet Canyon has hazardous road conditions. Access to and from Tepusquet Canyon is limited via the 15.8-mile-long paved two-lane Tepusquet Road. Tepusquet Canyon road connects from Foxen Canyon Road to SR 166. Tepusquet Road is intermittently striped for single-lane travel in each direction. Steep canyon walls, vegetation, narrow stretches of road, and the topographical form of the winding canyon support poor line-of sight and unsafe road conditions unsuitable for commercial vehicles or traffic. Tepusquet Road has an existing ADT of 390. (Average Daily Trips)

The Tepusquet Community has 6% of the total cultivators in the County.. It is comparable to Santa Ynez/Solvang (at 7%) but more than Santa Maria Valley (at 4%) -(both significantly larger communities.) Very few "busts" have occurred since the passage of Prop 64 . Known sites are along the westernmost side of Tepusquet Canyon. Several known cannabis cultivation sites are located in this area, scattered along Tepusquet Road into the western portion of the San Rafael Mountains. (See Figure 2-1 for a map of existing commercial cannabis activities.)

POTENTIAL ENVIRONMENTAL IMPACTS FOR TEPUSQUET:

POTENTIAL IMPACTS:

3.4-37 Impact Bio-1 **"**An increase in human activity due to cannabis operations could affect downstream water quality , especially in areas of concentrated cannabis activities such as Tepusquet.."

3-4-40 Impact Bio-2 Cannabis activities could have adverse effects on habitats or sensitive natural communities.

States specifically here that " sensitive natural communities often provide important habitat for many plant and wildlife species, and the degradation or loss of natural function could result in the reduction or loss of that community to function as a habitat for plant and wildlife species. Specific biological impacts cannot be determined…However, existing cannabis activities are concentrated in Tepusquet, Goleta, Carpinteria, and Lompoc.

Native grasslands, oak woodlands and forests, and individual native trees: Depending on where future cannabis activities sites would occur within the County…could result in the loss of healthy native grasslands, oak woodlands and forests, and native specimen trees"

Impact GEO-1.Cannabis cultivation under the Project could have adverse effects due to exposure to unstable earth conditions, such as landslides, erosion, earthquakes, liquefaction, …..
3.6-15 "This is particularly true in hilly areas subject to landslides, erosion hazards where high rainfall may strain drainage, erosion, or landslide protection measures, such as within the **Tepuqsquet area** or Lompoc Region hills. (County of Santa Barbara 2015a).

3.7.2 Environmental Setting "Based on the June 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program (Cannabis Registry), existing cannabis cultivation operations have historically been or are currently concentrated in more rural settings, such as remote and mountainous areas of **Tepusquet Canyon** and mountainous canyon settings of the Lompoc Valley. These existing cannabis operations can be associated with fires, use of hazardous materials such as pesticides and highly flammable materials, and, on occasion, explosions. In addition, some cannabis operations may engage in potentially hazardous volatile butane honey oil (BHO) extraction processes, which involve the use of flammable or explosive substances. Given the relatively remote and mountainous settings of these areas, as well as the high amount of natural vegetation and types of activities associated with these cannabis operations, such **areas may pose or experience greater threat from fire hazards.**"
"

Impact HAZ-4. Potential adverse impacts could result from cannabis activities that may be located within high fire hazard areas, exposing people or structures to significant risks involving wild land fires.

Location of cannabis-related activities in more remote areas could increase difficulty with emergency evacuations, particularly within areas of narrow rural roads and limited access, such as **Tepusquet Canyon** or along the Gaviota Coast. Further, cannabis activities could introduce new ignition sources to rural areas, including electrical power, machinery and operators and employees, incrementally increasing the potential for accidental wildfire ignition.

3.8-31.
As discussed in Section 3.13, Utilities and Energy Conservation, new cannabis cultivation could increase Countywide water demands, with a substantial portion of irrigation water coming from groundwater sources. This increase in groundwater extraction would impact the level of supply available in the aquifers, especially in areas of scarce groundwater supplies, such as Tepusquet Canyon."

P. 3-12=28 Impact TRA-2 Cannabis activity operations may result in adverse changes to the traffic safety environment.

Licensed cannabis activities would generate vehicle trips from permanent and seasonal employees, movement of equipment or operational support vehicles, and travel by retail customers. Licensed operations could be located within areas of the County or along roadways currently subject to hazardous road conditions. These may include potential cannabis sites within the rural mountainous areas, such as Tepusquet Canyon in the Santa Maria Region and Mission Canyon in the South Coast Region, where roads can be lightly maintained, subject to erosion or washout from storms, may have limited line-of-sight, have substandard road width or geometrics for turning movements, be of a poor or failing condition, or potentially have on-street parking or other design features that may present safety hazards (e.g., older substandard bridges) (refer to discussion on roadway conditions under Local Roadways in Section 3.12=2 Existing setting). Such features may also limit or lead to obstruction of emergency access.

"Based on programmatic projections of future cannabis activities and associated potential for new construction, increases in employment and commercial operations would increase countywide vehicular traffic. In particular, the Project would have the potential to reduce roadway safety or introduce new roadway hazards, such that the **County's adopted significance criteria for traffic and roadway safety are exceeded, particularly within areas with presently known hazardous roadway conditions, such as the rural winding roads of Tepusquet Canyon** and Mission Canyon.."

Impact HAZ-4: (p.4-28)
While cannabis activities on eligible parcels would be subject to various levels of fire hazards, the level of impacts under Alternative 1 would be greater than the proposed Project. *Under Alternative 1 cannabis activities would be sited in more remote and rural areas of the County where AG-II zoned lands are situated and where the emergency access and evaluation may be more limited and more timely (e.g., Tepusquet Canyon, Gaviota Coast, Cuyama Valley), which could expose cannabis cultivators, manufacturers, retailers, distributers, testers, and employees, neighboring populations, as well as wildlife to greater fire hazards*. Cannabis activities would be subject to CalFire defensible space requirements, County Building Code requirements, and County Fire Code regulations to ensure protection of proposed facilities from wildfire hazards. Therefore, impacts as associated with wildfire hazards of siting new facilities and operations would be less than significant."

IMPACTS OF ALTERNATIVES

4-32

Impact TRA-2: "Licensed cannabis operations could be located within areas of the County or along roadways currently subject to hazardous road conditions. In particular, **Alternative 1** would have the potential to reduce roadway safety or introduce new roadway hazards, such that the County's adopted significance criteria for traffic and roadway safety are exceeded, particularly within areas with known hazardous roadway conditions, such as the rural winding roads of Tepusquet Canyon and SR 192 where existing agricultural operations may result in roadway compatibility issues with nearby urban residential development. Implementation of MM TRA-1, Payment of Transportation Impact Fees, and MM AQ-3, ***Cannabis Site Transportation Demand Management, would reduce impacts to roadways safety and emergency access, but they would remain significant and unavoidable. These road safety impacts would be slightly greater under Alternative 1, as it directs cannabis activities to the AG-II zoning districts, which are spread across the County in rural areas, and where more narrow and winding roads may be present when compared to the urban areas of the County."***

HYDROLOGY AND WATER QUALITY. p 4-46
(Alternative 2-

Alternative 2 would prohibit all cannabis cultivation activities on Williamson Act lands, which would greatly reduce the lands eligible for cannabis activities within the County, but may result in the relocation of existing cannabis cultivation operations to areas without agricultural infrastructure and more hydraulically sensitive, such as Tepusquet Canyon and the northern Lompoc area Further, it may increase the amount of unregulated activities, as many cultivators may not be able to relocate to eligible lands.."

Impact HWR-3 p 4-47

Alternative 2 would result in greater impacts than the proposed Project, particularly when cannabis cultivation is directed to non-Williamson Act lands where any increase in groundwater extraction would impact the level of supply available in the aquifers. ***Higher groundwater impacts may occur in rural areas where there are non-Williamson Act lands, and where there are scarce groundwater supplies, such as Tepusquet Canyon,*** and overdrafted groundwater basins, including the Goleta, Buellton Uplands…

p4-63

Impact TRA-2: While **Alternative 3** would reduce the amount of cannabis activity by 50 percent, like the Project, licensed cannabis operations could be located within areas of the County or along roadways currently subject to hazardous road conditions. Thus, Alternative 3 would also have the potential to reduce roadway safety or introduce new roadway hazards, such that the County's adopted significance criteria for traffic and roadway safety are exceeded, ***particularly within areas with known hazardous roadway conditions, such as***

the rural winding roads of Tepusquet Canyon, and SR 192 in the Carpinteria Valley where existing agricultural operations commonly result in roadway compatibility issues with surrounding urban residential development. Implementation of MM TRA-1, Payment of Transportation Impact Fees, and MM AQ-3, Cannabis Site Transportation Demand Management, would reduce impacts to roadways safety and emergency access, but they would remain significant and unavoidable."

THE CODES THAT ARE PROTECT AGAINST ENVIRONMENTAL IMPACTS FOR TEPUSQUET CANYON:

California Right to Farm Act (California Civil Code Section 3482.5)
provides that farming activity cannot be a public nuisance if all of the following factors are met (see below under summary)

3.2.3.2 Local
Santa Barbara County Comprehensive Plan: a framework of development and growth in the county.

Policy I.F: "the quality and availability of water, air and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas and the promotion of conservation practices.

Policy IV.C Grading and bush clearing for new agricultural improvements on hillsides shall not cause excessive erosion or downslope damage.

PERSONAL CONCLUSION:

I.10-2 **The PEIR makes a clear point that Tepusquet is poorly suited for cannabis farming and already has a large relative percentage of this agriculture in the area. The three alternatives do not specifically protect these particularly sensitive communities. Without specifying particular communities that are overburdened and would be excessively impacted by the Project, areas such as Tepusquet Canyon and Lompoc Valley do not receive fair and equal protection under the law.**

DRAFT PEIR NOTES
FOR TEPUSQUET CANYON

Please reference the Draft PEIR:
http://longrange.sbcountyplanning.org/programs/Cannabis/Environmental/Draft%20PEIR/SBC_Cannabis_Complete_DEIR.pdf

PART 1: EXISTING CANNABIS ACTIVITIES:

Figure 2-2 shows the existing setting of Cannabis Activities and the concentration in Tepusquet Canyon.

.Table 2.1_ SHOWING THE CONCENTRATION OF CANNABIS ACTIVITY IN OUR AREA:

There are 16 known sites in Cuyama (this is the region Tepusquet in placed on this table) (12% of the total) and it is noted below that "A majority of these sites re located within the Tepusquet area".

2-23
Colorful pie charts show that Tepusquet has 6% of the cultivators when broken down by community. This is comparable to Santa Ynez/Solvang at 7% (a larger area) or Santa Maria Valley at 4%.

2-29 Other County Department Data Sources:

The anecdotal estimation of the total number of sites within the county and LPNF from the County Sheriff's office is focused on backcountry grows, and is estimated at well over 100 sites. "...these sites are not expected to cease due to their remoteness."

"'Very few busts' of grow sites have occurred since the passage of Prop 64..."

"Although no 'hard data' was available, the County Sheriff's Office provide information for the Tepusquet Canyon area east of the City of Santa Maria. There were eight reports received by the Sheriff's office between July 2016 and July 2017 within this area, including illegal sales, descriptions of a large operation using water trucks..and reports of a brush fire in a marijuana grow."

3.2.6 CUYAMA REGION DESCRIPTION:

Known cannabis sites are located along the westernmost edge near Tepusquet Canyon adjacent to the Santa Maria Region, and a singular known site at the easternmost edge of the region. Approximately 129,809 acres of agriculture are enrolled in Williamson Act contracts in

the County Agricultural Preserve Program within this region, equating to approximately 91% of the region's agricultural lands.

PART 2: RELEVANT LAWS AND ACTS

3.2-7 California Land Conservation Act of 1965 (Williamson Act) The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open spaces use in return for reduced property tax assessments.

California Right to Farm Act (California Civil Code Section 3482.5)
provides that farming activity cannot be a public nuisance if all of the following factors are met:

3)the activity is conducted "in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality,"

4) The farming activity must have been in operation for at least 3 years; and
5) The farming activity was not a nuisance at the time it began.

3.2.3.2 Local
Santa Barbara County Comprehensive Plan: a framework of development and growth in the county.

Policy I.F: "the quality and availability of water, air and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas and the promotion of conservation practices.

Policy IV.C Grading and bush clearing for new agricultural improvements on hillsides shall not cause excessive erosion or downslope damage.

3.2-11 LAND USE ELEMENT

Hillside and Watershed Protection: Where agricultural development and/or agricultural improvements will involve the construction of service roads and the clearance of natural vegetation for orchard and vineyard development and/or improvements on slopes of 30 percent or greater, cover cropping or any other comparable means of soil protection, which may include alternative irrigation techniques, shall be utilized to minimize erosion until orchards and vineyards are mature enough to form a vegetative canopy over the exposed earth or as recommended y the County Public Works Department.

PART 3: (DESCRIPTION OF) NATURAL COMMUNITIES 3.4-2

The County encompasses a diverse range of habitats, including several large coastal salt marsh wetlands such as the Goleta Slough and Carpinteria Salt Marsh, grasslands, oak woodland and savannah, sage scrub and chaparral, and riparian woodlands along the Santa Ynez and Santa

Maria Rivers, as well as on major streams, such as Maria Ygnacia Creek, San Jose Creek, Carpinteria Creek, Pintado Creek and **Tepusquet Creek**.

TEPUSQUET CANYON:
The northeastern portion of the Santa Maria Region includes Tepusquet Canyon, a mountainous area shared with the Cuyama Region, with Tepusquet Road serving as the boundary between these neighboring regions. The Tepusquet Canyon area primarily supports chaparral oak woodland and grassland habitats, and surface waters support an intermittent stream which travels south within the valley and continues into the Santa Maria Valley area. Several known cannabis cultivation sites are located in this area, scattered along Tepusquet Road into the western portion of the San Rafael Mountains. (See Figure 2-1 for a map of existing commercial cannabis activities.)

POTENTIAL IMPACTS:
3.4-37 Impact Bio-1 **"**An increase in human activity due to cannabis operations could affect downstream water quality , especially in areas of concentrated cannabis activities such as Tepusquet.."

3-4-40 Impact Bio-2 Cannabis activities could have adverse effects on habitats or sensitive natural communities.

States specifically here that " sensitive natural communities often provide important habitat for many plant and wildlife species, and the degradation or loss of natural function could result in the reduction or loss of that community to function as a habitat for plant and wildlife species. Specific biological impacts cannot be determined…However, existing cannabis activities are concentrated in Tepusquet, Goleta, Carpinteria, and Lompoc.

Native grasslands, oak woodlands and forests, and individual native trees: Depending on where future cannabis activities sites would occur within the County…could result in the loss of healthy native grasslands, oak woodlands and forests, and native specimen trees"

Impact GEO-1.Cannabis cultivation under the Project could have adverse effects due to exposure to unstable earth conditions, such as landslides, erosion, earthquakes, liquefaction, …..
3.6-15 "This is particularly true in hilly areas subject to landslides, erosion hazards where high rainfall may strain drainage, erosion, or landslide protection measures, such as within the **Tepuqsquet area** or Lompoc Region hills. (County of Santa Barbara 2015a).

3.7.2 Environmental Setting

"Based on the June 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program (Cannabis Registry), existing cannabis cultivation operations have historically been or are currently concentrated in more rural settings, such as remote and mountainous areas of **Tepusquet Canyon** and mountainous canyon settings of the Lompoc Valley. These existing cannabis operations can be associated with fires, use of hazardous materials such as pesticides and highly flammable materials, and, on occasion, explosions. In addition, some cannabis operations may engage in potentially hazardous volatile butane honey oil (BHO) extraction processes, which involve the use of flammable or explosive substances. Given the relatively remote and mountainous settings of these areas, as well as the high amount of natural vegetation and types of activities associated with these cannabis operations, such **areas may pose or experience greater threat from fire hazards.**"
"

Impact HAZ-4. Potential adverse impacts could result from cannabis activities that may be located within high fire hazard areas, exposing people or structures to significant risks involving wild land fires.

Location of cannabis-related activities in more remote areas could increase difficulty with emergency evacuations, particularly within areas of narrow rural roads and limited access, such as **Tepusquet Canyon** or along the Gaviota Coast. Further, cannabis activities could introduce new ignition sources to rural areas, including electrical power, machinery and operators and employees, incrementally increasing the potential for accidental wildfire ignition.

3.8.2.1 Surface Water

"For example, some areas, such as the agricultural area of Tepusquet, receive very little surface waters.."

3.8-11

Tepusquet

The Tepusquet area is a relatively small agricultural region in Northern Santa Barbara County, approximately 12 miles east of the City of Santa Maria. According to the Agricultural Element of the County Comprehensive Plan, many of the foothills of this area are used for the cultivation of wine grapes, which are then shipped out of the Santa Maria Valley for processing. Additionally, at least an estimated 12 sites are currently used for cannabis cultivation within this area, with the total number of illegal grows noted by local residents unknown. While the Tepusquet area is mainly agricultural, there is little groundwater and precipitation received within the area. Most of the water used for agricultural activities comes from limited, fragmented groundwater resources and surface runoff."

3.8-31.

As discussed in Section 3.13, Utilities and Energy Conservation, new cannabis cultivation could increase Countywide water demands, with a substantial portion of irrigation water coming from groundwater sources. This increase in groundwater extraction would impact the level of supply available in the aquifers, especially in areas of scarce groundwater supplies, such as Tepusquet Canyon."

3.11-1 COUNTY FIRE PROTECTION STANDARDS:

The Fire Department is striving to obtain a minimum of four firefighters on each engine company in the County. This standard is set by the NFPA guidelines, which state that engine companies shall be staffed with a minimum of four on-duty personnel (NFPA, 5.2.3.1.1). This is especially important in unincorporated and more rural areas, including the Tepusquet and Santa Ynez areas due to the longer response times from outlying fire stations."

Santa Barbara County Roadway
Table 3.12.3 on page 3.12.8
Tepusquet Road has an existing ADT (average daily trips) of 390.

page 3.12-9

Within this region, existing cannabis operations are largely concentrated within the rural mountainous areas of Tepusquet Canyon and intermittently dispersed within and around the City of Santa Maria. Access to and from Tepusquet Canyon is limited via the 15.8-mile-long paved two-lane Tepusquet Road. Tepusquet Canyon road connects from Foxen Canyon Road to SR 166. Tepusquet Road is intermittently ***striped for single-lane travel in each direction. Steep canyon walls, vegetation, narrow stretches of road, and the topographical form of the winding canyon support poor line-of sight and unsafe road conditions unsuitable for commercial vehicles or traffic.***

Page 3.12-13

Existing cannabis operations identified within this region largely include those located within Tepusquet Canyon and accessed via Tepusquet Canyon Road. Only one existing cultivator was located outside this area, in the remote northeastern area of the region off SR 33. As discussed above, given the relatively remote nature of this region, the road network utilized by these operations consists primarily of low-volume SRs and unmaintained local roads.

P. 3-12=28 Impact TRA-2 Cannabis activity operations may result in adverse changes to the traffic safety environment.

Licensed cannabis activities would generate vehicle trips from permanent and seasonal employees, movement of equipment or operational support vehicles, and travel by retail customers. Licensed operations could be located within areas of the County or along

roadways currently subject to hazardous road conditions. These may include potential cannabis sites within the rural mountainous areas, such as Tepusquet Canyon in the Santa Maria Region and Mission Canyon in the South Coast Region, where roads can be lightly maintained, subject to erosion or washout from storms, may have limited line-of-sight, have substandard road width or geometrics for turning movements, be of a poor or failing condition, or potentially have on-street parking or other design features that may present safety hazards (e.g., older substandard bridges) (refer to discussion on roadway conditions under Local Roadways in Section 3.12=2 Existing setting). Such features may also limit or lead to obstruction of emergency access.

(next paragraph)

"Based on programmatic projections of future cannabis activities and associated potential for new construction, increases in employment and commercial operations would increase countywide vehicular traffic. In particular, the Project would have the potential to reduce roadway safety or introduce new roadway hazards, such that the **County's adopted significance criteria for traffic and roadway safety are exceeded, particularly within areas with presently known hazardous roadway conditions, such as the rural winding roads of Tepusquet Canyon** and Mission Canyon.."

ALTERNATIVES

You may know of these Alternatives. The first one would exclude cannabis activities from the AG-1 zone district which would exclude parts of Tepusquet but not all. (page 4-20) "Out of 671,023 acres eligible under the proposed Project for License Types 1 through 5, related to cultivation, this would result in an approximately 6 percent reduction of eligible land."

This is made clear under
Impact HAZ-4: (p.4-28)
While cannabis activities on eligible parcels would be subject to various levels of fire hazards, the level of impacts under Alternative 1 would be greater than the proposed Project. *Under Alternative 1 cannabis activities would be sited in more remote and rural areas of the County where AG-II zoned lands are situated and where the emergency access and evaluation may be more limited and more timely (e.g., Tepusquet Canyon, Gaviota Coast, Cuyama Valley), which could expose cannabis cultivators, manufacturers, retailers, distributers, testers, and employees, neighboring populations, as well as wildlife to greater fire hazards*. Cannabis activities would be subject to CalFire defensible space requirements, County Building Code requirements, and County Fire Code regulations to ensure protection of proposed facilities from wildfire hazards. Therefore, impacts as associated with wildfire hazards of siting new facilities and operations would be less than significant."

Impact TRA-2: "Licensed cannabis operations could be located within areas of the County or along roadways currently subject to hazardous road conditions. In particular, Alternative 1 would have the potential to reduce roadway safety or introduce new roadway hazards, such that the County's adopted significance criteria for traffic and roadway safety are exceeded, particularly within areas with known hazardous roadway conditions, such as the rural winding roads of Tepusquet Canyon and SR 192 where existing agricultural operations may result in roadway compatibility issues with nearby urban residential development. Implementation of MM TRA-1, Payment of Transportation Impact Fees, and MM AQ-3, ***Cannabis Site Transportation Demand Management, would reduce impacts to roadways safety and emergency access, but they would remain significant and unavoidable. These road safety impacts would be slightly greater under Alternative 1, as it directs cannabis activities to the AG-II zoning districts, which are spread across the County in rural areas, and where more narrow and winding roads may be present when compared to the urban areas of the County."***

HYDROLOGY AND WATER QUALITY. p 4-46

(Alternative 2-
Alternative 2 would prohibit all cannabis cultivation activities on Williamson Act lands, which would greatly reduce the lands eligible for cannabis activities within the County, but may result in the relocation of existing cannabis cultivation operations to areas without agricultural infrastructure and more hydraulically sensitive, such as Tepusquet Canyon and the northern Lompoc area Further, it may increase the amount of unregulated activities, as many cultivators may not be able to relocate to eligible lands.."

Impact HWR-3 p 4-47
Alternative 2 would result in greater impacts than the proposed Project, particularly when cannabis cultivation is directed to non-Williamson Act lands where any increase in groundwater extraction would impact the level of supply available in the aquifers. ***Higher groundwater impacts may occur in rural areas where there are non-Williamson Act lands, and where there are scarce groundwater supplies, such as Tepusquet Canyon,*** and overdrafted groundwater basins, including the Goleta, Buellton Uplands…

p4-63

Impact TRA-2: While Alternative 3 would reduce the amount of cannabis activity by 50 percent, like the Project, licensed cannabis operations could be located within areas of the County or along roadways currently subject to hazardous road conditions. Thus, Alternative 3 would also have the potential to reduce roadway safety or introduce new roadway hazards, such that the County's adopted significance criteria for traffic and roadway safety are exceeded, ***particularly within areas with known hazardous roadway conditions, such as***

the rural winding roads of Tepusquet Canyon, and SR 192 in the Carpinteria Valley where existing agricultural operations commonly result in roadway compatibility issues with surrounding urban residential development. Implementation of MM TRA-1, Payment of Transportation Impact Fees, and MM AQ-3, Cannabis Site Transportation Demand Management, would reduce impacts to roadways safety and emergency access, but they would remain significant and unavoidable."

Comment Letter I.10 – Renée O'neill (1)

I.10-1 With regard to consideration of cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.10-2 With regard to EDRNs, please refer to **Comment Response I.10-1**.

Individual

From: Lillian Clary <mzlil2988@gmail.com>
Sent: Wednesday, October 18, 2017 1:36 PM
To: Cannabis Info
Subject: Text version of presentation 10 17 PEIR open comment meeting
Attachments: Cannabis 10 17 presentation.docx

Attached please find the text of my presentation last night.

Lil

I'm Lil Clary, a member of the Tepusquet Canyon Crisis Committee which opposes commercial cannabis operations in our community.

I am astounded by the recommendations of this EIR. 608 pages of competent description and analysis yet the conclusion is 'let's just limit the number of permits'.

I find it especially disturbing that this recommendation is based on the presumed inability to control illegal operations: and I'm quoting from the document

"unregulated cannabis activities currently exist and are likely to exist"
and there will be "significant and unavoidable effects on the environment due to the difficulty of effectively enforcing and regulating such unlicensed operations".

Here's the message I'm getting: we residents of Tepusquet canyon are being thrown under the bus; we will just have to continue to live with the 30 plus illegal grows in the canyon. I.11-1

Please note: Residents are real taxpayers, not some fantasy at-some-point-in-the-future-maybe-we'll-get-revenue-from-cannabis taxes. In 20 some years in Tepusquet I estimate that my husband and I have paid over $80,000 in taxes to the county and I would be willing to bet that this amount exceeds… by $80,000 the amount paid by illegal growers.

Have any of our tax dollars gone for enforcement whether thru Zoning or law enforcement? Not as far as I can determine because despite the county-wide moratorium I can see three NEW grows from our home, including one established since the Alamo Fire in July.

Finally, we hear over and over from grower advocates about the percentage vote for cannabis in Prop 64.

Don't kid yourselves, voters wanted to decriminalize marijuana possession and use.

They didn't vote to support unrestricted criminal activities associated with the 'cannabis revolution' … which will be accepted as collateral damage under this EIR.

Comment Letter I.11 – Lillian Clary

I.11-1 Comments regarding the merits of the Project and regulatory program are best addressed towards County decision-makers. However, with regard to addressing cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** For concerns and issues addressing the enforcement of licensed and unlicensed cannabis operations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Michele Heintze <mheintze11.11@gmail.com>
Sent: Wednesday, October 18, 2017 9:50 AM
To: Cannabis Info
Subject: The Smell

To Whom it May Concern:

I.12-1

I am concerned with the smell the plants emit in the neighborhood. Not only does it stink up the air in the entire neighborhood but it permeates to inside the houses; why must a residential area be subjected to this stench because of zoning and legislation is beyond me. Why isn't this not in a more agricultural area where it's more set up for plants that are pungent.

Concerned in Goleta

Comment Letter I.12 – Michele Heintze

I.12-1 With regard to concerns from cannabis-related odors, please refer to **Master Comment Response 2 – Odor Control Initiatives.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Sharon Murphy <4murphy@gmail.com>
Sent: Wednesday, October 18, 2017 5:13 PM
To: Cannabis Info
Subject: Odor Control

I.13-1

Please pay close attention to what Carpinteria has been struggling with regarding bad smells from cannabis growing in greenhouses. Only after the fact are they realizing they need to selectively give permits to those growers who install odor control devices.

https://curious.kcrw.com/2017/07/smells-like-skunk-carpinteria-greenhouses-turn-to-pot

Sincerely,
Sharon Murphy

Comment Letter I.13 – Sharon Murphy

I.13-1 With regard to concerns from cannabis-related odors, particularly within the Carpinteria Valley, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Response L.2-3.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Derek McLeish <derekwmcleish@gmail.com>
Sent: Thursday, October 19, 2017 10:40 AM
To: Fogg, Mindy; Metzger, Jessica
Cc: 'Susan Ashbrook'; mzlil2988@gmail.com; lstunnell@aol.com; 'Renee ONeill'; 'Denise Peterson'; 'Jeanne Malone'
Subject: PEIR Skunk Odor and Sensitive receptors

Dear Jessica Metzger and Mindy Fogg,

I.14-1

Government and science allowed the unregulated use of asbestos and tobacco giving little consideration to the impact on the general health of our population until the costs were greater than the benefits.

Please consider the effect of commercial marijuana production on our residential population. We are sick of smelling the terpenes emitted by illegal commercial operations in Cebada Canyon. We'll become even sicker if full commercial agriculture and manufacturing are allowed in AG 1.

It is known that some chemicals can be detected by humans at minute 0.00021 parts per million (PPM) volume for example (Trimethylamine), but we don't know how many PPM it takes to make one sick. Some people are more sensitive to environmental odors and may have symptoms even at a low concentration of the odor in air, as concentration levels increase, more people will have symptoms.

Terpenes are hydrocarbons, they are the major components of resin, and of turpentine produced from resin. No one would consider smelling turpentine all day long as a healthy habit. Young children, the elderly, and pregnant women are more sensitive to odors. Our Canyon residents are experiencing, headaches, nasal congestion, coughs, shortness of breath and wheezing and many are blaming the illegal growers for these impacts.

Under the Clean Air Act, EPA must control hazardous air pollutants and it also allows local governments to established nuisance odor regulations.
Please consider setting nuisance levels that to protect sensitive receptors before they become hazardous air pollutants.

Derek McLeish

Comment Letter I.14 – Derek McLeish (1)

I.14-1 With regard to concerns from cannabis-related odors, please refer to **Master Comment Response 2 – Odor Control Initiatives.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Susan Butler <longchaps2@aol.com>
Sent: Thursday, October 19, 2017 9:04 AM
To: Cannabis Info
Subject: Copy of Speeches Tues Oct 17th
Attachments: Butler Cannabis speech Oct 17 2017.docx; Cannabis Meeting Speech Reformed Oct 17.docx

To Whom It may Concern:
It was suggested on Tuesday night that we forward the speeches made to the PEIR group. These are the two speeches my husband and I made.

Thank you,

Susan Butler
longchaps2@aol.com

I have called Tepusquet canyon home for the past thirty years. Lindy Dowd, a SLO resident facing the same issues we face made these points.

Tepusquet has only one water basin. Because of its limited water supply, its isolation, the number of illegal pot grows, and the sensitive habitat and number of endangered species, the *whole* Tepusquet planning area must remain off-limits to all cannabis activity.

I see what's happening in Tepusquet due to the lack of cannabis regulations. I always thought legalization was a no-brainer, but this is a reality check. This is not just peace and love and a pot plant in the back yard. This is big business riddled with outside interests looking for weak regulations and weak resource protections. It has the potential to utterly transform our county and way of life.

I.15-1

What I have witnessed in Tepusquet is a gold rush; a wild west, lawless mentality without existing law enforcement to contain it. It showed me there will always be a black market, until it is legalized, no matter how many permits you issue.

Go slow. Don't open the floodgates. I understand the pressure you face by those chomping at the bit to get in on this money-making industry. How do we accommodate this monumental change and still retain the character and quality of life in Tepusquet?

Today we have the advantage of living in a civil society where we can take a moment and consider the ramifications before we act. Please consider the well-being of your constituents, before the promises of an economic gold rush."

Cannabis Meeting Oct 17, 2017

Let's talk about cannabis and fire. In the fifty years I have lived in Tepusquet we have had many, many wild fires. Twice my family and I have been evacuated from our homes. The Alamo fire burned up the doors of both of our residences causing thousands and thousands worth of damage. Believe me when I say fire is our worst nightmare.

Tepusquet Canyon is a 15.8 mile long paved two-lane road. It has limited line of sight and substandard road width. It has one way in and one way out. It has steep canyon walls and thick vegetation. Basically it's a fire trap.

According to PEIR findings 3.7.2 existing cannabis operations can be associated with fires, highly flammable materials and on occasion explosions.

PEIR findings HAZ-4 states cannabis activities in remote areas could increase difficulty with emergency evacuations, particularly those with narrow rural roads and limited access such as Tepusquet Canyon.

I.15-1

Further cannabis activities could introduce new ignition sources to rural areas, including electrical power, machinery, operators and employees, increasing the potential for accidental wildfire ignition.

Any mitigation the county takes to allow Cannabis activity in Tepusquet must require that the cannabis growers *that are creating the problem* incur the cost of:

1. Putting in a new fire station at the summit, which would protect the community and reduce response time.
2. Make significant improvements to Tepusquet Road, which is steep, narrow and has blind turns.

Tepusquet residents already know about fire. We've seen it. We've lived it. We fear it.

The PEIR findings state it clearly. Cannabis growing is a fire hazard. Protect the citizens who rely on your good judgment.

Say no to cannabis in Tepusquet Canyon.

Comment Letter I.15 – Susan Butler

I.15-1 With regard to cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** The EIR acknowledges many of the constraints present within certain communities of the County related to emergency access, traffic safety, fire response, fire hazard, etc. As discussed within Section 3.7, *Hazards and Hazardous Materials,* the EIR identifies potentially adverse impacts associated with the licensing of cannabis activities within areas identified as being at significant risk of wildfire. However, due to the requirement for adherence to federal, state, and local regulations governing fire development standards and fire response, impacts are considered to be less than significant. Regardless, the EIR has acknowledged that several highly constrained communities, such as Tepusquet, may be at increased threat from natural hazards or may be ill-suited for licensed cannabis operations due to these existing constraints. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

Gary A. Lange
P.O. Box 68
Santa Maria, CA 93456-0068
(805) 937-6459
E-mail - littleguy1976@hotmail.com

RECEIVED
OCT 23 2017
S.B. COUNTY
BUILDING DIVISION

October 18, 2017

Director, Planning and Building Department
Santa Barbara County
123 E Anapamu St
Santa Barbara, CA 93101

Dear Sir,

I.16-1 I am writing concerning the illegal "pot" (cannabis/marijuana) farms in Tepusquet Canyon. I attended a meeting last night hosted by the Planning department concerning the draft preliminary environmental impact report (PEIR) on cannabis growing in Santa Barbara County. As part of the presentation it was indicated that currently all growing of pot in Santa Barbara County is prohibited. The PEIR and presenters acknowledged that there are at least 30 pot farms in the Tepusquet canyon area. They have been established without any permits or inspections and are in violation, not only of the current prohibition against growing but also with no permits for grading, well drilling or structure erection.

How is it that your department enforces regulations on the residents of Tepusquet Canyon when we want to build a structure or do some grading, but totally ignore the blatant and dangerous development by the pot growers? They are using bulldozers to grade roads and pads, erecting structures for growing pot and drilling wells for water, all without any permits or inspections by your department. This is unconscionable and unacceptable. I expect your department to enforce the law with the pot growers as you do with the rest of us here in the canyon. I urge you to do your job and cite these illegal operations and/or shut them down.

Sincerely,

Gary A. Lange

Comment Letter I.16 – Gary Lange

I.16-1 The concerns and issues raised by the commenter pertain to the regulatory enforcement of existing cannabis operations and do not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. The comments and concerns presented here are best addressed toward County decision-makers. However, with regard to addressing cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** With regard to enforcement of licensed and unlicensed cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Cannabis Info <cannabisinfo@countyofsb.org>
Sent: Tuesday, October 24, 2017 9:05 AM
To: Buggert, Matthew
Subject: FW: PRINTED COMMENTS OF DAVE CLARY MADE AT THE LONG TERM PLANNING DIVISION OF THE PLANNING COMMISSION HEARING ON OCTOBER 17, 2017
Attachments: DAVE CLARY COMMENTS - DRAFT PROGRAM EIR HEARING - 10 - 17 - 2017.docx

-----Original Message-----
From: Dave Clary [mailto:templeclary@gmail.com]
Sent: Tuesday, October 24, 2017 8:41 AM
To: Cannabis Info <cannabisinfo@countyofsb.org>
Cc: Dave Clary <templeclary@gmail.com>
Subject: PRINTED COMMENTS OF DAVE CLARY MADE AT THE LONG TERM PLANNING DIVISION OF THE PLANNING COMMISSION HEARING ON OCTOBER 17, 2017

Planning Commission …

I.17-1

I am a resident of Tepusquet Canyon and a member of the Tepusquet Canyon Crisis Committee. I and we oppose any commercial cannabis activities in Tepusquet Canyon.

Attached is a written copy of the verbal comments I made a the long term planning division hearing re the draft program EIR on October 17, 2017. There are five maps attached (I hope).

Please make sure that each of the Planning Commissioners have an opportunity to read this brief statement prior to the meeting of tomorrow, Wednesday, October 25, 2017 where Cannabis issues are on the agenda.

You must feel as we do that the effort to resolve all the issues re Cannabis in time for the new year is like being on a roller coaster that we suspect is out of control. You have had to deal with the 608 page DPEIR in a short time just as we have, though you have a better idea of what you are doing.

Thank you.

Dave Clary,

DAVE CLARY REMARKS – DRAFT PROGRAM EIR HEARING – OCTOBER 17, 2017

THREE MINUTES
FIVE MAPS AS LISTED.

MY NAME IS DAVID CLARY .

I LIVE IN TEPUSQUET CANYON.

I SEE STRUCTURAL PROBLEMS WITH THE DRAFT PROGRAM EIR.

TEPUSQUET CANYON SEEMS TO GET LOST IN THE SHUFFLE.

ONE MAP, **DPEIR FIGURE 3.8-1 (ATTACHED)**, TIES OUR DRAINAGE IN WITH THE SISQUOC / SANTA MARIA RIVER DRAINAGE– THIS IS WRONG. TEPUSQUET CANYON WATER SUPPLY ISSUES ARE UNIQUE TO THE CANYON. THEY GET LOST WHEN INCLUDED IN SUCH A LARGE REGION

ANOTHER MAP, **DPEIR FIGURE 2-1 (ATTACHED)** SHOWS TEPUSQUET CANYON EXACTLY SPLIT DOWN THE MIDDLE OF TWO CANNABIS GROWING AREAS, THE SANTA MARIA AREA GOING OUT TO GUADALUPE AND THE CUYAMA AREA. WE ARE THE BOUNDARY BETWEEN THE TWO. IT IS TOO EASY TO LOSE SIGHT OF TEPUSQUET CANYON COMPLETELY WITH THIS CONFIGURATION.

I.17-2

THE VERBAL DISCRIPTIONS OF EACH OF THESE AREAS SHOW THAT THEY AS A WHOLE HAVE NOTHING TO DO WITH TEPUSQUET CANYON.

A MAP **DPEIR FIGURE 4-1 (ATTACHED) AND ENLARGEMENT OF THE SAME IMAGE FOCUSING ON TEPUSQUET CANYON (ATTACHED).** THIS MAP, SET FORTH IN ALTERNATIVE ONE SHOWS PART OF TEPUSQUET CANYON AS A NO GROW AREA. WE APPLAUD THAT APPROACH. HOWEVER, IT IS TIME THAT WE LET YOU KNOW WHAT WE CONSIDER TO BE TEPUSQUET CANYON AND WANT TO BE THE AREA WHERE COMMERCIAL CULTIVATION OF MARIJUANA IS PROHIBITED.

THIS IS WHAT WE CONSIDER TO BE TEPUSQUET CANYON … **DPEIR FIGURE 4-1 ENLARGED WITH RESIDENTS' APPROXIMATE MAP OF TEPUSQUET CANYON HIGHLIGHTED IN RED**… THE ENCLOSED AREA LIES ROUGHLY, FROM SANTA MARIA MESA ROAD ON THE SOUTH TO HIGHWAY 166 ON THE NORTH, THEN TO THE BORDER WITH THE NATIONAL FOREST ON THE EAST AND THEN A LARGE EXTENSION TO THE WEST.

OUR GOAL, IS TO INCLUDE ALL AREAS THAT WOULD HAVE TRAFFIC INGRESSING AND EGRESSING USING TEPUSQUET CANYON ROAD. ALSO WE WANT OUR WATERSHED INCLUDED. WE ARE STILL WORKING ON THAT.

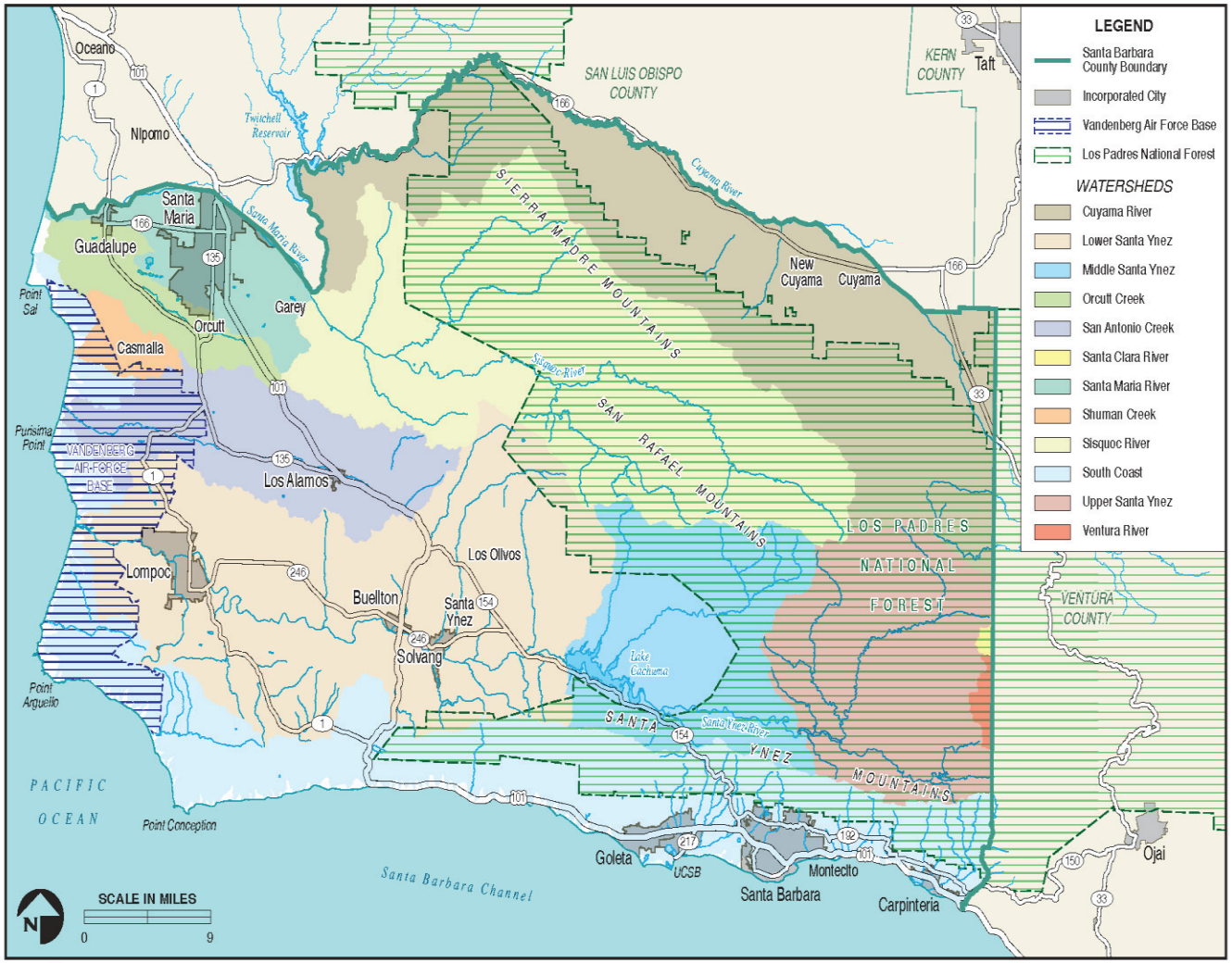
THIS MAP IS A PRELIMINATY DRAFT, WE WILL SUPPLY THE COMMISSION AND THE BOARD WITH A MORE DETAILED ONE WHEN COMPLETED.

I.17-2

THIS WOULD INCLUDE AG 1 AND AG II PARCELS. IT MAY BREAK UNIFORMITY IN ZONING, BUT YOU HAVE STATUTORY LANGUAGE AUTHORIZING YOU TO SET BOUNDARIES FOR CANNABIS CULTIVATION HOWEVER YOU SEE FIT.

THERE IS NO RATIONAL BASIS FOR EXCLUDING COMMERCIAL CANNABIS ACTIVITIES FROM THE MOUTAINOUS ZONES IN SOUTH COUNTY AND WRITING OFF MOUNTAINOUS TEPUSQUET CANYON AS A PERPETUAL ILLEGAL GROW SITE.

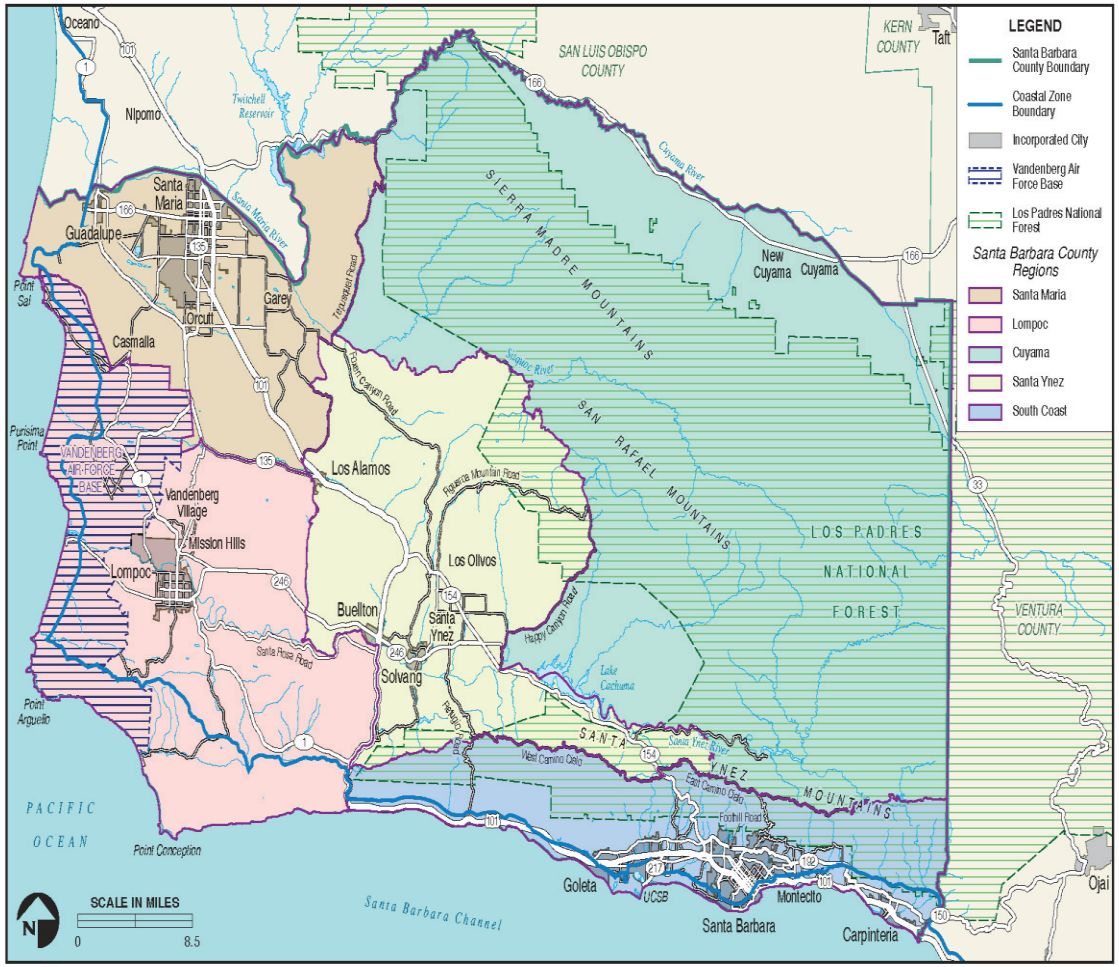
THANK YOU



amec foster wheeler

Santa Barbara County Watersheds

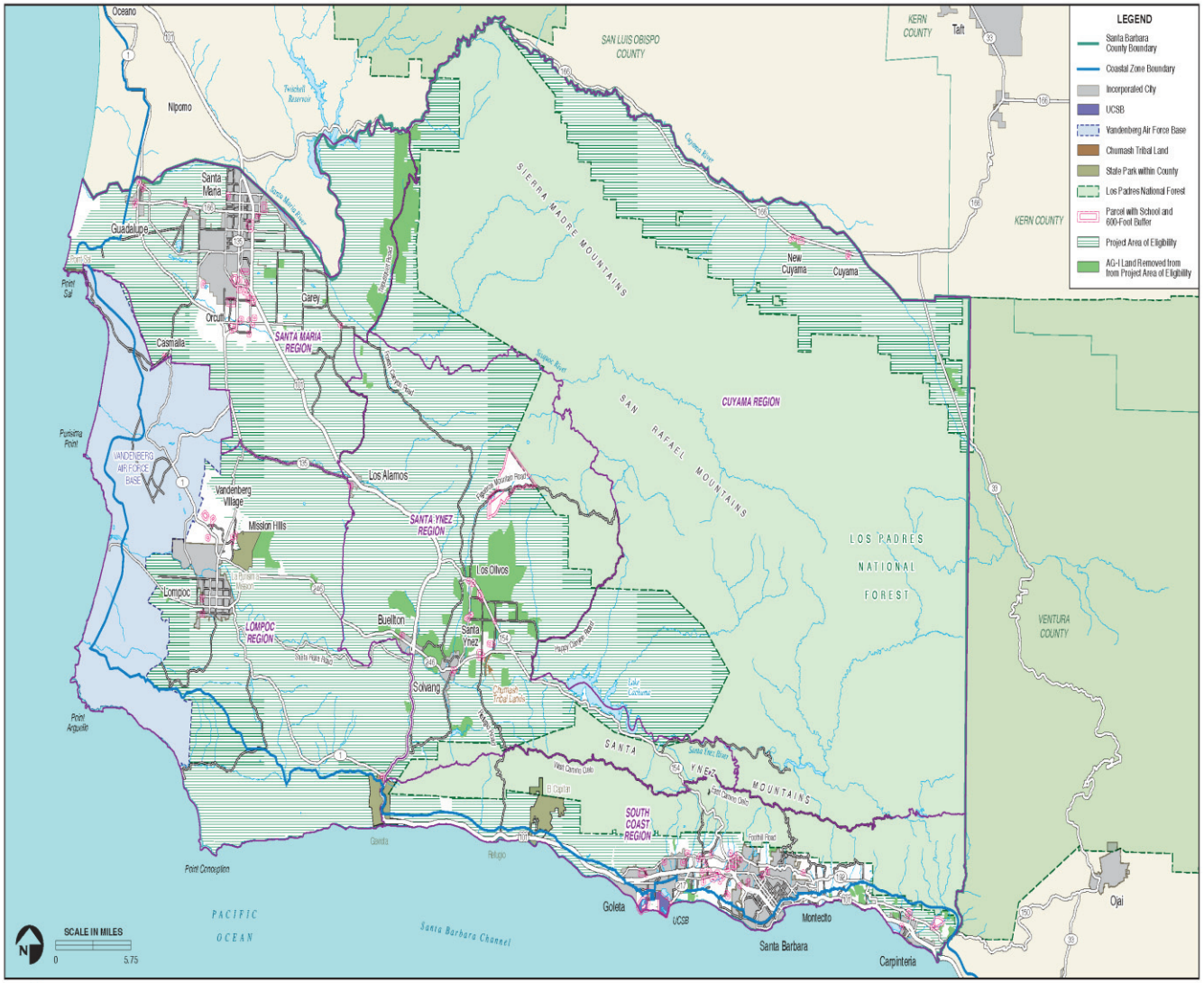
FIGURE 3.8-1



amec foster wheeler

County Cannabis Regions Utilized for Project Analysis

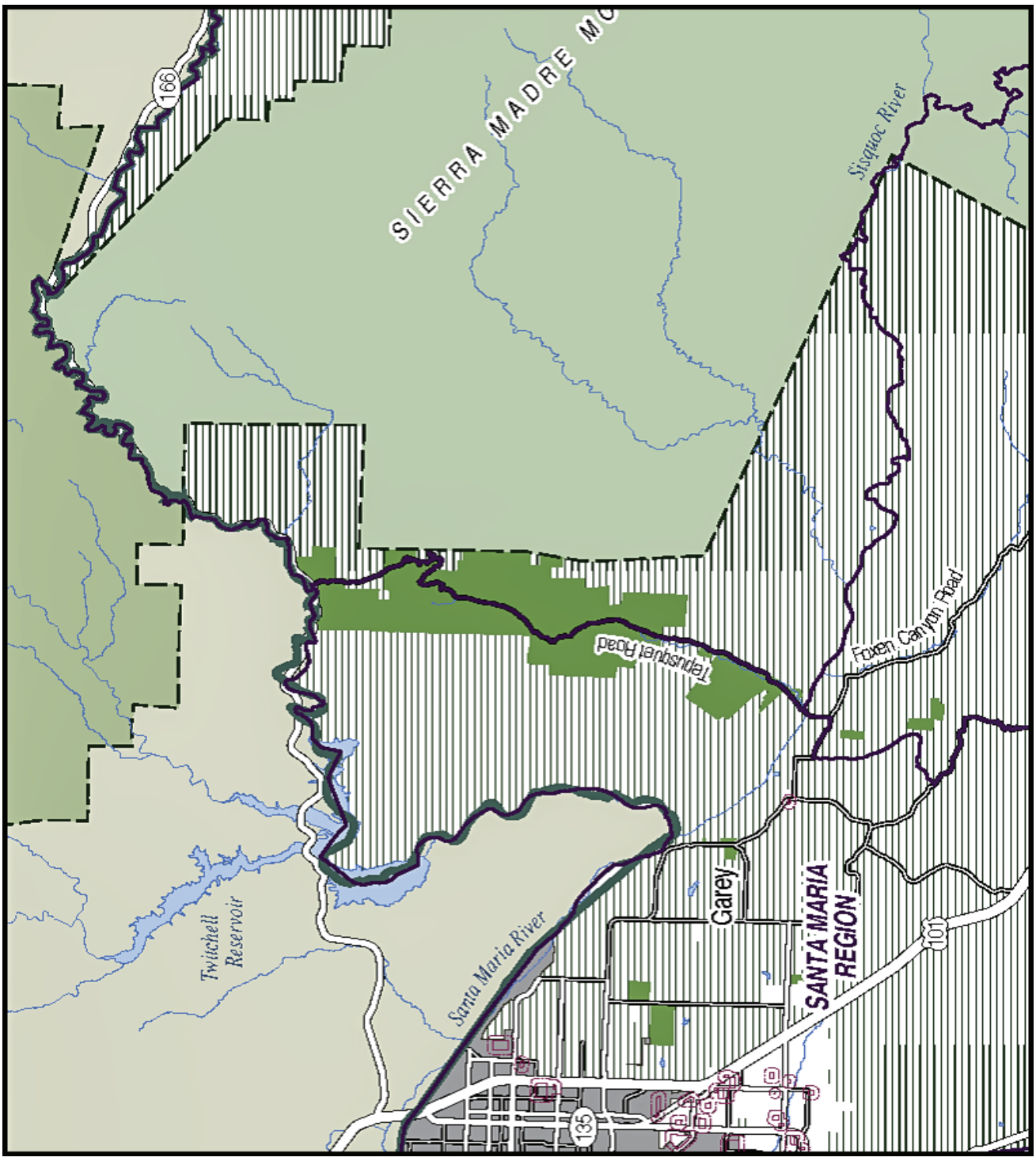
FIGURE 2-1



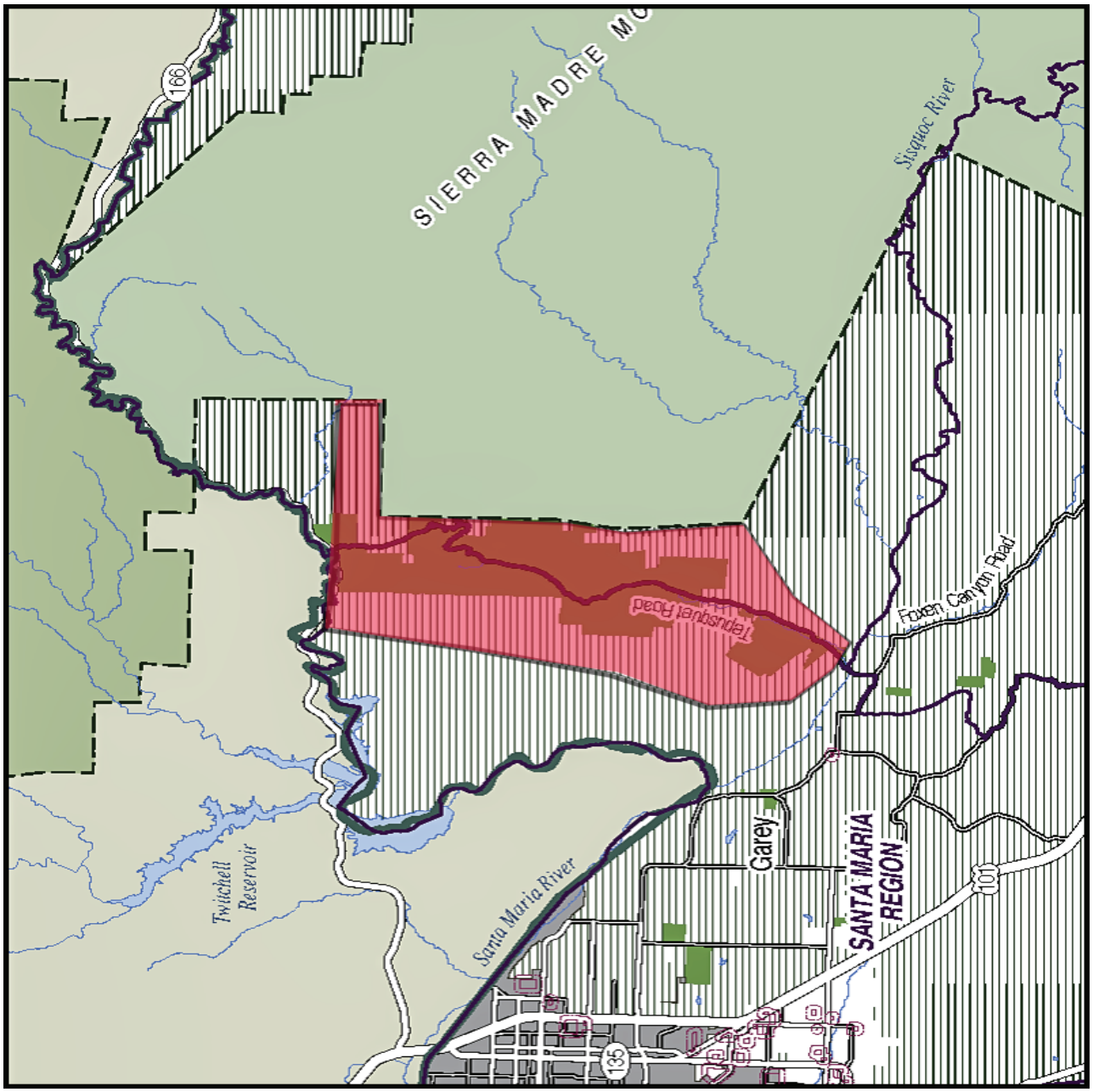
amec foster wheeler

Alternative 1 – AG-I Omission Alternative

FIGURE 4-1



DPEIR MAP 4-1 ENLARGED TO SHOW TEPUSQUET CANYON



DPEIR MAP 4-1 ENLARGED WITH THE RESIDENTS' VIEW OF WHAT SHOULD BE CONSIDERED TEPUSQUET CANYON DEPICTED IN RED (ROUGH ESTIMATE)

Comment Letter I.17 – Dave Clary (1)

I.17-1 With regard to consideration of addressing cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.17-2 The initial mapping of the County for purposes of environmental review in the EIR used Tepusquet Road as one boundary line between the Santa Maria and Cuyama Regions. Further into the environmental analysis, the EIR team discovered Tepusquet's unique situation and inserted special discussion throughout the EIR to address specific issues and environmental conditions in Tepusquet. For example, discussion of Tepusquet's unique water supply situation was added to Section 3.8, *Hydrology and Water Quality*, and discussion of the unique limitations of Tepusquet Road was added to Section 3.12, *Transportation and Traffic*. Since the issuance of the NOP and release of the Draft EIR, the EIR team visited Tepusquet on October 25, 2017, and has seen the area and understands its unique features. Please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods**. For an expanded discussion of enforcement of illegal grow sites under the Project, please see **Master Comment Response 4 – Enforcement of Cannabis Operations**. Comments supporting and recommending adoption of Project or one of the alternatives are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

Individual

From: Judith Forsyth <jodyforsighs@gmail.com>
Sent: Thursday, October 26, 2017 12:35 PM
To: Cannabis Info
Subject: cannabis

I.18-1

I am hoping to use this plant for pain modification. Beyond that, I am not qualified to deal with the propagation and sales of it. I'm not sure I could detect a person who had been using cannabis and whose judgment was impaired.

I do have some reservations when comes to recreational use. I think we may have a problem when it comes to voting responsibly and driving safely. Cannabis use may make the public more easily manipulated and less aware of their own best interests. In the '60s I tried smoking it in college but did not enjoy it.
Recently, a friend's daughter was shot to death by her husband, in front of two of their three children. He had been eating candy containing cannabis. It was not labelled sufficiently. His sentence, in Colorado, was life.

Judith Forsyth
Democrat, Senior (78yrs.),

Comment Letter I.18 – Judith Forsyth

I.18-1 Issues raised in this comment are not at variance with the existing content of the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Tom Walsh <tewalsh@gmail.com>
Sent: Tuesday, October 31, 2017 11:49 AM
To: matthew.buggert@woodplc.com; mfogg@co.santa-barbara.ca.us; jmetzger@co.santa-barbara.ca.us; rita.bright@woodplc.com; taylor.lane@woodplc.com
Subject: Cannabis Growing - Cebada Canyon

Dear Ladies and Gentlemen,

I own the property at [redacted] in Cebada Canyon.

The properties in Cebada Canyon have, until the arrival of unlicensed Cannabis growers, been used as residences or second homes with some people owning horses and livestock and growing fruit trees and vines on a boutique scale.

1.19-1 The advent of unlicensed commercial scale Cannabis operations in Cebada Canyon is quickly changing the nature of the Canyon from what you would call an Existing Rural Development to an unregulated commercial area growing a toxic, polluting, narcotic substance.

In addition to changing the nature of the area, there are a number of problems and threats created by commercial cultivation of Cannabis in Cebada Canyon.

1.19-2 1. There is only one road into and out of the Canyon. Commercial growing of Cannabis will greatly increase the risk of safely evacuating the Canyon in the event of a FIRE.

1.19-3 2. Commercial growing of Cannabis will create large amounts of pesticide and fertilizer contamination and run off into the local water supply.

3. Commercial growing of Cannabis in Cebada Canyon will greatly tax the water supply, endangering wells and threatening the ability of residents to use their homes.

1.19-4 4. Commercial growing of Cannabis in the Canyon will also create noxious odors greatly reducing the ability of residents to enjoy their homes.

1.19-5 5. Commercial growing of Cannabis in Cebada Canyon will greatly increase road traffic in the Canyon damaging locally owned roads, increasing congestion, noise and pollution and adding to FIRE risk.

6. Commercial growing of Cannabis in Cebada Canyon will increase FIRE risk from the equipment and processes used in the operations.

1.19-6 For all these reasons I strongly urge you to recommend to Santa Barbara County that Commercial growing of Cannabis NOT be allowed in Cebada Canyon or at a minimum that Commercial growing of Cannabis be limited to properties of over 40 acres.

Help us protect Cebada Canyon so it can retain its original nature as a residential community or what you would call an Existing Rural Development.

Thank you for your time and consideration.

Thomas Walsh

--

Thomas E. Walsh
[redacted]
Santa Barbara, CA 93105
805-845-9964
tewalsh@gmail.com

Author of "African Safari Adventures"
https://www.ebookit.com/books/0000004294/African-Safari-Adventures.html

Author of "A Road Well-Traveled"

Comment Letter I.19 – Thomas Walsh

I.19-1 The County appreciates these comments. With regard to neighborhood compatibility within Existing Developed Rural Neighborhood (EDRN) areas and heightened review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.19-2 The EIR acknowledges many of the constraints present within certain communities of the County related to emergency access, traffic safety, fire response, fire hazard, etc. As discussed within Section 3.7, *Hazards and Hazardous Materials,* the EIR identifies potentially adverse impacts associated with the licensing of cannabis activities within areas identified as being at significant risk of wildfire. However, due to the requirement for adherence to federal, state, and local regulations governing fire development standards and fire response, impacts are considered to be less than significant. Regardless, the EIR has acknowledged that several highly constrained communities, such as Cebada Canyon, may be at increased threat from natural hazards or may be ill-suited for licensed cannabis operations due to these existing constraints. Please also refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

I.19-3 It is important to note that implementation of the Project and proposed regulations would result in the licensing of legal cannabis operations that are required to comply with all federal, state, and local requirements, including those relating to the protection of water quality and application of pesticides and fertilizers. Further, the Project establishes additional enforcement measures which would further serve to reduce illegal cannabis operations and associated illegal discharges of polluted waters. Specifically, the Project includes requirements to protect water quality, such as prohibiting cultivation within proximity to streams or within the high-water mark (HWM) of a water body. Further, cannabis cultivation associated with all grow types would be required to adhere to state and local regulations, such as the California Food and Agriculture Code, CCRWQB Order R3-2017-0002, the SWRCB's Cannabis Waste Discharge Requirements General Order, and the goals and policies of the County's Comprehensive Plan. Adherence to these regulations would reduce the potential for sediment and pollutants to enter receiving water bodies. With implementation of **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order*, the County Planning and Development Department would ensure that impacts to surface waters from hazardous materials would be minimized by reviewing and approving compliance with the requirements of the SWRCB, and would ensure residual impacts to water quality are less than significant with mitigation. With regard to water supply, please see **Comment Response S.2-8.**

I.19-4 With regard to concerns from cannabis-related odors, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

I.19-5 As discussed in Impact TRA-1 of Section 3.12, *Transportation and Traffic*, the EIR acknowledges that implementation of the Project would potentially increase traffic volumes and degrade roadway and intersection operations beyond projected or planned levels in applicable local or regional transportation plans, policies, and/or programs. Despite projected new traffic volumes, the Project would not likely substantially increase vehicle trips

or traffic volumes along any one road or intersection, as proposed cannabis operations would be dispersed across a relatively wide area, some of which are already experiencing cannabis-related trips from existing medical cannabis cultivation. Further, implementation of MM TRA-1, *Payment of Transportation Impact Fees,* and MM AQ-1, *Cannabis Site Transportation Demand Management,* would reduce impacts to County transportation facilities. However, at a programmatic level, impacts to a specific intersection or road segment, as well as mitigation measures necessary to reduce such impacts cannot be identified. Please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** With regard to fire risk, please refer to **Comment Response I.19-2.**

I.19-6 Comments regarding the merits of the Project and regulatory program are best addressed towards County decision-makers. However, with regard to addressing cannabis activities within the Cebada Canyon area and other EDRNs, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

Individual

From: Derek McLeish <derekwmcleish@gmail.com>

Sent: Wednesday, November 01, 2017 11:17 AM
To: dwilliams@countyofsb.org
Cc: mzlil2988@gmail.com; 'Dave Clary'; 'Linda Tunnell'; 'Renee O'neill'; 'Steve O'Neill'; kdonovan1@aol.com; 'Susan Butler'; sjashbrook@gmail.com; 'Denise Peterson'; 'Jeanne Malone'; yvonnes@hughes.net; jhartmann@countyofsb.org; peter.adam@countyofsb.org; steve.lavagnino@countyofsb.org; jwolf@countyofsb.org; tewalsh@gmail.com; matthew.buggert@woodplc.com; mfogg@co.santa-barbara.ca.us; jmetzger@co.santa-barbara.ca.us; 'Bright, Rita'; taylor.lane@woodplc.com
Subject: Cebada Canyon and Tempesquet Canyon

I.20-1 Dear Supervisor Williams,

We can understand that your stakeholders and donors need to grow cannabis on AG-1 and that you believe “indoor” growth can control the odor and hazardous emissions. We would like to know what objective threshold values will be set on odor as one cannot drive on PCH without the green skunk smell.

I.20-2 However, the AG-1 indoor limitation is too broad in dealing with existing developed residential areas such as Cebada Canyon (CSA-41) and Tempesquet Canyon. These areas are already under an economic blight conditions with illegal growers operating with no permits or false permits, traffic, fire, pollution, etc. There is no Santa Barbara enforcement of our current laws unlike Yolo county, http://www.sacbee.com/news/local/crime/article175406681.html which leads the state in regulatory response.

The black market will dominate post-legalization production according to the Fitch Ratings report http://money.cnn.com/2017/10/31/news/economy/california-cannabis-tax-fitch/index.html and the growers in Cebada Canyon and Tempesquet Canyon will never have the size and scale to be legal.

Here is what we ask of our county supervisors:

1. Don’t let our residential rural areas become the cartels playground, South Central LA in Santa Barbara County.
2. Generate revenues from controllable commercial cannabis growers in AG-1, set aside existing rural residential areas as no commercial cannabis growing areas.

Enforcement will be more effective and less costly.

Derek Mcleish
Cebada Canyon

Comment Letter I.20 – Derek McLeish (2)

I.20-1 For the purpose of the environmental analysis and consideration of impacts to odors, the EIR assesses impacts based on thresholds of significance adopted by the Lead Agency (County) for use in the environmental analysis, which are provided in Section 3.3.4.1 of Section 3.3, *Air Quality and Greenhouse Gas Emission.* The thresholds adopted by the County for use in the analysis of odor impacts in this EIR consist of thresholds of significant provided in Appendix G of the 2017 State CEQA Guidelines and the thresholds of significance provided in the County's *Environmental Thresholds and Guidelines Manual.* When assessing impacts from odors, neither the CEQA or County guidelines provide a quantifiable or objective threshold of significance for odors. Rather, thresholds for odors are based upon the potential for a project to create a nuisance problem or create objectionable odors that may affect a considerable/substantial number of people. Despite these thresholds, assessing impacts from odors is considered to be highly challenging due to the high degree of subjectivity surrounding odors and what may be considered objectionable or a nuisance. The challenges surrounding analysis of odors have additionally been identified by the state in the Office of Planning and Research's (OPR's) November 2017 *Proposed Updates to the CEQA Guidelines,* in which they have recognized the widely varying sensitivity to odors and the subjectivity surrounding the ability to consider and assess what may be considered "objectionable."[3]

Regardless of these considerations, the EIR has assessed the Project's potential to result in impacts based on the potential for licensing of cannabis operations to result in the potential for detection of any odors that may be considered objectionable by members of the public. Based on many comments received during the NOP scoping process and informed by numerous complaints submitted to the County in recent years, odors from cannabis are known to be highly objective and substantial in certain communities within the County, particularly within the communities of Cebada Canyon and Carpinteria. Based on existing conditions surrounding cannabis odors within the County and the potential for the Project to result in the licensing of cannabis sites within the County that may generate objectionable cannabis odors that may be detected by the public, the EIR identifies impacts to odors to be potentially significant (see Impact AQ-5 in Section 3.3 of this EIR). To reduce impacts from odors, the EIR provides **MM AQ-5**, *Odor Abatement Plan (OAP),* which would require all cannabis cultivators to prepare and implement an OAP which would require a plan for addressing public concerns and complaints, a mitigation informed by recommended requirements for OAPs provided by the Santa Barbara Air Pollution Control District (SBAPCD). In addition, in response to a number of public comments received regarding odor control requirements, **MM AQ-5** has been amended to provide for the requirement for implementation of additional measures for controlling and/or neutralizing cannabis odors, including installation of odor detection and control technologies. Please also refer to **Master Comment Response 2 – Odor Control Initiatives.**

I.20-2 With regard to addressing cannabis activities within the Cebada Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

[3]OPR's *Proposed Updated to the CEQA Guidelines* may be accessed at: http://opr.ca.gov/ceqa/updates/guidelines/

Individual

From: Darlene Prebyl <crazy52502002@gmail.com>
Sent: Wednesday, November 01, 2017 12:10 PM
To: Cannabis Info
Subject: Cannabis

I.21-1

I support cannabis in Santa Barbra co.

Comment Letter I.21 – Darlene Prebyl

I.21-1 Comments in support of the Project or its alternatives are best addressed towards County decision-makers. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Michael Cheng <mikecheng3@verizon.net>
Sent: Saturday, November 04, 2017 10:20 PM
To: Cannabis Info
Subject: Land for cultivation of the crop

I.22-1

I am responding for an invitation to comment from Supervisor Janet W., Supervisor for 2nd District.

Although my children are all grown and had left home. I am dead set against allowing this 'crop' to be cultivated in our 'Good Land.'

The name came to us for a good reason. Please do not allowed it to be destroyed in the name of 'profit' for one's own gain.

A mirror example could be borrowed from the folks who are residing in the Carpinteria area, especially around the Carpinteria High area.

Parents and children are complaining, concisely about the heavy stench that came from the 'crop' from the neighboring nurseries. They felt a congest lung cavity, feeling hard to breath and the stench that really upset the stomach and not being to concentrate in their school work at home or school.

The general populace does not have to pay for the wrongful consequence of the few, of whose motive was to make their financial gains at the backs of the local residents in the area.

How shameful could it be?

Michael Cheng

Comment Letter I.22 – Michael Cheng

I.22-1 When considering the direct impacts of the Project, which would involve fully licensed and regulated cannabis activities, it is important to consider the distinction between past illegal/unregulated cannabis activities and those to be regulated and enforced upon under the Project. For additional information and discussion of enforcement of cannabis operations under the Project, please see **Master Comment Response 4 – Enforcement of Cannabis Operations**. Please also see **Master Comment Response 2 – Odor Control Initiatives** for an expanded discussion on odor impacts and amendments to **MM AQ-5**, *Odor Abatement Plan (OAP)*. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

From: Ed & Caroline Woods <randc11@gmail.com>

Sent: Tuesday, November 07, 2017 6:45 AM

To: Metzger, Jessica

Subject: Re: FW: concerning Tepusquet Canyon and pot growers

From: Ed & Caroline Woods [mailto:randc11@gmail.com]
Sent: Sunday, November 05, 2017 11:05 AM
To: Villalobos, David <dvillalo@co.santa-barbara.ca.us>; Nelson, Bob <bob.nelson@countyofsb.org>
Subject: concerning Tepusquet Canyon and pot growers

I.23-1

Gentlemen:I have been in contact with Lil and Dave Clary,and appreciate the work you are doing to set the cannabis growing issue to rights. In my previous letters, Bob, you were the first and most involved to write me back. Thank you. Dave, I would ask that the contents of this letter be forwarded to planners for our county supervisors. I felt that we were being sidelined and decided that the constructive thing to do was to make my voice heard.

I.23-2 Dear county planners and staff,

We are an agricultural family and are appalled at the cavalier manner in which the cannabis growers are grading hilltops and bulldozing out oak trees (mind you, I had to plant ten in my yard for one that we had to remove when building) How is this equal treatment? How is this being tolerated by policy makers who regulate pesticide use for the community safety, but ignore the use of same in these remote grows...we are dependent on Tepusquet Creek for ground water/wells and count on community leaders to enforce safety regulations...

We would love to see some movement toward acknowledging the law and the growers' ignoring of it. I am in contact with a recreational pilot who shares shocking descriptions of row upon row of plastic hoop houses, graded hilltops, and oaks destroyed. More is happening monthly...What will it take to hear of some action by your staff to observe and report to us what might be done to regulate this?

We live in fear of fire and being caught on our narrow roads. Traffic has increased, and casual safety measures cause us greater concern for accidental fires being started

I would appreciate your attention to the issues presented by The Tepusquet Crisis Committee and the rest of us by proxy. I look forward to seeing steps to contain the damage being done to our canyon

Caroline J. Woods

Comment Letter I.23 – Caroline Woods

I.23-1 Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.23-2 The County acknowledges the commenter's concerns over the well documented impacts of many past and ongoing illegal cannabis operations in Tepusquet. The requirement for additional law enforcement and regulatory oversight of licensed cannabis operations is currently included in the process being undertaken by the County for this Project. For additional information and discussion of enforcement of illegal growers under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**. With regard to compatibility of cannabis activities within Existing Developed Rural Neighborhood (EDRN) areas and heightened review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

Individual

From: htjameson@verizon.net

Sent: Wednesday, November 08, 2017 12:51 PM

To: Cannabis Info

Subject: Comments on cannabis EIR from comment meeting 10-17-17

Attachments: Written comments from 10-17 planners' mtg. on marijuana regs.docx.pdf

Dear Planning Officials,

Attached for addition to the public record is a written version of my oral comments made at a public comment meeting on the draft EIR on cannabis regulations on October 17 in Santa Maria.

Thanks very much.

Hunter Jameson

(805) 346-1922

Comments on Draft Environmental Impact Review and Cannabis Land Use Ordinance and Licensing Program

Written version of comments delivered by Hunter Jameson on October 17, 2017, at a public comment meeting in Santa Maria

The draft EIR reviews many effects of a widespread county marijuana industry on the natural environment but neglects harmful effects on individuals, families, and society from increased drug-caused impairment, dependence, and addiction.

Two deficiencies that the final EIR should take into account are effects on law enforcement and on medical care.

1.24-1 First, law enforcement: In Colorado, which legalized recreational marijuana in 2013, marijuana-related traffic deaths increased 66 percent on a four-year annual average after legalization. (See *The Legalization of Marijuana in Colorado: The Impact, Volume 5,* October 2017, Rocky Mountain High Intensity Drug Trafficking Area, p. 1, http://www.rmhidta.org/html/FINAL%202017%20Legalization%20of%20Marijuana%20in%20Colorado%20The%20Impact.pdf . The EIR admits black market marijuana will persist and possibly increase after legalization here. Adding in the need to enforce the raft of new laws governing legal marijuana, is it realistic for the EIR to say that there would be no significant impact on law enforcement and that the current Sheriff's Department staffing will be adequate? This needs to be revisited.

Second: The EIR says nothing about likely increased emergency room visits and hospitalizations. In Colorado, marijuana-related hospitalizations increased an annual average of 72 percent after legalization of recreational marijuana (Legalization, p. 3).

I would also suggest three additional changes to the EIR.

1.24-2 In order to increase protection of young people, I suggest the minimum setback outlined on Page 2-41 from certain marijuana businesses be increased to 1000 feet from 600 feet.

1.24-3 Also on Page 2-41, under Retail Standards, the land-use ordinance needs to forbid onsite consumption at retailers, not allow it. Pot clubs where drivers stagger out to their cars and drive stoned are a menace to society. At the supervisors' marijuana hearing on Sept. 19, Supervisors Wolf, Hartmann, and Adam specifically opposed onsite consumption.

1.24-4 Page 3-8 calculates the demand for retail storefronts in Santa Barbara County based on population using storefront and population averages from the cities of Denver and Los Angeles. A more accurate comparison for unincorporated Santa Barbara County, however, would use figures from unincorporated counties. In making that comparison, by the way, one would find that 59% of all Colorado counties have prohibited or put a moratorium on recreational marijuana businesses, and 66% of local jurisdictions have banned both medical and retail marijuana businesses (Legalization, pp. 140, 142).

Comment Letter I.24 – Hunter Jameson

I.24-1 As discussed in Chapter 1, *Introduction*, the Project would license and regulate cannabis businesses consistent with required State of California licensing regulations. The use of cannabis (both medical and recreational) is legal under California law as of November 16, 2016. The purpose of the EIR under CEQA is to analyze the environmental effects of the Project's regulations and allowances in terms of licensing cannabis businesses countywide, according to County and CEQA thresholds. As use of cannabis is legal under state law, the Project cannot regulate the consumption of cannabis; therefore, the EIR does not analyze this. The EIR fully acknowledges and adequately analyzes impacts of the Project on law enforcement services. Consistent with state law (SB 94), the Project would implement a licensing program to provide a clear nexus for the enforcement of cannabis sites that operate without a license from the County or state. Additionally, key Project objectives involve maximizing the proportion of cannabis activities that participate in the Project to minimize unlicensed activities, and ensure adequate law enforcement and fire protection response to cannabis sites. Specifically, future cannabis operations that seek a license would also be subject to all local and state regulations on an ongoing basis. All licensed cannabis operations would be subject to annual renewal by the County and state to ensure ongoing compliance with Project regulations through review by the County Planning and Development Department, including code enforcement if needed. This licensing process would allow the County to effectively track and conduct licensing enforcement on an ongoing basis, in which the County may fine or revoke licenses of operations that fail to comply with adopted County codes and regulations. Despite these requirements for expanded enforcement, based on communications with local law enforcement officials, it is not anticipated that the Project would result in significant impacts to law enforcement or emergency services. As described in Impact PS-1 in Section 3.11, *Public Services,* interviews with the County Sheriff have determine that law enforcement staff levels are adequate and would be monitored over time and the Project would not result in the need for expanded law enforcement services or facilities, such that adverse impacts to the environment may occur. Utilization of discussion with local law enforcement to determine the adequacy of current and planned services or resources is often used to assess a project's potential impact on such services. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

I.24-2 This comment addresses the effectiveness of the proposed setbacks. The Project's proposed setbacks are designed to distance cannabis operations from identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) recommends a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The 600-foot setback analyzed within this EIR is based on Bureau of Cannabis Control regulations, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance.

County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**.

I.24-3 Comments regarding the merits of the Project and its regulatory program and policies relating to the consideration for onsite consumption of cannabis at licensed retail facilities do not relate to an environmental issue pursuant to CEQA. These concerns are best addressed towards County decision-makers. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.24-4 The Project analyzed in this EIR does not propose the prohibition of cannabis retail businesses, but instead proposes the adoption of regulations allowing for the licensing of such businesses within the County. Given this, the EIR uses the best available data from other jurisdictions that have implemented similar regulations to inform the assumptions utilized in this analysis. The comparison of the number of unincorporated jurisdictions that have imposed prohibitory regulations on cannabis and cannabis-related businesses would not serve as an informative or comparative analysis in this EIR, particularly when informing assumptions regarding the potential future number of retail licenses that may be issued or sought within the County.

Individual

From: Denise Ranch <denise@canyonspringranch.com>
Sent: Thursday, November 09, 2017 12:06 PM
To: jhartmann@countyofsb.org; peter.adam@countyofsb.org; dwilliams@countyofsb.org; steve.lavagnino@countyofsb.org; jwolf@countyofsb.org; matthew.buggert@woodplc.com; mfogg@co.santa-barbara.ca.us; jmetzger@co.santa-barbara.ca.us; taylor.lane@woodplc.com; j_mosby@ci.lompoc.ca.us; d_starbuck@ci.lompoc.ca.us; v_vega@ci.lompoc.ca.us; j_osborne@ci.lompoc.ca.us; b_lingl@ci.lompoc.ca.us; P_Wiemiller@ci.lompoc.ca.us; s_haddon@ci.lompoc.ca.us; office@lompocpres.org; rita.bright@woodplc.com
Subject: Cannabis in Cebada Canyon
Attachments: [redacted]

I.25-1 In the recent weeks I have been reading and seeing on the news the concerns, possible decisions being made on this "cannabis controversy". I have already addressed my concerns about large illegal cannabis operations in our Rural Residential Development in Cebada Canyon. The deciding plan does not have to be a "one size fits all". Goleta wants to opt out of commercial operations, Das William wants his grow houses in Carpinteria to flourish, which I find a shame, I feel Carpinteria is the gateway to Santa Barbara, a county that is very unique and a very special place to live. If Goleta can choose to opt out of the Cannabis industry at the cultivating and retail level, then we the residence of Cebada Canyon should have a say on what happens to our Canyon being an Existing Rural Development.

I.25-2 I read articles of other counties in California getting ahead start on the illegal growers, seizing millions of dollars of Cannabis that is being sold on the black market, yet our county does nothing. I have sent you pictures, addresses, even parcel numbers of large operations in our neighborhood and nothing is being done. They are growing and setting up shop in very high fire areas, the growers do not live here, they use our precious ground water to gain profit off of cannabis that is being sold and not taxed. There was an article about the water situation in the Central Valley, the Governor does not want to support the farmers and their rights to water because they are growing crops that are being shipped out of state. The Cannabis growers are doing the same thing. Everything I read about the cannabis sales is going to the East Coast where they can get 7 times the amount on the selling price.
Come January, are these growers going to be addressed? There will always be a huge black market. By not taking action against these illegal growers now, this is going to make it that more difficult in the future.

Major concerns for Cebada Canyon

I.25-3 1. Setting up grow houses in high fire areas, we have one road in and one road out.

I.25-4 2. One large grow house is on a slope that borders the La Purisima Mission State Park, large amounts of pesticide and fertilizer contamination and the run off into the Mission's delicate eco system.

I.25-5 3. Life expectancy of a plastic grow house, is the plastic recycled?

I.25-6 4. Heavy traffic on our private maintained roads for commercial businesses 5. Water usage, the growers do not

I.25-7 live here, once the water is gone, it is gone and the residences here have to deal with this alarming fact. We are on private wells.

I.25-8 6. Illegal trailers occupied to guard the grow houses, no septic, we have already had 2 fires involving illegally occupied trailers.

I.25-9 7. Huge grow houses being set up right now, expanding daily.

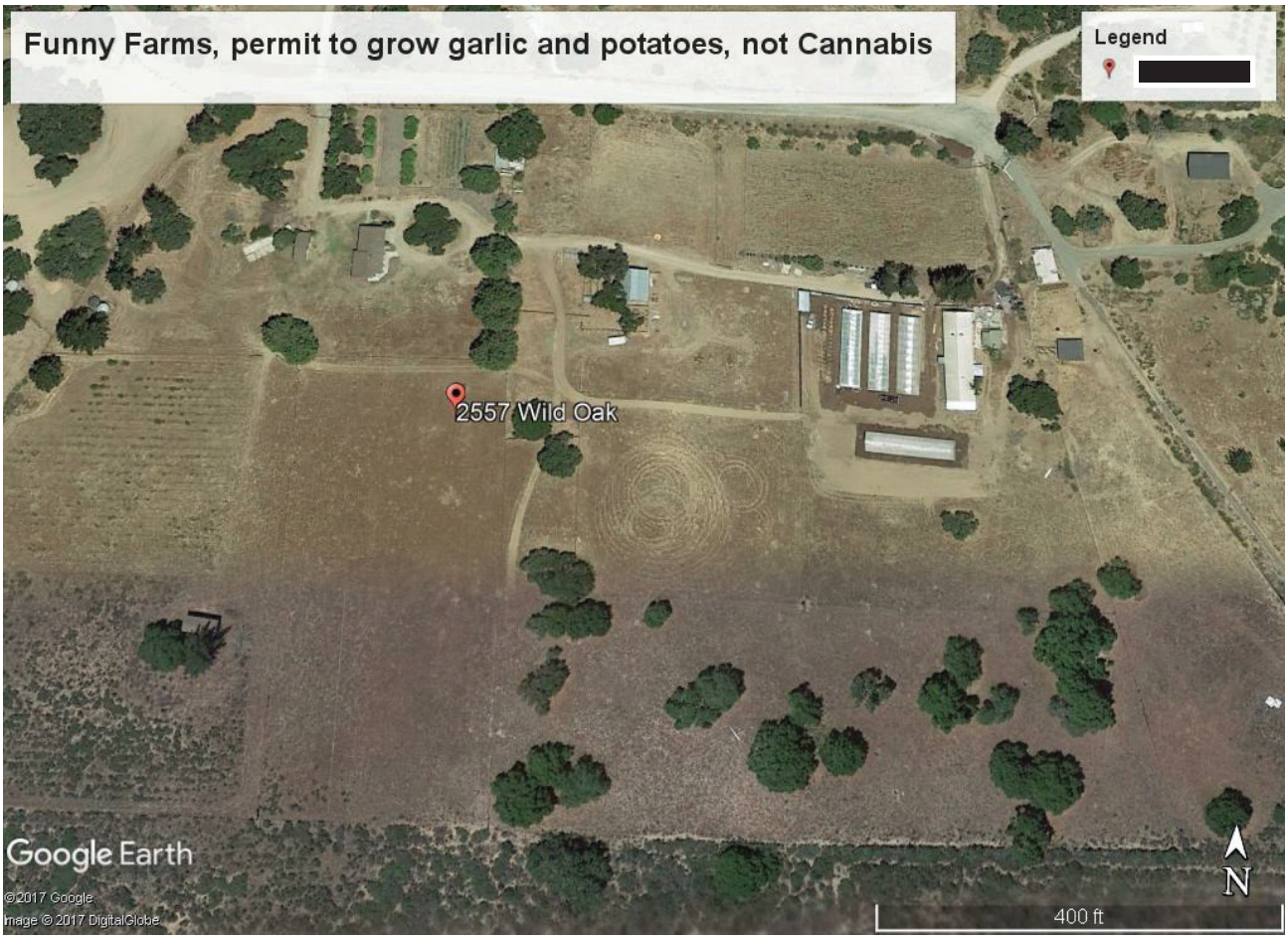
I.25-10 8. permits not being checked for what they are actually permitted to grow.

I.25-11 For these reasons I strongly urge you to recommend to Santa Barbara County that commercial growing of Cannabis NOT be allowed in Cebada Canyon, an Existing “Residential” Rural Development.

Picture comparison of expanding grow house in the past couple months

Picture below taken 10-2017

Jon Ohlgren 6/2017 plastic waste in upper corner
Legend
[redacted]
Google Earth
300 ft
N


Funny Farms, permit to grow garlic and potatoes, not Cannabis
Legend
2557 Wild Oak
Google Earth
©2017 Google
Image © 2017 DigitalGlobe
N
400 ft

Comment Letter I.25 – Denise Ranch

I.25-1 The Project proposes to amend the zoning ordinances to enable cannabis licensing of activities in the unincorporated portions of the County and would not extend to incorporated portions of the County, including the City of Goleta. The City's consideration of cannabis licensing is fully within their purview. Accordingly, the Program DEIR's Project Description is based on potential cannabis licensing within the unincorporated regions, at a programmatic scale, while considering cumulative effects that could extend beyond political boundaries. Impact determinations are focused at the countywide or regional level given the countywide nature of the Program which applies to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issue within sub-regions are provided to illustrate countywide or regional impacts. This is appropriate because as described in Section 1.3, *Program-Level EIR Analysis,* the Draft EIR is a Program EIR pursuant to Section 15168 of the State CEQA Guidelines. As previously stated and mentioned in Section 1.3, there are many reasons that a program-level analysis is appropriate for the proposed Project, including the fact that the proposed Program covers a defined geographic area with regional subareas with similar land use characteristics. Where characteristics vary within regions, the EIR provides clarifying information where relevant, such as within the Carpinteria Valley. With regard to neighborhood compatibility within EDRN areas, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.25-2 The County acknowledges the expressed comment regarding past and ongoing illegal cannabis operations in the County. The County has also documented and attempted to address such problems. The requirement for additional law enforcement and regulatory oversight of licensed cannabis operations is currently included in the process being undertaken by the County for this Project. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

I.25-3 As discussed in Impact HAZ-4 of Section 3.7, *Hazards and Hazardous Materials*, the EIR acknowledges that cannabis-related activities located in more remote areas could increase difficulty with emergency evacuations, particularly within areas of narrow rural roads and limited access, such as Cebada Canyon, within the EDRN land use category. Please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods,** which further addresses land use compatibility within these areas. Furthermore, licensed cannabis activities would be required to comply with CalFire defensible space requirements, County Building Code, and County Fire Code regulations to ensure protection of proposed facilities from wildfire hazards.

I.25-4 The County shares the commenter's concerns over the potential impacts of pesticide and fertilizer use on ecosystems. As discussed in Impact HAZ-3 of Section 3.7, *Hazards and Hazardous Materials*, the EIR acknowledges that cannabis cultivation under the Project could result in impacts from the use, storage, transport, or discharge of hazardous materials, particularly with respect to the use of rodenticides, fungicides, herbicides, insecticides, fertilizers, and other agricultural chemicals. However, cannabis cultivation would be subject to existing laws and regulations governing the cultivation and associated hazardous activities,

including pesticide use regulations under USEPA, CalEPA and the California Department of Pesticide Regulation. Further, California DPR has determined that commercially grown cannabis is an agricultural commodity and therefore cannabis cultivators under the Program are subject to the requirements of Division 6 and 7 of the Food and Agricultural Code and pertaining regulations (ENF 17-03). These laws and regulations set requirements for the legal use of pesticides and are enforced by the County of Santa Barbara Office of the Agricultural Commissioner. Any commercial agricultural operations planning on using pesticides must obtain an Operator Identification Number from the Agricultural Commissioner's Office before they can purchase or use pesticides/rodenticides. In addition, Section 3.8.3.2 of Section 3.8, *Hydrology and Water Resources*, has been updated to include the recently issued SWRCB statewide general order, WQ 2017-0023-DWQ, which was adopted on October 17, 2017. MM HWR-1, *Cannabis Waste Discharge Requirements General Order*, has also been amended to reflect this recent change. With implementation of MM HWR-1, *Cannabis Waste Discharge Requirements Draft General Order*, the County Planning and Development Department would ensure that impacts from pesticides/fertilizers would be minimized by reviewing and approving compliance with the requirements of the SWRCB, and would ensure residual impacts were *less than significant with mitigation*.

I.25-5 Solid waste is subject to CEQA review on the context of utilizes and service systems associated with landfill capacity. Please refer to Section 3.13, *Utilities and Energy Conservation*, for the appropriate analysis.

I.25-6 Please refer to **Response I.25-3** and **Master Comment Response 3 – Existing Developed Rural Neighborhoods**. Additionally, as discussed in Impact TRA-1 of Section 3.12, *Transportation and Traffic*, the EIR acknowledges that implementation of the Project would potentially increase traffic volumes and degrade roadway and intersection operations beyond projected or planned levels in applicable local or regional transportation plans, policies, and/or programs. Further, implementation of MM TRA-1, *Payment of Transportation Impact Fees,* and MM AQ-1, *Cannabis Site Transportation Demand Management,* would reduce impacts to County transportation facilities.

I.25-7 Please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods,** which addresses potential concerns of expanded development within this land use category that also includes Cebada Canyon.

This Program DEIR also evaluated impacts upon water resources. Based on 2017 Registry Data, 65 percent of existing cultivators source their water from private wells. Currently, more than half (63 percent) of existing cannabis activity sites utilize groundwater for irrigation. An additional 33 percent rely on municipal water, which is largely sourced from groundwater in the County. With regard to future cannabis water demands and Project impacts on existing and future water supplies and demand, as well as associated impacts on groundwater resources, please refer to **Comment Response S. 2-8.**

I.25-8 With regard to enforcement, please refer to **Comment Response I.25-2** above.

I.25-9 Please refer to **Comment Response I.25-2** for discussion of enforcement. Please also see **Master Comment Response 3 – Existing Developed Rural Neighborhoods** for neighborhood compatibility within EDRN areas and heightened review.

I.25-10 With regard to enforcement, please refer to **Comment Response I.25-2** above.

I.25-11 Please refer to **Comment Response I.25-1** for expanded discussion of neighborhood compatibility within EDRN areas and heightened, discretionary review.

Individual

10 November 2017

To: Jessica Metzger, Project Manager
Cannabis Land Use Ordinance and Licensing Program
Planning & Development Dept.
County of Santa Barbara

Santa Barbara County Deputy CEO Dennis Bozanich

Santa Barbara County Supervisors:
Das Williams
Janet Wolf
Joan Hartmann
Peter Adam
Steve Lovagnino

Santa Barbara County Planning Commission:
Michael Cooney
Cecilia Brown
Careen St John
Daniel Blough

Carpinteria Superintendent of Schools Diana Rigby

Carpentaria City:
City Manager David Durflinger
Mayor Fred Shaw

Santa Barbara District Attorney Joyce Dudley

From: John Culbertson
[redacted]
Carpinteria, CA 93013
jculbertson@sbceo.org

Re: Comments DEIR for Cannabis Land Use Ordinance & Licensing Program

The DEIR for Cannabis Land Use Ordinance & Licensing Program is problematic and incomplete.

1. **People's health is being affected by the current cannabis production in the Carpinteria Valley. Residents living in proximity to production are suffering from adverse physical reactions including coughing, sneezing, watering eyes and headaches.** The DEIR downplays odor as a disagreeable

I.26-1

I.26-1 scent when in fact it is already resulting in residents seeking medical treatment. Set back and scrubbers must be required for health and safety.

2. I.26-2 **Set back from Schools is inadequate.** Air pollution from Cannabis production at Carpinteria High School is intense. A minimum of two thousand feet set back and scrubbers should be required.

3. I.26-3 **No set back from housing.** It is ludicrous to think that children should be protected from the negative health effects of cannabis at schools but not in their in their homes. In addition, because this is a matter of health all residents should be protected by a set back. A minimum of two thousand feet set back and scrubbers should be required.

4. I.26-4 **Greenhouse lighting.** The County's encouragement of Cannabis production has created a lawless environment. As an example here is a Photo taken this month of illegal greenhouse lighting at EVERBLOOM behind our house. This is lighting that Project Manager, Jessica Metzger assured me was in compliance. This lighting is not in compliance with Carpentaria Agriculture Overlay District Sec.35-102E9.16. County is remiss in enforcing existing policy.

5. I.26-5 **Placing economic gain over the health of residents. First District Supervisor Das William's states, "Let's be honest. The largest potential for addressing our budget shortfall in the long run is marijuana."** Government has a duty to act in the interest of health and public safety. Placing economic gain and taxes over public health is poor governance. There should be no place in the EIR or county government for such thinking.

As it stands, the failure of the DEIR to address the health of people will only lead to further problems for County Government and will incite negative reaction from the community of Carpinteria.

Comment Letter I.26 – John Culbertson

I.26-1 Despite the occupation of residential uses by potentially sensitive individuals or populations for more extended periods of time, consistent with the guidance provide under state law (SB 94), residential uses are not considered sensitive receptions and specific setbacks are not required for cannabis cultivation uses adjacent to residential uses. With regard to adverse effects of cannabis odors, the discussion provided in Impact AQ-5 of Section 3.3, *Air Quality and Greenhouse Gas Emissions,* has been amended to disclose potential health effects that cannabis odors may have on human receptors. However, this consideration and discussion does not affect the analysis of potential adverse air quality impacts of the Project, and impacts from odors remain significant and unavoidable. Despite the known potential for cannabis odors to result in adverse health effects such as headaches, eye and throat irritation, nausea, discomfort, and mental stress, the consideration and objectivity of cannabis odors remains highly subjective. Please refer to the amended text in the discussion of Impact AQ-5, as well as **Master Comment Response 2 – Odor Abatement Initiatives** for discussion of adequacy of proposed odor mitigation measures (**MM AQ-5**, *Odor Abatement Plan (OAP)*).

I.26-2 This comment addresses the effectiveness of the proposed setbacks. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) recommends a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. The setbacks analyzed within this EIR are based on Bureau of Cannabis Control regulations, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance. County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**. With regard to impacts from odors and consideration of mitigation measures for reducing odor impacts, please refer to **Master Comment Response 2 – Odor Abatement Initiatives**.

I.26-3 For discussion of residential setbacks, please refer to **Comment Response I.26-1.** With regard to proposed setbacks and odor control mitigation, please refer to **Master Comment Response 2 – Odor Abatement Initiatives.**

I.26-4 For discussion of greenhouse lighting under the Project, please see Comment Response **L.2-37.**

I.26-5 This comment addresses the merits of the Project and does not raise a significant environmental issue or identify any inadequacy in the analysis, conclusions, or mitigation measures in the EIR. The Project is intended to balance the diverse demands for cannabis products with the public health, safety, and welfare of the community through the enactment of strong and effective regulatory and enforcement controls. Without regulation of cannabis activities, ongoing illegal activities would continue with their associated environmentally

damaging impacts. Please also see **Master Comment Response 1 – Program Development Process** for discussion of how the Project and its objectives were developed. As discussed in Section 1.2 of Chapter 1, *Introduction*, while Section 15021(a) of the State CEQA Guidelines requires that consideration be given to avoiding environmental damage, the Lead Agency (County of Santa Barbara) and other responsible public agencies must balance adverse environmental effects against other public objectives, including social and economic goals, in determining whether and in what manner a project should be approved. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Kurt and Stephanie Souza <kands.souza@verizon.net>
Sent: Friday, November 10, 2017 10:39 AM
To: Cannabis Info
Subject: Cannabis Cultivation in Carpinteria

Dear Board of Supervisors,

I.27-1

Two of our children currently attend Carpinteria High School. The smell of cannabis is not only a nuisance but a health and safety concern. When we drop our kids off on the morning, the stench is so strong it stays in the car for an hour after dropping them off. Students complain of headaches and nausea. The smell is clearly a distraction. How can students focus and learn if they don't feel well? What affects is the cannabis stench having on their growth and overall health? Growers should immediately have to implement air purification technology. Additionally, cannabis growing should be a minimum of 1000 feet from all schools and day care centers.

Stephanie and Kurt Souza
Sent from my iPhone

Comment Letter I.27 – Kurt and Stephanie Souza

I.27-1 With regard to impacts from odors and consideration of mitigation measures for reducing odor impacts, please refer to **Master Comment Response 2 – Odor Abatement Initiatives**. The Project's setbacks are designed to distance cannabis operations from identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) recommends a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The 600-foot setback analyzed within this EIR is based on the proposed project description, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance. County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Individual

From: Lori Greenburg <lori.greenburg@outlook.com>
Sent: Friday, November 10, 2017 9:44 AM
To: Cannabis Info
Subject: Cannabis Ordinance

I.28-1

As a resident of the City of Carpinteria, I would like add my voice to the need to limit the location of where cannabis is grown in our area and to ensure that immediate action is taken to reduce the smell coming from the cannabis operations in the Carpinteria Valley.

I would first suggest that all County Supervisors take a field trip to Carpinteria, preferably with the windows down in the vehicle when they are driving through the area. The Supervisors will be greeted with the smell of cannabis, whether on US101, Via Real or Foothill Road.

I live near Heath Ranch Adobe Park where county ag land is located just beyond our tract of homes. When we moved to the neighborhood in 2000, the land was being used for avocado trees. Sometime recently, I believe in the last 5 years, large greenhouses appeared which are very close to the boundary with homes at the end of Chapparal Drive and Eucalyptus Street. Many times in the early morning, these buildings are lit up inside.

Now our neighborhood, especially in the morning, reeks of cannabis. Although we have been told that air filters are available to reduce the smell, apparently none of the growers want to invest in them until they are sure they will be approved for a license to grow. This is wrong. Since none of the growers is apparently using the air filters, it is unknown whether the filters will even do what they claim. It is hard to believe the smell will be totally abated.

I request that the cannabis ordinance include provisions on where commercial growing and production may occur. There should be a large buffer between the facilities and homes, and an even larger buffer near schools. The residents of Carpinteria, and especially Carpinteria High School students and staff, should not have to suffer for the profit of commercial enterprises.

Lori Greenburg
[redacted]
Carpinteria, CA 93013

Comment Letter I.28 – Lori Greenburg

I.28-1 With regard to impacts from odors and consideration of mitigation measures for reducing odor impacts, please refer to **Master Comment Response 2 – Odor Abatement Initiatives**. For discussion of lighting impacts under the Project, please refer to **Comment Response L.2-37.** The setbacks analyzed within this EIR are based on the proposed project description, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance. County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Individual

From: Eric von Schrader <eric.vonschrader@sbcglobal.net>
Sent: Saturday, November 11, 2017 10:48 PM
To: Cannabis Info
Subject: Comment on Cannabis Regulation

Dear sirs,

I.29-1 I am a resident of Carpinteria. The smell of cannabis seems to be increasingly frequent at my home. I strongly urge the county to include strong requirements for odor control systems in the regulations for cannabis cultivation in Santa Barbara County. I support legalization of cannabis, but regulating odors from cultivation is essential so this industry is not a nuisance to people in our community.

Eric von Schrader
[redacted]
Carpinteria, CA, 93013
314-495-2062
eric.vonschrader@sbcglobal..net

Comment Letter I.29 – Eric von Schrader

I.29-1 With regard to impacts from odors and consideration of mitigation measures for reducing odor impacts, please refer to **Master Comment Response 2 – Odor Abatement Initiatives**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Individual

From: Daniele Schechter Huerta <dmsh89@yahoo.com>

Sent: Saturday, November 11, 2017 10:40 PM

To: Metzger, Jessica

Subject: Concern about Odor from Marijuana Fields

Follow Up Flag: Follow up

Flag Status: Flagged

Dear Ms. Metzger,

I.30-1

Hello. As a citizen of Santa Barbara County, I would like to register my extreme concern about the prevalent odor of marijuana which I now smell frequently, especially in Carpinteria. I drive up and down 192 and Via Real, and I now smell a strong smell of marijuana plants there. I am very concerned that this a is a significant problem for residents and school students, especially at Carpinteria High School and Cate School. It is unclear what prolonged exposure to marijuana fumes will have on the health of residents, especially young people. I hope that the County will take quick action to limit the prevalence of these odors.

A quick internet search reveals that there are commercial mechanisms for growers to control odor, and I hope the County will consider requiring the growers to regulate the air quality of the air that leaves their fields. https://hightimes.com/grow/grow-hack-odor-control-strategies-their-best-applications/

Is there a formal way in which I should register my concern with the County?

Thank you,

Daniele Schechter Huerta

[redacted]

Santa Barbara, CA 93018

650-867-4770

Comment Letter I.30 – Daniele Huerta

I.30-1 The County appreciates this comment. Please see **Master Comment Response 2 – Odor Control Initiatives** for an expanded discussion on odor impacts and amendments to **MM AQ-5**, *Odor Abatement Plan (OAP)*. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Individual

COMMENTS BY DAVE CLARY
AT THE SBC PLANNING COMMISSION HEARING
OF OCTOBER 25, 2017.

AMENDED NOVEMBER 12, 2017

My name is Dave Clary. I am a retired attorney and I have resided in Tepusquet Canyon for the last 20 years.

1. Given the incredible length of the document there has been too short a time period to fully study and comprehend the 10 2017 draft program EIR and adequately respond to each substantive issue raised therein

Some of the Commissioners might feel a little nervous about whether they fully understand the October 2017 Draft Program EIR … We certainly do.

It is 608 Pages long. Let's compare the number of words in the document. It has approximately 50,000 more words than Moby Dick. And this does not count the 200 page appendix.
(I converted the PDF file to a Word file, then used the word count feature to determine the number of words in the DPEIR. The total was 253, 975 words. An Internet website called Commonplacebook.com in a web page titled "Word Count for Famous Novels [Organized]" states that there are 206,052 words in Moby dick.)

The DPEIR was made available to the public approximately two weeks before the meeting for public input and one more week before this meeting (10/25/2017) where the DPEIR is presented to the Board of Supervisors.

I.31-1

This time period is too short. The DPEIR deals with critical issues regarding our property interests, without adequate time for public input to help shape these decisions. The hearings of 10 17 2017 and 10 25 2017 regarding the DPEIR are the basis of the input and recommendations made by staff to the Board of Supervisors. The DPEIR sets forth the framework for the decisions to be made by the board and then makes a recommendation to the board as to the specific action to be taken by the board regarding the county ordinance to regulate cannabis activities.

There is no doubt that the input to the board, clearly affecting our property rights, steps over the boundary between legislative and adjudicative action and becomes an essential part of an adjudication of those property rights.

Thus as handled, the residents of Tepusquet Canyon, and the general public, have been denied Procedural Due Process. The due process clause of the Fifth Amendment to the United States Constitution states "No person shall … be deprived of life, liberty, or property without due process of law." The Fourteenth Amendment of the United States Constitution repeats and applies this prohibition to state governments and their political subdivisions (e.g., city and county governments).

Similarly, California Constitution Article I, §7(a), provides that "[a] person may not be deprived of life, liberty, or property without due process of law."
This is set forth in greater detail in my motion to continue the first hearing (10/17/2017) filed before that hearing. I was informed by Jessica Metzger of the long term planning division of the Planning Department just prior to the commencement of the first hearing on 10/17/2017 that the motion had been denied. Apparently not understanding that, Mr. Villalobos emailed me that it would be dealt with at the 10/25/2017 hearing. Nothing was said or done at the latter hearing regarding the motion.

I.31-1

2. The draft program EIR of October 2017 makes the following statements regarding illegal growing of cannabis, summarized here because of the length of the statements.

That there will be illegal cultivation going on for the foreseeable future in the remote rural areas of the County.

This would certainly include Tepusquet Canyon

That the illegal growers are likely to eventually move to counties that have different or weaker enforcement, like Mendocino County, Etc.

There is no effective enforcement now in Santa Barbara County; so why would the illegal growers move to another county?

I.31-2

These two statements are repeated six times in the DPEIR
(As the page numbers in the PDF file of the DPEIR made available to the public are not sequential, I am citing using the page number used by the PDF program. They are pages 12, 100, 530, 547, 563, and 573.)

Combined these two statements tell those of us who reside in Tepusquet Canyon that you are now and forever giving up on us in terms of enforcement regarding illegal growing.

This is a powerful message you are giving to the illegal growers in Tepusquet Canyon, and other remote rural areas in the County

Who knows how far and wide this announcement will go?

How many additional illegal marijuana growers will it encourage to open business in the remote rural areas of Santa Barbara County, including Tepusquet Canyon?

3. Since it was mentioned, let's take a closer look at notorious Mendocino County.

I understand that the 3500 square miles of rugged landscape in Mendocino County is very difficult to police.

I.31-3

Tepusquet Canyon, including the feeder roads into it as depicted on our Overlay map is only 2 percent the size of Mendocino County

And Tepusquet Canyon has only one way in and one way out.

There is absolutely no excuse for giving up on active enforcement against illegal marijuana commercial cultivation and related activities in Tepusquet Canyon.

4. Enforcement Ordinances

The part of the California State Government Code that sets forth many basic rules regulating counties includes the following language in Section 25132

Government Code § 25132.
"***(a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction.*** The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action. *(Emphasis added)."*

The current enforcement rules set forth in the Santa Barbara County Ordinances are cumbersome and weak. They consist of letters to the offender, then infraction charges with minor penalties. The District Attorney does not even have the discretion to file misdemeanor charges until there are two prior convictions of infractions. They allow the illegal growers to stall for time, complete their harvest and then allow inspectors on their property. They have no teeth.

I.31-4

(County of Santa Barbara, Chapter 35, County Land Use and Development Code, Section 35.108, et seq. and Chapter 24A regarding administrative fines)

Yet the Oak Tree Protection and Regeneration Ordinance currently in effect has several procedures that may be used. The most effective is likely to be the provision that allows the county to treat an ordinance violation as either an infraction or a misdemeanor. This way the County could deal with minor infractions as such, but, with probable cause, proceed with criminal actions for major violations. The penalties are substantial, including up to 6 months in jail and up to $25,000 per day that the violation continues. And there is the advantage that a convicted criminal defendant can be placed on probation. This means that if the violator repeats the violation (or ignores it), he or she can be sent to jail for an easier to substantiate probation violation. This is a clear incentive to cease and desist the illegal activity.

We urge you to adopt the language in the oak ordinance.

I.31-4 (County of Santa Barbara, Deciduous Oak Tree Protection and Regeneration, Article IX of Chapter 35, Santa Barbara County Code. Enforcement provisions begin at Section 35-920. Please note that the Santa Barbara County Medical Marijuana Ordinance, adopted January 16, 2016, titled Article X, found at Section 35-1004(c)(2) Misdemeanors, of the Santa Barbara County Land Use Development Code contains similar language to the Oak Tree Protection statute.)

5. Funding of enforcement

I.31-5 Without adequate funding, enforcement becomes a joke. We urge you to make sure that any local taxes on cannabis include substantial funding of enforcement against illegal cannabis related activities.

6. State taxation statutes re enforcement

Right now SB 94 provides that 4% of the taxes collected regarding cannabis activities will be used for administrative and collection costs.

This is obviously a woefully inadequate amount to cover collection costs, which I read to include enforcement.

Otherwise the laws are extremely tough, allowing taxation officers to enter premises where they the parties are not paying taxes and confiscate all the plants. (See below).

We are attempting to contact our state legislators to introduce an amendment to SB 94 that would increase this percentage substantially.

California Revenue and Taxation Code Section **34019.**

I.31-6 " (a) Beginning with the 2017–18 fiscal year, the Department of Finance shall estimate revenues to be received pursuant to Sections 34011 and 34012 and provide those estimates to the Controller no later than June 15 of each year. The Controller shall use these estimates when disbursing funds pursuant to this section. Before any funds are disbursed pursuant to subdivisions (b), (c), (d), and (e) of this section, the Controller shall disburse from the Tax Fund to the appropriate account, without regard to fiscal year, the following:
(1) Reasonable costs incurred by the board for administering and collecting the taxes imposed by this part; provided, however, such costs shall not exceed 4 percent of tax revenues received."

The board might consider some of the enforcement provisions of the State taxing authorities in drafting its own enforcement provisions. See below.

California Revenue and Taxation Code Section **34016.**

["(a) Any peace officer or board employee granted limited peace officer status pursuant to paragraph (6) of subdivision (a) of Section 830.11 of the Penal Code, upon presenting appropriate credentials, is authorized to enter any place as described in paragraph (3) and to conduct inspections in accordance with the following paragraphs, inclusive.

(1) Inspections shall be performed in a reasonable manner and at times that are reasonable under the circumstances, taking into consideration the normal business hours of the place to be entered.

(2) Inspections may be at any place at which cannabis or cannabis products are sold to purchasers, cultivated, or stored, or at any site where evidence of activities involving evasion of tax may be discovered.

(3) Inspections shall be conducted no more than once in a 24-hour period.

(b) Any person who fails or refuses to allow an inspection shall be guilty of a misdemeanor. Each offense shall be punished by a fine not to exceed five thousand dollars ($5,000), or imprisonment not exceeding one year in a county jail, or both the fine and imprisonment. The court shall order any fines assessed be deposited in the California Cannabis Tax Fund.

I.31-6 (c) Upon discovery by the board or a law enforcement agency that a licensee or any other person possesses, stores, owns, or has made a retail sale of cannabis or cannabis products, without evidence of tax payment or not contained in secure packaging, the board or the law enforcement agency shall be authorized to seize the cannabis or cannabis products. Any cannabis or cannabis products seized by a law enforcement agency or the board shall within seven days be deemed forfeited and the board shall comply with the procedures set forth in Sections 30436 through 30449, inclusive.

(d) Any person who renders a false or fraudulent report is guilty of a misdemeanor and subject to a fine not to exceed one thousand dollars ($1,000) for each offense.

(e) Any violation of any provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such.

(f) All moneys remitted to the board under this part shall be credited to the California Cannabis Tax Fund."

(Amended by Stats. 2017, Ch. 27, Sec. 169. Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64.)]

7. Our Equal Protection Argument

I.31-7 There is no rational basis for prohibiting cannabis-related activities in the remote rural mountainous areas in South County and subjecting the residents of remote rural Tepusquet Canyon in north county to the rapid deterioration of our quality of life due to perpetual and ever increasing illegal cultivation of cannabis. We have been requesting an overlay ordinance for Tepusquet Canyon that would completely prohibit all commercial cannabis activities. This area would include all paved and dirt roads that would feed into Tepusquet Canyon road for for access to their properties.

We believe that by failing to prohibit marijuana growing and related activities in Tepusquet Canyon, the Board of Supervisors is failing to provide equal protection to the residents of Tepusquet Canyon as set forth in the Fourteenth Amendment to the United States Constitution.

THANK YOU

Comment Letter I.31 – Dave Clary (2)

I.31-1 As described in Section 1.6, *Environmental Review Process*, per CEQA Guidelines Section 15087 and Section 15105, the County prepared and distributed a Notice of Availability (NOA) for the Draft EIR to relevant agencies and interested parties within the County on October 2, 2017. The NOA provides notice of a minimum 45-day public review and comment period for the Draft EIR, from October 2, 2017 to November 16, 2017. Therefore, the time period provided for public review and comment is sufficient under CEQA, and does not deny the public Procedural Due Process.

I.31-2 The County acknowledges the commenter's concerns over the documented impacts of many past and ongoing illegal cannabis operations in Tepusquet. The requirement for additional law enforcement and regulatory oversight of licensed cannabis operations is currently included in the process being undertaken by the County for this Project. For additional information and discussion of enforcement of illegal growers under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**. With regard to compatibility of cannabis activities within EDRN areas and the inclusion of requirement for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

I.31-3 The County would not "give up" on active enforcement under the Project; rather, the licensing of cannabis operations and the development of expanded enforcement programs under the Project would reduce the number of illegal cannabis operations that engage in nuisance or criminal activities, thereby addressing many of the issues historically experienced by existing land owners generated by unregulated and non-compliant cannabis operations. Please also refer to **Comment Response I.31-2.**

I.31-4 Issues raised in this comment are not related to an environmental issue pursuant to CEQA. Please refer to **Comment Response I.31-2.**

I.31-5 The County is well aware of the fact that effective enforcement requires adequate administration and funding, which may be partially afforded by revenues from the cannabis industry in the County. Please also refer to **Comment Response I.31-2.**

I.31-6 Issues raised in this comment are not related to an environmental issue pursuant to CEQA. Comments raising suggestions for County decision-maker consideration will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

I.31-7 With regard to consideration of licensing of cannabis activities within Tepusquet Canyon, please refer to **Comment Response I.31-2.**

Individual

From: John Smith <sendspamtojack@gmail.com>

Sent: Sunday, November 12, 2017 7:45 PM

To: Cannabis Info; cannabisinfor@countyofsb.org

Subject: deeply concerned about odor

Hello,

I'm writing to submit my comments for the county cannabis ordinance.

I.32-1

First of all, i'd like to thank you for setting up this email address. I would also like to ask you to create an additional account for cannabisinfor@countyofsb.org. There is a typo in the Coastal View News saying that comments should be sent to that address, so you may be missing out on a lot of valuable feedback.

I.32-2

I am deeply concerned about the odor produced by the many cannabis growers currently operating in our county. Cannabis growing must be regulated to prevent it from being a hazard to high population density areas that border agricultural areas, such as the Caprinteria Valley. Cannabis growers are currently operating mere feet from our public schools and other child care facilities.

Thank You,

Jack Griffin

Comment Letter I.32 – Jack Griffin

I.32-1 Upon receipt of this information, the email account address was attempted to be contacted, however the email was unreachable. The County promptly contacted the newspaper and asked to change the text in the online page, and to print the associated correction in the following print issue.

I.32-2 For comments and concerns related to odors from licensed cannabis operations, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

Individual

From: Peggy Zachariou <peggy.zachariou@live.com>
Sent: Sunday, November 12, 2017 10:22 AM
To: Cannabis Info
Subject: The smell of canabis

I.33-1

This is simple. Require the canabis growers to mitigate the smell and air quality in our Carpinteria neighborhoods.

~Peggy Zachariou
[redacted]
Carpinteria, Ca 93013

Comment Letter I.33 – Peggy Zachariou (1)

I.33-1 With regard to impacts from odors and consideration of mitigation measures for reducing odor impacts, please refer to **Master Comment Response 2 – Odor Abatement Initiatives**. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Individual

From: Sandy Kuttler <sandymk@yahoo.com>

Sent: Sunday, November 12, 2017 8:04 AM

To: Bozanich, Dennis; Williams, Das; Schunk, Cameron; Cannabis Info; brownknight@cox.net; cerene.earthgoddess@gmail.com; Dan Blough; michael@igsb.com; Dennis Kuttler

Subject: Cannabis odor

I.34-1

As it was shaping regulations for growing cannabis in the County of Santa Barbara, the DEIR seems to have overlooked the odor issue. Without solving the noxious smell problem, the report will be of very little, if any, help to us Carpinteria Valley citizens. We were hoping for more from our politicians, like breathable air with mandatory air filtration systems for the growers giving us a better quality of life.

I live 2 tenths of a mile from a cannabis grower. The smell from their plants has become continuous. The same grower's foul odors travels down to Cate School, which is easily two miles further down the road. The school is up in arms as the fugitive odor is interfering with their educational environment.

Having growers be 600 feet from a school is a laughable regulation, as the smell permeates the children's homes, the parks, their drive to the market and everywhere else in our valley.

We feel we are being abused. The DEIR implies the residents of the Carpinteria Valley must cohabitate with the obnoxious smells so the county can receive tainted money to cure its out-of-balance budget problems.

There is no joy in Carpinteria, mighty cannabis is ruining the field.

Sandy Kuttler

[redacted]

Carpinteria

Sent from Yahoo Mail for iPhone

Comment Letter I.34 – Sandy Kuttler

I.34-1 With regard to concerns from cannabis-related odors, particularly within the Carpinteria Valley, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Response L.2-3.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

Cecilia Brown
[redacted]
Santa Barbara, CA 93111
Brownknight1@cox.net

Ms. Jessica Metzger
Long Range Planning
County of Santa Barbara\
By email

Dear Jessica

I.35-1 I appreciate everyone's efforts in writing/producing the Cannabis Land Use Ordinance and Licensing Program DEIR. Please accept my comments as helpful suggestions for the reader, decision-maker, and interested community member, all who are concerned about the impacts of this new activity in their community and neighborhoods. And in your response to the public comments, would you please annotate the exact section in the DEIR where the response is located, not just the chapter. Thank you, Cecilia Brown.

General Comments

I.35-2 Re the buffers Figures 2-3 and 2-4, please provide a listing of the names, addresses of the entity needing the buffer as well as larger size maps to enable understanding of exactly where the buffers are located. Decision makers will want to know that the info is complete and correct. No way of telling from the buffers themselves. Since buffers are important in understanding the limitation on where cannabis activities can be located, particularly in the urban area, then the maps have to be readable. Each region should have its own page.

I.35-3 Table 2-5 Allowed Cannabis License Types by Zone District.
There was a public comment at the scoping hearing about a particular zone district and the no ability to locate a cannabis activity there. This is an example of the disconnect between what exists and the availability of certain zoned lands, an example of this is the PI zone districts proposed for the testing activity. On the Gaviota Coast, the PI zone district is the SB County Landfill. In the Eastern Goleta Valley, the cemetery/morgue is one PI zone district and the other is the juvenile hall complex. There needs to be "ground truthing" to know what kind of zones could realistically support cannabis activities.

I.35-4 Further, the above table concludes that for the PI zone district acreage availability for testing is 2,279 acres. What is the point of this info since a cannabis activity isn't planned to be located on public lands. Since this is a relatively benign activity with probably no impacts (none that I seen discussed), then this activity could be located in a commercial/shopping zone district. There needs to be a reassessment of what zone districts can accommodate cannabis activities.

I.35-5 With the requirement for buffers for sensitive receptors, land availability will be reduced for locating cannabis activities on all zone districts, particularly some AG-1 parcels in the urban areas. There should be made a footnote to explain this to the reader.

I.35-6 Also, helpful to have a summary of actual acreage by zone district, that is a column at the far right of the table which would show how much by each zone district. This info is included elsewhere in the DEIR, but also needs to be included in this table.

Aesthetics and Visual Resources.

I.35-7 Other than the need for mitigating indoor lighting from a new greenhouse structure, it isn't clear in this section if the discussion on lighting also includes outdoor lighting for new ag structures. What circumstances would require the need for outdoor lighting on a greenhouse or other structures housing cannabis activities? Is it a security issue? Different impacts/ mitigations in Rural/urban areas?

I.35-8 P. 3.1-24 Proposed mitigation measures. Security measures may require a screening plan, but why would new greenhouse/hoop structure cultivating cannabis require a landscape plan? Do other crop types using above structures require a landscape plan? Wouldn't a landscape plan just accentuate the difference between the ag structure and the adjacent ag fields?

I.35-9 **Quality.** Odor issues are the greatest impact to neighbors from cannabis activities. What cannabis activities besides cultivation will need such a Plan? How will this be determined? There needs to be more information and much better, more robust development standards.

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P. 3.3 -24 Odor abatement Plan.

A. The standards listed seem more about contact info and distribution of info. Get more contact/facility info. See excerpt from city/county of Denver on their odor abatement. https://www.denvergov.org/content/dam/denvergov/Portals/771/documents/EQ/Odor/TemplateEnglish.pdf

Mailing is obsolete; info needs to be current and available for all to see. Put odor control plans for each operator/cultivator on county Website under cannabis enforcement.

I.35-10 B. Below are some possible development standards for an odor abatement plan

Need description of facilities odor mitigation practices. Plan reviewed/updated yearly. What engineering controls will be/is used to control odors? Best technology, carbon scrubbers, HEPA filters? Not to be used: Deodorants, ozone machines.

Who determines and what standards/evidence to be used to determine if technology working? Maintenance standards/requirements?

What amount of time after obtaining license/ permit to have equipment Installed and performing acceptably? Who and how will it be determined if equipment is effective? If equipment already installed, certification/evaluation that equipment is effective.

Complaints? Measures to be taken when complaints received, how long before corrective action taken? What are process/procedures if odor issues unresolved? License revocation after certain number of complaints/failure to address odor complaints?

Land Use and Planning

I.35-11 Re the maps on pages 3.9-7 to 3.9-7. Missing are maps for each region, the EGV, Carpinteria and Gaviota. Make the maps bigger with each region its own page to clearly see the kinds of zone districts on each map.

I.35-12 <u>Residential/Ag conflicts</u>: Per the draft ordinance, cannabis is proposed for all ag zone districts, but not all ag zone districts are suitable for cannabis-related activities. As an example, in the 2nd district, there are Ag-1 zone districts in the heart of the urban area in

I.35-12 the Eastern Goleta Valley. Some of these parcels are surrounded by homes, schools; some Ag-1 zoned parcels on More Mesa have apartment buildings located on them. Another Ag-1 zone parcel located off LaGoleta Road is surrounded by RR zoning. Similar situations exist in the Santa Ynez Valley with Ag-1 zoning where "hobby farms" are really just large residential properties. Carpinteria is now experiencing the incompatibility issues, but the Ag 1 zoned lands which aren't in Carpinteria and aren't having these issues, the impacts need to be evaluated and mitigated BEFORE allowing cannabis on Ag-1 zoned land.

Mixed Use Zoning:

All residentially zoned properties have been excluded from any cannabis zoning except for the Mixed Use Zone District. However, in the Eastern Goleta Valley (EGV) Community Plan, housing in mixed use zoning is considered residential zoning where 200 residential units are planned.

I.35-13 The community planning process never considered the impacts of allowing cannabis businesses in mixed-use zone districts. Buffers are being considered for pure residential zoning, but what about for mixed use? One of the impacts that need to be evaluated of a cannabis-related business in the same complex as a residential use is an increased security footprint and customer traffic for a retail use, not an impact seen in residential zone districts. And the odor emitting issue from cannabis-related businesses could be a problem. I have read about the need for sealing of walls to prevent odor migrating from cannabis-related activities in one space into adjacent residential space. The EIR didn't address but needs to address the incompatibility in allowing cannabis-related businesses in mixed use zoning where other residential zone districts aren't faced with the impacts generated by these kinds of activities.

Comment Letter I.35 – Cecilia Brown

I.35-1 All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project. With regard to citation of responses, these are typically provided by chapter subsection due to changing page numbers, but are highlighted through use of strikeout and underline.

I.35-2 The name and address of all uses requiring setback from licensed cannabis uses under the Project have been provided in Appendix C. Please be aware that over time the location of such uses can change and evolve, so this would be a snapshot. Additional region by region setback maps have been provided in Appendix C and referenced in Section 2.2.3, *Summary of Proposed Project*.

I.35-3 This comment pertains to details of the Project itself and not the adequacy of analysis within the EIR. While the Project would allow for the licensing of cannabis activities on a number of zoned lands within the County, implementation of the Project does not automatically assure eligible zoned lands will be subject to requests for cannabis licenses, or that licenses would be granted for such requests. For instance, while many Professional and Institutional (PI) lands are currently developed with facilities that are unlikely to be converted to licensed cannabis activities, much like as for Mixed Use (MU) zoned lands as discussed below (see **Comment Response L.35-13**), all development on PI zoned lands – cannabis or otherwise – would remain subject to the Santa Barbara County permit requirements, including those associated with this Program. While current land use patterns and development of PI lands may not support cannabis-related development presently, the consideration of licensing of cannabis testing facilities on PI zoned lands is currently provided to allow for the long-range planning of future cannabis activities and the allowed uses on County zoned lands. The County's Comprehensive Plan provides for a range of allowed uses on PI zoned lands that may not be feasible due to the current limited availability or use of such lands as with potential cannabis activities. It is also important to note that while the PI zone district is considered eligible for cannabis testing facilities, so too is such use proposed on General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), and General Industry (M-2) zoned lands. While the acreage of eligibility of PI zone districts may not represent actual acreage licensed for cannabis-related uses under the Project, given the lack of information regarding the location, scale, or type of future cannabis uses to be potentially licensed by the County under the Project, it is too speculative to predict the actual acreage of cannabis-related uses that may be licensed by zone district. Such information is too speculative to provide and is not required for this programmatic analysis.

I.35-4 This comment pertains to details of the Project itself and not the adequacy of analysis within the EIR. Such comments are best directed to County decision-makers. Please refer to **Comment Response L.35-3.**

I.35-5 To provide clarity regarding the total area of eligibility of the Project and the consideration and of land use setback requirements, Table 2-5 in Chapter 2, *Project Description,* has been amended to note this issue. It is acknowledged that the values for eligible acres in the County do not include consideration of Project land use setback requirements which may further limit total area of eligibility by zone district. However, the inclusion of current area of

eligibility provides of a conservative analysis of potentially affected acreage of the County under Project implementation.

I.35-6 Given the lack of information regarding the location, scale, or type of future cannabis uses to be potentially licensed by the County under the Project, it is too speculative to predict the actual acreage of cannabis-related uses that may be licensed by zone district. Such speculation is prohibited under CEQA Section 15145.

I.35-7 Exterior lighting is anticipated to be installed or required for security and safety in agricultural structures. Project requirements and regulations, as discussed in Chapter 2 of this EIR would eliminate the potential for light spillover from structures, parking areas, loading areas, for security and from lighting associated with cultivation operations, which would apply to all cannabis-related structures. Discussion of Impact AV-1 has been appropriately amended to discuss the lighting requirements and restrictions of the Project which would reduce or eliminate the potential for impacts from light and glare generated by all lighting, security or otherwise, generated by cannabis-related uses. Circumstances which would require the need for additional non-cultivation related lighting would include security and perimeter lighting, parking lot lighting, or other aesthetic design features which may generate light or glare. Given the Project's regulations and restrictions, it is determined that all impacts from light and glare in either rural or urban areas of the County would be less than significant.

I.35-8 Unlike most agricultural activities, **t**he cannabis program is subject to discretionary approvals and CEQA review, and as such, many types of activities permitted under this Program may be subject to different standards than those applied to other agricultural activities. As is currently provided in **MM AV-1**, *Screening Requirements,* the requirement for submittal and review of a Screening/Landscape Plan shall be determined at the discretion of the County. If the County should determine that additional screening is mandated to reduce visual impacts or changes in visual character or compatibility of a site with surrounding uses, implementation of additional screening measures or landscape features may be required. However, in some cases where new greenhouse/hoop structures would be visually compatible with surrounding uses or not mandate additional screening/landscape features, the County may determine the requirement for a Screening/Landscape Plan is not applicable to the site.

I.35-9 Members of the public hold differing views on cannabis odors. Cannabis users and other members of the public find the odor of cannabis pleasing, while other members of the public find it distasteful and have even asserted adverse health effects. As a result, as discussed in Section 3.3, *Air Quality and Greenhouse Gas Emissions,* the EIR uses a conservative analysis and identifies a potentially significant impact from odors generated by licensed cannabis activities, including the handling, cultivation, manufacturing, processing, distribution, and sale of cannabis (see Impact AQ-5). Further, as is provided in **MM AQ-5**, *Odor Abatement Plan (OAP),* all permits issued pursuant to the Project shall have an OAP. Additional odor control requirements have been identified as required mitigation for reducing impacts from odors and are included as **MM AQ-5**. Please also refer to **Master Comment Response 2 – Odor Control Initiatives**.

I.35-10 Cannabis will be subject to standards, including odor control and enforcement, not typically imposed on other agricultural uses. Additional odor control requirements have been

identified as required mitigation for reducing impacts from odors and are included as **MM AQ-5**. Please also refer to **Master Comment Response 2 – Odor Control Initiatives**.

I.35-11 New figures have been provided in Section 3.9, *Land Use and Planning,* that provide additional detail of the current zoning of the South Coast Region, specifically surrounding the Goleta, Santa Barbara, and Carpinteria areas.

I.35-12 Comments pertaining to the merits of the Project are best directed to County decision-makers. However, it is worth noting that a wide range of agricultural practices are currently permitted and practices in the AG-I zone district with potential similar or greater effects than cannabis. This includes application of a wide range of pesticides and herbicides, use of manure and other odiferous organic fertilizers or frost protection noise generating wind machines or heaters with potential odors or emissions from burning fuel. Nonetheless, the EIR analyzes the impacts of the Project with regards to land use compatibility and land use planning consistency. For the purpose of this EIR and the requirements of CEQA, Section 3.9, *Land Use and Planning,* provides for a detailed and thorough analysis of the Projects potential to result in the land use compatibility from a planning perspective. To satisfy analysis of land use issues under CEQA, the EIR assesses the Project's potential to result in impacts with regards to adopted significance thresholds provided in Section 3.9.4.1 of Section 3.9. Specifically, the EIR analyzes the Project, a countywide program establishing new land use and zoning regulations for licensing and permitting of agricultural, commercial, and industrial uses on existing zoned lands and the potential for such regulations to result in impacts to quality of life (i.e., loss of privacy, neighborhood incompatibility, nuisance noise, etc.). Under Impact LU-1, potential conflicts or inconsistency with existing land use plans, policies, or regulations related are analyzed (see Table 3.9-2), to which the EIR determines the Project would be consistent and impacts would be less than significant with implementation of proposed mitigation. With regards to AG-I zoned lands, the AG-I zone is applied to areas that are appropriate for agricultural uses within Urban, Inner Rural, Rural, and Existing Development Rural Neighborhood Areas and with adopted standards designed to support agriculture as a viable land use and encourage maximum agricultural productivity. The adoption of regulations allowing for the use of a site for cannabis, which is considered to be an agricultural product and the cultivation, manufacturing, and processing of which is considered to be an agricultural-related industry, is considered consistent with the policies and standards pertaining to the use and designation of AG-I lands for agricultural uses and surrounding designated lands. Therefore, impacts associated with consistency with planning policies and objectives with regards to licensing of cannabis activities on AG-1 zoned lands and surrounding lands are not considered significantly adverse or incompatible from a planning perspective.

Instead, perceived land use compatibility concerns of the public may arise from characteristics specific to cannabis and the cannabis industry or the operation of licensed cannabis sites; however, such impacts are not related to land use compatibility or planning consistency and are more appropriately considered to be impacts to overall *neighborhood* compatibility. To assess such potential impacts on surrounding land uses or neighborhoods, the EIR extensively assesses the neighborhood effects of the Project which primarily result from the generation of odors, traffic, and noise during operation of a licensed cannabis sites. For instance, the EIR identifies potentially adverse impacts associated with the generation of odors specific to cannabis in Impact AQ-5 of Section 3.3, *Air Quality and Greenhouse Gas*

Emissions, while impacts to surrounding land uses from increases in ambient noise and traffic are respectively assessed in Section 3.10, *Noise,* and Section 3.12, *Transportation and Traffic*. Within these analyses, the EIR identifies potential significant impacts requiring the implementation of proposed mitigation. However, the EIR conservatively concludes that impacts of the Project on the environment and local area from the operation of licensed cannabis activities would continue to occur and would remain significant and unavoidable.

In an effort to provide the public and County decision-makers with a range of feasible project alternatives which may address public and community concerns, meet project objections, and/or reduce significant impacts of the Project, the EIR provides for the consideration of Alternative 1 – Exclusion of Cannabis Activities from the AG-I Zone District Alternative in Chapter 4, *Alternatives Analysis*. Specifically, this alternative is provided with the intent to reduce perceived potential environmental and land use compatibility concerns or neighborhood compatibility impacts of the Project that were identified during the NOP scoping process and from general public interest. This alternative provides much further analysis and consideration of the concerns addressed by the commenter and appears to align with the commenter's views for consideration of licensing of cannabis activities on AG-I.

I.35-13 As discussed in **Comment Response I.35-12** above, the EIR extensively analyzes the Project's potential to result in inconsistency or incompatibility with existing adopted community plans and regional plans, as well as consistency with existing land use and zoning designations. However, the Project does not include additional setback requirements from residential uses. Currently, MU zone districts support and allow the development of a number of land uses, including residential, commercial retail, automotive repair, bars and taverns, small-scale handcraft manufacturing. While many of these uses may be allowed adjacent to or within close proximity to MU-zoned residential uses, to address issues from potential land use incompatibility in MU zones, the Santa Barbara County Comprehensive Plan requires the review and approval of a Development Plan, a more comprehensive review process which provides for the discretion in determining the appropriateness of a proposed development based on location, scale, or type of development. Under the Project, while Type 6 and Type 11 cannabis licenses would be permitted in MU zones, such development would additionally be subject to discretionary Development Plan review, which would further address potential future impacts resulting from land use incompatibility in MU zones. Although at a program countywide level, the EIR adequately discloses potential land use conflicts, additional discussion has been added to Impact LU-1, to disclose potential conflicts with the MU zone. Further, to provide additional clarification on this matter, Table 2-5 of Chapter 2, *Project Description,* has been amended to note the requirements for adherence to the Santa Barbara County Comprehensive Plan permitting and review requirements.

Individual

From: tracey reif <traceyreif81@gmail.com>

Sent: Monday, November 13, 2017 11:08 AM

To: Cannabis Info

Cc: Williams, Das

Subject: Quality of Life in Carpinteria

To the Board of Santa Barbara supervisors:

I.36-1

My husband and I bought our home over a year ago in the La Mirada neighborhood off of Foothill Drive. Initially, we occasionally experienced the skunk smell after sundown. In the last twelve months, It has become a pervasive constant offensive smell that permeates our home.

We invested in Carpinteria with the plan of staying in this town permanently. Now we are questioning our investment. Not only are we concerned about the cumulative effects of cannabis growing, in terms of health and quality of life, but we are deeply troubled by the safety issues that surround growing this illegal, unregulated crop. Not only does the County not receive any tax revenue currently, it appears that it will be difficult to do so. Ultimately, it may cost the county revenue when the real estate prices drop, along with the property taxes.

We look forward to hearing the County's plan to regulate, and mandate clean operations for odor control before issuing a business license to pot growers.

Tracey and Minos Athanassiadis

[redacted] Carpinteria

Comment Letter I.36 – Tracey Reif

I.36-1 With regard to concerns from cannabis-related odors, particularly within the Carpinteria Valley, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Response L.2-3.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Cory Black <cory@publicpolicyinc.com>

Sent: Monday, November 13, 2017 3:55 PM

To: Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; sbcob; Fogg, Mindy; Metzger, Jessica

Cc: Brian Touey

Subject: Letter from Touey, Hass & Cape Farms re: Cannabis Cultivation Ordinance

November 13, 2017

Supervisor Joan Hartmann, Chair
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA

RE: Cannabis Cultivation Ordinance

Dear Supervisors:

I.37-1

On behalf of Touey, Hass & Cape Farms, one of the current registered medicinal[1] cannabis cultivators operating in Santa Barbara County, I am writing you today regarding several issues of concern that have been raised by the Board of Supervisors at recent hearing on the Cannabis regulatory ordinance – the need for an interim business licenses, implementing a low taxation model based on gross receipts, manufacturing on cultivation properties to allow for vertical integration & allowing multiple cultivation licenses on one parcel.

We strongly support the County of Santa Barbara issuing an interim business license to registered cultivators during the current interim period while the County finishes the public process and drafting of the permanent cannabis regulatory ordinance. An interim business license from the County is significant because it will allow local registered cultivators like Touey, Hass & Cape Farms to pursue a state license as soon as possible

We would also like to encourage the Board of Supervisors to explore and implement a low taxation model for cannabis cultivators that is based on gross receipts and not on square footage. At its heart cannabis cultivation is farming. Like with any farm product – some harvests are successful and profitable and some are not. A gross receipts based tax structure allows the County to reap the rewards of a successful harvest without overly burdening a cultivator during the unfortunate unsuccessful seasons.

I.37-2

We would also like to strongly encourage the Board of Supervisors to allow for processing and manufacturing on cultivation sites. As with other ag products it reduces impacts and allows for increased vertical integration to process and manufacture an ag product at the same site where a product is cultivated.

I.37-3

On a similar note we would also encourage the Board to allow for multiple cultivation licenses on one property. This would allow traditional agricultural properties like ours to fully utilize the existing infrastructure on site. Due to the fixed costs of an agriculture operation that are tied to the property size it may not economically viable to continue our operations if limits are put into place that would only allow us to use a small portion of our large property.

If you have questions regarding these comments, please contact me at brian@coasttocoastventures.com.

Sincerely,
Brian Touey

CC: Members of the Santa Barbara County Board of Supervisors.

Comment Letter I.37 – Brian Touey

I.37-1 Social and economic effects need not be considered in an EIR. See CEQA Guidelines Section 15064(e). Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.37-2 This comment addresses the merits of the Project and does not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

I.37-3 Please refer to **Comment Response I.37-2**.

Individual

From: Peggy Zachariou <peggy.zachariou@live.com>

Sent: Monday, November 13, 2017 6:04 PM

To: Cannabis Info

Subject: Re: The smell of canabis

I.38-1
Now I hear that the growers plan to "perfume" the stink rather than filter and scrub. This is an unacceptable remedy.

Peggy Z.

Comment Letter I.38 – Peggy Zachariou (2)

I.38-1 With regard to concerns from cannabis-related odors, please refer to **Master Comment Response 2 – Odor Control Initiatives.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Derek McLeish <derekwmcleish@gmail.com>
Sent: Tuesday, November 14, 2017 7:59 AM
To: dwilliams@countyofsb.org; jhartmann@countyofsb.org; peter.adam@countyofsb.org; jwolf@countyofsb.org; steve.lavagnino@countyofsb.org
Cc: 'EDWARD CARRILLO'; 'Barbk'; 'Susan Ashbrook'; 'Lillian Clary'; mzlil2988@gmail.com; 'Dave Clary'; 'Linda Tunnell'; 'Renee O'neill'; 'Steve O'Neill'; kdonovan1@aol.com; 'Susan Butler'; sjashbrook@gmail.com; 'Denise Peterson'; 'Jeanne Malone'; yvonnes@hughes.net; tewalsh@gmail.com; matthew.buggert@woodplc.com; mfogg@co.santa-barbara.ca.us; jmetzger@co.santa-barbara.ca.us; 'Bright, Rita'; taylor.lane@woodplc.com; 'Steve Junak'
Subject: Real Cannabis Revenue

Dear County Supervisors,

I.39-1

Google Earth shows the falsehood of the legal non-conforming operations issue, you can see the grading and hoop houses installed after January 19, 2016.
All the hoop houses in Cebada Canyon were installed, and some properties graded for cannabis production after the moratorium.
And now, based on smell and illegal buyer traffic, Cebada Canyon growers are on their second or third harvest.

I.39-2

The lack of enforcement is ironic given that the county is promising enforcement, regulation and licensing to provide revenues greater than costs.

Since cannabis is a legal agricultural product, “like tomatoes,” will Santa Barbara County consider working with the California State law makers to adapt the current laws to allow illegal black market seizures and auctions of the seized cannabis?

Real tax, licensing, and zoning fees revenue will not be protected from the black market without enforcement. But effective enforcement is expensive, fund it with seizures.

Respectfully,
Derek McLeish
Cebada Canyon Resident

Comment Letter I.39 – Derek McLeish (3)

I.39-1 This comment relates to the legality of cannabis operations that have begun operation after January 19, 2016. As discussed in Chapter 2, *Project Description,* and detailed in the program regulations provided in Appendix B, the implementation of the Project would not permit licensing of cannabis operations established later than January 19, 2016 and which were/are not operating under a legal nonconforming status. Existing operating cannabis sites not eligible for a license under the Project would be subject to enforcement by the County or local enforcement agencies. Please also refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

I.39-2 For comments and concerns related to the enforcement of licensed and unlicensed cannabis operations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

Individual

From: Susan Ashbrook <sjashbrook@gmail.com>
Sent: Tuesday, November 14, 2017 12:22 PM
To: 'Buggert, Matthew'; 'Derek McLeish'; mzlil2988@gmail.com
Cc: Fogg, Mindy; Metzger, Jessica; 'Bright, Rita'; 'Lane, Taylor'
Subject: Cebada "Cannabis" Canyon

County Supervisor Das Williams,

With all due respect to your comment, *"The Board is looking at only allowing greenhouses grows on AG -1 because we cannot get odor control on outdoor grows. Some of the impacts from gray and black-market operations are truly unacceptable."*

Your position deals with two difficult situations to enforce, without providing any direction in policy.

I.40-1 1. How will Santa Barbara County know when you have "odor control"?

I.40-2 2. How will you keep the black market from stealing tax revenues from the county?

I.40-3 We don't have to look far to see the effects of legalization and enforcement in Pueblo, CO. Their Attorney General stated, "Marijuana legalization was thought to quash the black market for the drug but that's been a fallacy. Legalization of cannabis stores and grow operations has drawn more drug-related crime, including cartels that grow the plant in Colorado and then illegally move it and sell it out of state. They use the law, to break the law."

We live in Cebada Canyon where the cartel and black-market sales are vibrant. The cartels have intimidated and threatened property owners. What was once a welcoming family style area, has now become a fearful neighborhood. They found our residential canyon a perfect place to hide hoop houses and use our private, quiet roads where sheriff and police are rarely sighted. Some of their "business" occurs in the middle of the night – typical of criminals and thieves.

I work my horses in the morning and as a non-smoker (and a very "sensitive receptor"), I smell a cloud of Cannabis daily. I no longer enjoy being outdoors – one of the main reasons my husband and I moved from Los Angeles. Many vineyards are now wondering about how the nearby Cannabis effluents will affect their grapes.

I.40-4 Our small canyon has already experienced 5 fires (two drug-related), and with one road in and out, fire is a huge concern. Also, in the early development of our canyon, Army Engineers built "weirs" along

I.40-5 our road for water and rain run off to the Blue Line Creek. During the winter months the creek is very active, so illegal Cannabis pesticides and fertilizers will "touch" almost every property.

I believe commercial Cannabis growing should not be allowed in established rural residential neighborhoods. We hope the supervisors agree.
Susan Ashbrook
Cebada Canyon Resident since 1999

[redacted]

Comment Letter I.40 – Susan Ashbrook (2)

I.40-1 As identified in Section 3.3, *Air Quality and Greenhouse Gas Emissions,* and required under **MM AQ-5**, *Odor Abatement Plan (OAP),* if adopted by the County, licensed cannabis operations shall be required to implement and comply with **MM AQ-5**, which would require a detailed OAP and the installation of odor control measures to contain, prevent, neutralize, or reduce the generation and detection of nuisance odors. This measure would be enforced by County staff to ensure licensed cannabis operations comply and implement the requirements of this measure. Please also refer to **Master Comment Response 2 – Odor Control Initiatives.** As discussed therein, **MM AQ-5** has been amended to include additional measures required to control odor emissions and reduce impacts from subjection of sensitive populations to obnoxious odors. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.40-2 With regard to enforcement of illegal or unlicensed cannabis operations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

I.40-3 It is important to note that the Project involves the development and implementation of a strict set regulations designed to allow for the protection of the public and environment and provide for appropriate land use planning of a previously illegal industry while allowing for the licensing of cannabis operations in appropriate areas of the County. The Project would also establish regulations that would allow for the stricter enforcement of illegal and/or unlicensed cannabis operations countywide. For comments regarding enforcement of illegal "black-market" operations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.** With regard to odor impacts under the Project, please see **Comment Response I.40-1.**

I.40-4 The EIR acknowledges many of the constraints present within certain communities of the County related to emergency access, traffic safety, fire response, fire hazard, etc. As discussed within Section 3.7, *Hazards and Hazardous Materials,* the EIR identifies potentially adverse impacts associated with the licensing of cannabis activities within areas identified as being at significant risk of wildfire. However, due to the requirement for adherence to federal, state, and local regulations governing fire development standards and fire response, impacts are considered to be less than significant. Similar to all other development allowed within the County, if licensed, cannabis operations would be subject to such standards, which are determined adequate for addressing and reducing impacts related to fire hazards. Regardless, the EIR has acknowledged that several highly constrained communities, such as Cebada Canyon, may be at increased threat from natural hazards or may be ill-suited for licensed cannabis operations due to existing constraints. Please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

I.40-5 It is important to note that implementation of the Project and proposed regulations would result in the licensing of legal cannabis operations that are required to comply with all federal, state, and local requirements, including those relating to the protection of water quality and application of pesticides and fertilizers. Further, the Project establishes additional enforcement measures which would further serve to reduce illegal cannabis operations and associated illegal discharges of polluted waters. Specifically, the Project includes requirements to protect water quality, such as prohibiting cultivation within proximity to

streams or within the high-water mark (HWM) of a water body. Further, cannabis cultivation associated with all grow types would be required to adhere to state and local regulations, such as the California Food and Agriculture Code, CCRWQB Order R3-2017-0002, the SWRCB's Cannabis Waste Discharge Requirements General Order, and the goals and policies of the County's Comprehensive Plan. Adherence to these regulations would reduce the potential for sediment and pollutants to enter receiving water bodies. With implementation of **MM HWR-1**, *Cannabis Waste Discharge Requirements General Order*, the County Planning and Development Department would ensure that impacts to surface waters from hazardous materials would be minimized by reviewing and approving compliance with the requirements of the SWRCB, and would ensure residual impacts are less than significant with mitigation.

Individual

Nov. 15, 2017

To: Jessica Metzger, Project Manager
Cannabis Land Use Ordinance and Licensing Program
Planning & Development Dept.
County of Santa Barbara

Santa Barbara County Board of Supervisors
Santa Barbara County Planning Commission

From: Roxanne Lapidus
[redacted]
Carpinteria, CA 93013
805-684-4054
rlapidus@cox.net

Re.: Comments DEIR for Cannabis Land Use Ordinance & Licensing Program

Here are the problems I see with the Draft EIR for the Cannabis Land Use Ordinance & Licensing Program, **and** with the "Project" that it is attempting to analyze.

"Project Objectives"

The number one objective is economic:
"*Develop a robust and economically viable cannabis industry to ensure production & availability of high quality cannabis products to help meet local demands, and, as a public benefit, improve the County's tax base*."

Comment: **The minute economic gain is the primary objective, any suggestions for limiting the intensity of allowable cannabis activities are countered in the document with the parrot-like refrain, "This would not be in keeping with the goals of the project." The goals are set up to favor economics over environmental and quality-of-life concerns.**

I.41-1

This is borne out by the fact that **the Project has 8 specific Class I impacts** (including negative effects on prime ag soils, air quality, climate change, & noise levels) **plus another 5 Cumulative Class I Impacts**. Since by definition none of these can be mitigated, "**overriding considerations" must be found to make the Project acceptable. Economic considerations fill the bill. This is dangerously short-sighted and environmentally reckless. In the case of resources like water, what is projected in the Project is not sustainable. When a civilization is no longer sustainable, it collapses.**

Economics, Taxes & The Williamson Act

I.41-2

The cannabis industry is incredibly lucrative; the proof is in the explosion of cultivation in recent years. Most people agree that the local "medical" marijuana industry is a sham. In the Carpinteria Valley, **there were no complaints about obnoxious cannabis odors until late summer-early fall 2016**—when the legalization of recreational marijuana seemed imminent. This increase in production was not due to a sharp increase in bona-fide medical needs; it was in response to the imminent de-criminalization of pot-growing, & the economic bonanza that it heralded. It was also fed by the County's less-than-rigorous response to neighbors' complaints.

The Draft EIR gives no economic details.

How much will licenses cost?
What "taxes" does the County expect to collect?
If "medical" operations pay lower taxes than "recreational" operations, what's to prevent growers from continuing to claim that their crops are "medical"?

I.41-3

If we're talking about taxes on sales of marijuana products, consider this: Project Objective number one presumes that local cannabis production will "*help meet local demands*"—i.e. result primarily in local sales. If so, the County can claim sales taxes. But **there is no way to prevent growers from selling their products outside the County**. When that happens, the County bears the burden of regulation and environmental and human impacts, but reaps only a fraction of the sales taxes.

Note: One of the big concerns of property owners adjacent to marijuana operations is a drop in their property's value. **This translates into a loss in property tax revenue to the County**—counter to the #1 Objective of the Project.

I.41-4

Since improving the County's tax base is the primary objective, why not tell license applicants that they must choose between Williamson Act property tax breaks and cannabis cultivation? We're not talking about growers vacating Williamson Act parcels, but dis-enrolling from the Williamson Act. The income from cannabis sales surely outweighs the tax savings offered by the Williamson Act. **The resultant increase in property taxes would bring guaranteed money into County coffers**.

Given that "Alternative 2" is "Preclusion of Cannabis from Williamson Act Land," **the County clearly has the power to make certain decisions about Williamson Act parcels**. Do they have the power to authorize early termination of 10-year Williamson Act contracts? They might need to consult with the Calif. Dept. of Conservation, since that entity is cited as making certain Williamson Act determinations:

"Under both the Williamson Act and MMRSA, marijuana is considered to be an agricultural product, and as such, the California Dept. of Conservation (DOC) previously determined that no regulations under the Williamson Act may prohibit

the cultivation of medical marijuana on lands enrolled in the Williamson Act (DOC 2016. ***Given the changes in recent cannabis regulations and passage of MAURSCA in June 2017, the DOC may further review the compatible use status of medical marijuana.***" (Pg. 2-9, DEIR)

I.41-4

Why should the County (or the state) subsidize lucrative cannabis operations by allowing them Williamson Act property tax breaks? This suggestion is consistent with the goals of the project!

Right to Farm

The DEIR's discussion of the "Right to Farm Act" does not state clearly what the County's position is. The state's position, which I have quoted in oral presentations and in "scoping" comments for this EIR are:

California Health and Safety Code 11362.777(a) specifies:
"*For purposes of this section and Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code, medical cannabis is an agricultural product." The California Dept. of Food & Agriculture's website adds, "The identification as an agricultural crop does not extend to other areas of the law.* ***For example, cannabis is not an agricultural crop with respect to local 'right to farm' ordinances***."

The key phrase here is "local"—meaning Santa Barbara County's Right to Farm Ordinance. But this statement seems to be misinterpreted on pg. 2-10 of the DEIR:
"*California defines medical and adult-use (recreational) marijuana as an agricultural product. However, this identification as an agricultural product at the state level does not extend to other areas of the law (CA Dept. of Food & Ag, 2017). For example, cannabis may not necessarily constitute an agricultural product with respect to local right to farm ordinances. For this determination, local regulating entities interpret how their local right to farm ordinance relates to cannabis cultivation*."

I.41-5

Where does this last sentence come from? Who has introduced it, and on what authority? It is in direct conflict with the state's pronouncement, "***cannabis is not an agricultural crop with respect to local 'right to farm' ordinances.***"

It is crucial to clearly establish that cannabis cultivation is NOT protected by any Right to Farm ordinance, state or local. Protecting marijuana growing under the guise of "the Right to Farm" would mean that **neighbors could no longer complain about smell, noise, dust, etc.** This is unacceptable. The barrage of complaints from long-time residents of the Carpinteria Valley began in late summer-early fall 2016. The residents were there before the marijuana explosion, not after. The Right to Farm typically protects existing agriculture from complaints from new nearby residences. In Carpinteria, the situation is reversed. **Residents should have the RIGHT to LIVE** in the peaceful semi-rural area

I.41-5 where they have been living, without the annoyances of this **greed-driven new industry**.

Water

The "elephant in the room" is something that everyone sees, and no one mentions. It is incredible that in the DEIR, impacts on water supplies are "less than significant." Has anyone driven past the former Lake Cachuma recently? Anyone remember that Santa Barbara County is one of the few areas still in "severe drought" despite last winter's rains? Check out Table 3.8-2, which indicates that **5 of the 9 Groundwater Basins in the Project Area are already in a state of overdraft**.

But according to the DEIR, this is not a problem, since licensees will be using water-saving devices, and "the County is directed to consider groundwater supplies during the permitting process" (3.8.3.3).

The finding of "less than significant impacts" is not supported by any evidence. Admittedly, at this point no one knows how much acreage the Project may ultimately entail. But based on the responses to the County's 2017 Cannabis Registry, Carpinteria currently has at least 37 acres of cannabis cultivation, and registered growers are proposing an additional 61 additional acres (4-21). This is **a projected <u>tripling</u> of cannabis acreage in Carpinteria**.

I.41-6 County-wide, the Registry indicates 730 acres currently in marijuana, which "could grow to 1,216 acres, representing a **284% increase**." (p. 3.9-44). Although they are "considered speculative," these are "the EIR assumptions" for the Project. (p. 3.9-44)

So, how can a 284% increase in water demand not be a Class 1 impact???

Given these assumptions, what is the total water usage of the Project—per day, per month, per year?

Among the crucial but missing information is:
What is the water use per plant, per square foot, per acre?
All we read anywhere in the DEIR is the casual statement that cannabis water usage is "*similar to strawberries*."

Unlike some other counties, like Kern County, Santa Barbara's proposed Project has **no cap** on cannabis cultivation. **This is short-sighted, irresponsible, and environmentally reckless**. **When the growers have drained our aquifers dry, they will move their operations elsewhere.**

How is the County going to "*consider groundwater supplies during the permitting process*"? Will they be in constant contact with the respective water districts for updates on availability? Will they be monitoring or limiting applications for new wells? All of this points to a long and complicated permitting process—not the

"efficient, clear, and streamlined" licensing and permit process aimed at in Objective #5. But the environmental stakes are too high to be sacrificed in the name of "streamlining." **Once an aquifer is depleted, it is gone forever—certainly beyond the lifetimes of generations and generations to come. In our pursuit of an economic agenda, we risk destroying resources that are beyond price.**

I.41-6

Hazards & Public Safety

I can only repeat what I wrote in my scoping comments:
It's incredible that the County is considering allowing "manufacturing of volatile extraction" in areas zoned AG-II, M-1 & M-2. An article posted in Canna Law Blog on February 1, 2016 cautions:

"*The methods used to produce cannabis extracts involve complicated and precise techniques and often dangerous, volatile solvents, resulting in a risk of physical harm to the manufacturers and to those around them. In recent years, butane has been the most commonly used solvent and cannabis extracts produced using this method are also known as 'butane hash oil (BHO).' The major burn treatment centers at two hospitals in Northern California reported in 2015 that nearly 10 percent of severe burn cases were attributed to butane hash oil explosions, which was more than burn cases from car accidents and house fires combined*."

I.41-7

I would add that **in the case of fire or injury resulting from such activities, the County could be sued for permitting this. Not in keeping with the economic goals of the project!**

Odor

The DEIR totally downplays the impact of odor, referring to it as a "scent" that some "sensitive receptors" (people) find "disagreeable." In the Carpinteria Valley, it is the biggest issue related to cannabis cultivation. A recent issue of the *Carpinteria Coastal View* (Oct. 26-Nov. 2, 2017) has these 2 letters, both from concerned fathers of students at Carpinteria High:

"CHS is Ground Zero for Pot Stench"

"*Marijuana growing operations near Carpinteria High School emitting an extremely pungent odor is a known issue, but it is getting much worse. My daughter attends CHS. […] She's an engaged and good student, but when I ask her about school, the first thing she mentions is how strong the smell is, how distracting it has become. It's become hard to breathe, and the odor gives her headaches. She states that teachers are having the same issue, as well as other kids. I have been dropping her off every day at school this year, and every day that odor grows stronger and more unbearable. Today was the worst day yet, and I now cannot allow my daughter to continue attending there under good conscience.*

I.41-8

It's just ridiculous that nothing is being done. This has gone on long enough. If kids are complaining about not being able to breathe, sneezing, burning eyes and headaches because of this, there are definitely health concerns. At the very

least, this has become seriously detrimental to a positive learning environment. […]
How can local leaders, local farmers, officials, parents continue to let this get worse?" – Oscar Gracia

"Something Stinks in Carpinteria"

"*The marijuana growers are greatly impacting our community in a negative way. The odors and light pollution are at the top of the list. For over a year my family members have been losing sleep, suffering from tight chests and burning eyes from the air pollution coming from the operations in the area. It enters our house and vehicles. Another hot spot is Carpinteria High School. Surrounded on 3 sides by growers, they are enveloped in the smell.*
The impacts need addressing. The growers have no other option but to clean up their operations or close them down. If the technology exists to completely filter the air, then why have the growers not done so? The excuse I have heard is they want to make sure they can continue to grow before they invest in the technology. This is a bad excuse for not doing the right thing for the community. When you live in a community, you are supposed to show concern for your neighbors. […] It's time for the growers to be community-minded and neighborly or go where this is accepted behavior." – Peter Lapidus

I.41-8

Likewise, there have been numerous **posts on the neighborhood site "Nextdoor West of Cravens**." Here's the most recent one:

11/03/2017: "*Opened my door this morning and the smell was overwhelming. Legal or not, nobody should put their neighbors to this abuse.* ***It's not money you smell; it's greed from the growers. It's obvious they don't care about anyone in Carpinteria***." – Jack Dotts, Heath Ranch

In sharp contrast, here's the DEIR's maddeningly bland description:
"Although the scent of cannabis plants is not necessarily harmful to people, the plants can produce a variety of odors, especially during the flowering phase, which is often considered […] by some people as objectionable or offensive."

The DEIR's conclusions are not good news for afflicted neighbors: *"However, implementation of the Project would reasonably foreseeably expand cannabis operations and there remains the potential for odors to present a nuisance to neighboring receptors. Given the difficulty in being able to effectively contain or eliminate cannabis odors, and the residual potential for odors to be perceived as a nuisance despite implementation of odor control measures, additional potential mitigation is considered infeasible. Therefore, as no additional feasible mitigation beyond the requirement of an Odor Abatement Plan has been identified […], residual impacts of the proposed Project would be significant and unavoidable (Class 1).* (pg. 5-2)

This contradicts the "positive spin" put on the matter earlier, on pg. 3.3-8:

"*Outdoor cultivation has the greatest potential to expose receptors to odors; although, greenhouse and indoor cultivation may occasionally contribute odors to surrounding areas if ventilation systems are ineffective or if indoor spaces are periodically aired out. Cannabis odors can be successfully can be successfully contained within structures or filtered to prevent diffusion into surrounding areas.*"

Whose conclusion is correct? Reportedly, 45% of the 2017 Cannabis Registry respondents claimed they were using "*some type of commercial scrubbing device that prevents odors from escaping the facility*." In real life, it isn't working. Carpinteria High School is the most egregious example. It's been pointed out repeatedly that the 600-foot setback for schools and other public facilities is inadequate. **At Carp High, expanding this setback would impinge upon greenhouse activity on 3 sides. What matters more—the health and welfare of our young people or the profitability of cannabis growers???**

I.41-8

As part of the permitting process, these particular operations must be set back further from Carpinteria High School and any other public facility—like 2,000 feet or more. (Neighbors who live a **quarter of a mile** from the nearest cannabis operation complain of the smell invading their homes and causing health problems.)

But there's more late-breaking bad news. On Nov. 7, two Carpinteria residents complained to local growers about an illegal greenhouse expansion. In the process, they learned from the growers that the odor-control system they were in the process of installing is **not a filtering system, but an odor-masking system commonly used at land fills.** One of the complaining neighbors went online to the manufacturer's website (Byers Scientific), and also spend more than an hour on the phone with a representative. He reports: "It is a system that **emits a mist of chemicals to mask the smell**. The irritants will still be blowing into the air along with the masking chemicals. They have a specific blend for marijuana. If you search on Google "marijuana allergens," you will find extensive information on the known allergic reactions that many people have to the airborne particles and pollens. He [the rep] admits that his system does not remove any of these; it just covers the olfactory perception of the plant particles. **They [the growers] are basically going to pump out this material into our air with no approval from anybody**. **They were quite clear that they did not have a concern for anybody's health and the impacts of their operations."** The two neighbors have received no reply from the growers to their request for **Material Safety Data Sheets** on the chemicals involved.

I.41-9

Licensing & Permitting

This process is not clear. Must existing growers obtain new permits as well as licenses? The fiction is that all existing cannabis activities are "medical." This should not exempt them from scrutiny at the time of licensing, and they should be subject to inspection and regulation, the same as new or expanded development.

I.41-10

I.41-10 This would certainly be the case in increased setbacks for Carpinteria High School.

I.41-11 "The County is directed to consider groundwater supplies during the permitting process." Does this also apply to the licensing process for existing operations? It should, in order to have a comprehensive picture of groundwater supplies. Self-reported information should not be taken at face value; corroborating evidence is imperative.

I.41-12 **Will neighbors receive notices of proposed new operations & expansions?**

Enforcement

I.41-13 Rules and guidelines are pointless without enforcement. Illegal growers in the back country are not the only growers who circumvent County ordinances. The problems with odor around Carpinteria High School began in early fall 2016—some 9 months after the Jan. 19, 2016 moratorium on any new "medical" marijuana growing. **All of this points to illegal expansion and intensification by Carpinteria growers who are now busily painting themselves as "the good guys,"** in contrast to those who are growing illegally in remote areas. The

I.41-14 2004 Carpinteria Agricultural Overlay District contains requirements for blackout screens "for any greenhouse structures designed to include interior cycling lighting." To date, some Carpinteria greenhouse growers have not been scrupulous in complying. Anyone driving at night along route 192 (Foothill Road) in the area of Carpinteria High School can see lighting in greenhouses south of the school. Even worse are certain greenhouses north of Via Real and West of Cravens Lane. Since they are hidden from sight from public roads, their owners assume that no one sees the nighttime lighting. But on foggy nights, there is a huge orange glow over these areas, visible throughout the valley. **One grower took advantage of a loophole in the ordinance, and strung lights throughout his open-field operation**.

None of this is acceptable. While the County is modifying other ordinances to align with the proposed Project, it should **close this loophole in the CA Overlay District (ban night lighting in open-field operations).** Before cannabis permits are issued, growers must be scrupulously compliant with all night lighting requirements, or face **heavy fines**, which would also be consistent the Project Objective of **improving the County's finances**.

I.41-15 **Active code enforcement must be an essential component of the Project.** Intensification of cannabis growing requires more than the current complaint-driven enforcement that **gives growers 10 days warning to hide evidence of non-compliance**. **Significant fines for infractions could fund this level of oversight**, which must include **random night-time checking for blackout compliance**.

Conclusion

I.41-16 For all of the above reasons, I would support Alternative 3: Reduced Registrants, which is identified as the “Environmentally Superior Alternative.”
Not as a separate Alternative, but as an enhancement to Alternative 3, I would support precluding Cannabis cultivation on Williamson Act lands, while offering the opportunity to dis-enroll from Williamson contracts at the time of licensing or permitting.

Comment Letter I.41 – Roxanne Lapidus

I.41-1 The objectives listed in Section 2.3.2 of Chapter 2, Project Description, are not listed in order of importance, but rather carry the same weight. The Project is intended to balance the diverse demands for cannabis products with the public health, safety, and welfare of the community through the enactment of strong and effective regulatory and enforcement controls. The Project would protect the environment, neighborhood character, and quality of life for people and communities within the County through the establishment of appropriate land use requirements, agricultural industry support, and an improved tax base. Without regulation of cannabis activities, ongoing illegal activities would continue with their associated environmentally damaging impacts. Please also see **Master Comment Response 1 – Program Development Process** for discussion of how the Project and its objectives were developed. As discussed in Section 1.2 of Chapter 1, *Introduction*, while Section 15021(a) of the State CEQA Guidelines requires that consideration be given to avoiding environmental damage, the Lead Agency (County of Santa Barbara) and other responsible public agencies must balance adverse environmental effects against other public objectives, including social and economic goals, in determining whether and in what manner a project should be approved. Please note that all comments and suggestions will be included as of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.41-2 Comments regarding the cause and character of the cannabis industry are noted; however, do not specifically address a CEQA concern. Please see **Master Comment Response 2 – Odor Control Initiatives** for discussion of how the Project would manage odor complaints, and **Master Comment Response 4 – Enforcement of Cannabis Operations** for discussion of how the Project would respond to illegal cannabis activities.

I.41-3 The County does not have authority over mandating commerce practices in the context of product distribution, and is preempted by state law. Additionally, associated economic effects need not be considered in an EIR.

I.41-4 Please refer to **Comment Response I.41-3**. The decision to implement an Agricultural Preserve Program in accordance with the *California Land Conservation Act of 1965 (Williamson Act)* is at the discretion of the governing public agency. The public agency may also define both agricultural activities and compatible uses within contracted lands, and has enforce their local rules, in Santa Barbara County, the *Uniform Rules*, with the power to non-renew or cancel non-compliant agricultural preserve contracts, consistent with the Williamson Act. Please also see Section 3.2.3.1, *California Land Conservation Act of 1965 (Williamson Act)*, for more details. Additionally, your comment will be forwarded to the County decision-makers for consideration.

I.41-5 Please see **Master Comment Response 5 – Right to Farm Consideration** for an expanded discussion on how the state and County Right to Farm Acts apply under the Project.

I.41-6 This comment addresses adequacy of water supplies, including groundwater resources, in the Carpinteria Valley area. Impact determinations are focused only at the County-wide or regional level given the countywide nature of the Program, which applies to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issue within sub-regions, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts, including the analysis included in

EIR Section 3.8.2.2., *Hydrology and Water Quality, Groundwater*. This sub-section includes Table 3.8-2., *Status of Groundwater Basins in the Project Area*, which discloses that the Carpinteria Groundwater Basin is not indicated to be in a state of overdraft.

Table 3.13-1, *Municipal Water Supply and Demand in Santa Barbara County*, indicates that the Carpinteria Valley Water District (CVWD) currently has annual shortage of approximately 4 acre-feet per year (AFY). However, a future municipal water supply surplus of approximately 428 AFY is projected by Year 2035. While the CVWD primarily relies on groundwater (71 percent of supply), it is able to purchase additional water if groundwater supplies become inadequate to meet demand, including approximately 1,000 AF of deliverable water. Pricing strategies and other water conserving measures may be implemented to reduce water demand in the CVWD. Regarding the Carpinteria Valley area, based on the 2017 County Licensing Registration Data, approximately 20 percent of new cannabis operations would be concentrated in an area served by the CVWD. Assuming existing cultivation patterns continue under the licensing program, the proposed Project would result in approximately 146 acres of new cannabis concentrated within the CVWD. The CVWD currently provides service to 3,253 acres of crops, ranging from lemons and avocados to various nursery products. In comparison to crops with a high-water demand, such as avocados, cannabis cultivation has a much lower water demand. When considering the proposed Project represents an 4.4 percent increase in irrigated croplands, and proposes a relatively low-use water crop, and that the CVWD has the ability to purchase additional water supplies from the State Water Project, it is anticipated that the CVWD would have adequate water supplies to meet the demand of the proposed Project, and further water conservation for both cultivation and manufacture would be implemented in accordance with **MM HWR-3**, *Water Conservation-Water Efficiency for Cannabis Activities*. Additionally, the cannabis permitting process requires a finding of approval for adequate services and resources for all permit types. This finding provides for site-specific analysis, including effects upon groundwater basins, sea water intrusion, and other water resource concerns. Permit review also provides for inclusion of necessary conditions or project redesign, including retrofit and other conservation measures, to ensure that necessary services and resources are available to support cannabis related activities.

Additionally, as described in Section 3.13, *Utilities and Energy Conservation*, licensees would be required to demonstrate that an adequate and approved water source is available for proposed cultivation via receipt of permission from appropriate agencies or owners of the rights to such water sources prior to issuance of a license under the proposed Project, pursuant to the SWRCB water rights, and cannabis activity permitting and licensing requirements. Limits to the availability of water from municipal sources or from groundwater management agencies may limit the licenses if a licensee cannot demonstrate an adequate source of water, including groundwater. Where groundwater sources have not been adjudicated, receipt and demonstration of rights to such supplies would ensure that licensing and operation of future cannabis activities would not result in significant impacts to these supplies. The County recognizes the importance of groundwater resources, and would continue to work cooperatively with interested agencies to ensure efficient use of water and protection of water resources.

I.41-7 As discussed in Impact HAZ-3 of Section 3.7, *Hazards and Hazardous Materials*, the EIR acknowledges that volatile cannabis product manufacturing processes such as production of butane honey oil (BHO) and high-pressure supercritical CO_2 extract can involve the use of

hazardous materials and involve some risk of explosion. However, manufacturing activities under the Program would be subject to review by the Licensing Office, compliance with federal and state regulations relating to employee health and safety, and existing County policies and regulations related to site design, setback requirements, site location, construction and operation of manufacturing facilities, types of allowed operations, and the general operation of each manufacturing activity. For example, proposed development standards include specific setback requirements for non-volatile and volatile manufacturing processes from sensitive populations, which would further serve to reduce risks from such operations. Despite these regulatory controls, the EIR determined that volatile components of cannabis processing and manufacturing could still lead to a potentially significant impact, and **MM HAZ-3**, *Volatile Manufacturing Employee Training Plan*, which would require employees working in volatile manufacturing to be trained on the proper use of equipment and hazard response protocols in event of equipment failure, would be required to reduce impacts to *less than significant with mitigation*. In addition, when considering the direct impacts of the Project, which would involve fully licensed and regulated cannabis manufacturing, it is important to consider the distinction between past unregulated cannabis activities and those to be regulated and enforced upon under the Project. Unlike illegal cannabis manufacturing activities, which run a much greater risk of resulting in fire or injury due to BHO explosions, manufacturing activities under the Project would be subject to the strict regulations detailed above. Please also see **Master Comment Response 4 – Enforcement of Cannabis Operations** for discussion of how the Project would enforce its regulations.

I.41-8 Please see **Master Comment Response 2 – Odor Control Initiatives** for an expanded discussion on odor impacts and amendments to MM AQ-5, *Odor Abatement Plan (OAP)*.

I.41-9 Please refer to **Comment Response I.41-8.**

I.41-10 As described in Section 2.3.3 of Chapter 2, *Project Description*, under the Commercial Cannabis Licensing Program, any commercial cannabis operator would be required to obtain a license from the state and County to legally operate. To provide a comprehensive licensing program to monitor and control commercial cannabis activities throughout the County, the Planning and Development Department would require approval of planning permits, prior to issuance of licenses. Both existing and new growers must go through this process to be considered a legal, fully licensed cannabis operation under the Project.

I.41-11 Please refer to **Comment Response I.41-10**. In order to receive a license to cultivate under the Commercial Cannabis Licensing Program, both existing and future operators must first receive the necessary permits; the County permitting process is summarized in Table 2-6 of Chapter 2, *Project Description*. As described in Section 3.13, *Utilities and Energy Conservation*, potential licensees would be required to demonstrate that an adequate and approved water source is available for proposed cultivation via receipt of permission from appropriate agencies or owners of the rights to such water sources prior to issuance of a license under the Project, pursuant to the SWRCB water rights, and cannabis activity permitting and licensing requirements.

I.41-12 Per County recommendation, neighbors will receive notices of proposed new operations and/or expansions under the Project. Details of administered licenses would be maintained by the County and may be available for review upon request.

I.41-13 Please see **Master Comment Response 4 – Enforcement of Cannabis Operations** for an expanded discussion on how the County would respond to illegal cannabis activities.

I.41-14 The County acknowledges the commenter's concerns and notes that both the Project and EIR address light pollution, and contain standards and mitigation measures to reduce or avoid any potential impacts. For example, *all lighting shall be shielded to prevent light trespass* into the night sky and/or glare onto lots other than the lots that constitute the project site or rights-of-way (see Section 2.3.3, *Proposed Development Standards*). Impact AV-1 of Section 3.1, *Aesthetics and Visual Resources*, acknowledges lighting issues associated with cannabis cultivation. However, as stated above, the Project requires that all lighting shall be shielded to prevent light trespass into the night sky and/or glare onto lots other than the lots that constitute the cultivation site or rights-of-way, and that greenhouses using artificial light shall be completely shielded between sunset and sunrise. This requirement would eliminate the potential for light spillover from cultivation using artificial light during the night within greenhouses. In addition, the County does not permit lighting within hoop structures, so cannabis cultivation within hoop structures would not have adverse aesthetic effects from lighting under the Project. Additionally, the LUDC, MLUDC, and CZO would further regulate artificial lighting. Further, Impact AV-1 has been amended to include the provision that any outdoor light used for illumination of parking areas and/or loading areas, or for security, shall be arranged in a manner to be fully shielded, downlit, and emit no light rays above the horizontal plane, effectively eliminating potential for substantial new amounts of light or glare. Thus, lighting from cannabis activities would have a *less than significant* impact under the Project.

I.41-15 In regard to active code enforcement under the Project, please refer to **Comment Response I.41-13.**

I.41-16 Comments in support of and recommending adoption of one of the Project alternatives will be provided for consideration by County decision-makers. In regard to Williamson Act concerns, please refer to **Comment Response I.41-4.**

Individual

From: Sally Eagle <Sally.Eagle@cox.net>

Sent: Wednesday, November 15, 2017 3:56 PM

To: Metzger, Jessica; Williams, Das

Cc: Leyva, Petra; Bozanich, Dennis; Cannabis Info

Subject: DEIR comments for Cannabis Land Use Ordinance and Licensing Program

Nov 15, 2017

To: Jessica Metzger, Project Manager

Cannabis Land Use Ordinance and Licensing Program

Planning & Development Dept.

County of Santa Barbara

Das Williams

Supervisor, First District

County of Santa Barbara

From: Sally V Eagle,

a sensitive receptor in Carpinteria Valley

[redacted]

Carpinteria, CA 93013

805-881-8234

sally.eagle@cox.net

Re.: Comments DEIR for Cannabis Land Use Ordinance & Licensing Program

I.42-1

I write from the perspective of a citizen of SB county living in the Carpinteria Valley. The following

I.42-1

items in the Draft EIR for the Cannabis Land Use Ordinance and Licensing Program that I see need further exploration in order to find solutions acceptable and consistent with the quality of life we have come to expect and enjoy as citizens of the Carpinteria Valley. Available water, clean air, and the right to enjoy the sanctity, security and safety of one's place of living are our expectations. Intrusions such as noise pollution, light pollution, foul odors (air pollution), possible significant challenges to our overall health and safety are neither traditional, nor acceptable conditions of life in the Carpinteria Valley.

I am particularly concerned with the odor involved in the expansion of Cannabis business in Carpinteria Valley. At times it seems downright noxious, as if your house we're hosting a skunk spraying competition. You can almost taste the smell. No longer is "fresh air" guaranteed available by opening a window or sitting outside on one's steps. No longer can you open the windows at night to sleep in comfort. Ocean breezes are too often "perfumed" by neighborhood greenhouses venting their grow. Surely technology can solve that issue for the greenhouses. It's got to be the costs of doing business, just as maintaining friendly relations with one's neighbors should be the standard of civility. I believe that this odor issue must be solved.

The cannabis industry is incredibly lucrative; the proof is in the explosion of cultivation in recent years. Most people agree that the local "medical" marijuana industry is a sham. In the Carpinteria Valley, there were no complaints about obnoxious cannabis odors until late summer-early fall 2016—when the legalization of non-recreational marijuana seemed imminent. This increase in production was not due to a sharp increase in bona-fide medical needs; it was in response to the imminent de-criminalization of pot-growing, and the economic bonanza that it heralded. It was also fed by the County's continued less-than-rigorous response to neighbors' complaints.

I.42-2

The Draft EIR gives no economic details.

How much will licenses cost?

What "taxes" does the County expect to collect?

If "medical" operations pay lower taxes than "recreational" operations, what's to prevent growers from continuing to claim that their crops are "medical"?

If we're talking about taxes on sales of non medical marijuana products, consider this: Project Objective number one presumes that local cannabis production will "*help meet local demands*"—i.e. result primarily in local sales. If so, the County can claim sales taxes. But there is no way to prevent growers from selling their products outside the County. In that case, the County bears the burden of regulation and environmental and human impacts, but reaps only a fraction of the sales taxes.

A big concerns of property owners adjacent to marijuana operations is a drop in their property's value. This translates into a loss in property tax revenue to the County—counter to the #1 Objective of the Project.

I.42-3

Given that "Alternative 2" is "Preclusion of Cannabis from Williamson Act Land," the County clearly has the power to make certain decisions about Williamson Act parcels. Do they have the power to authorize early termination of 10-year Williamson Act contracts? They might need to consult with the Calif. Dept. of Conservation, since that entity is cited as making certain Williamson Act determinations:

"Under both the Williamson Act and MMRSA, marijuana is considered to be an agricultural product, and as such, the California Dept. of Conservation (DOC) previously determined that no regulations under the Williamson Act may prohibit the cultivation of medical marijuana on lands enrolled in the Williamson Act (DOC 2016. Given the changes in recent cannabis regulations and passage of MAURSCA in June 2017, the DOC may further review the compatible use status of medical marijuana." (Pg. 2-9, DEIR)

Why should the County (or the state) subsidize lucrative cannabis operations by allowing them Williamson Act property tax breaks?

This suggestion is inconsistent with the goals of the Project.

RIGHT TO FARM

I.42-4

The DEIR's discussion of the "Right to Farm Act" does not state clearly what the County's position is. The state's position, which I have quoted in oral presentations and in "scoping" comments for this EIR are:

California Health and Safety Code 11362.777(a) specifies:

"*For purposes of this section and Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code, medical cannabis is an agricultural product." The California Dept. of Food & Agriculture's website adds, "The identification as an agricultural crop does not extend to other areas of the law. For example, cannabis is not an agricultural crop with respect to local 'right to farm' ordinances*."

The key phrase here is "local"—meaning Santa Barbara County's Right to Farm Ordinance. But this statement seems to be misinterpreted on pg. 2-10 of the DEIR:

"*California defines medical and adult-use (recreational) marijuana as an agricultural product. However, this identification as an agricultural product at the state level does not extend to other areas of the law (CA Dept. of Food & Ag, 2017). For example, cannabis may not necessarily constitute an agricultural product with respect to local right to farm ordinances. <u>For this determination, local regulating entities interpret how their local right to farm ordinance relates to cannabis cultivation</u>*."

I.42-4

Where does this last sentence come from? Who has introduced it, and on what authority? It is in direct conflict with the state's pronouncement, "*cannabis is not an agricultural crop with respect to local 'right to farm' ordinances*."

It is crucial to clearly establish that cannabis cultivation is NOT protected by any Right to Farm ordinance, state or local. Protecting marijuana growing under the guise of "the Right to Farm" would mean that neighbors could no longer complain about smell, noise, dust, etc. This is unacceptable. The barrage of complaints from long-time residents of the Carpinteria Valley began in late summer-early fall 2016. The residents were there before the marijuana growing explosion, not after, in fact after the moratorium was declared. The Right to Farm typically protects existing agriculture from complaints from new nearby residences. In Carpinteria, the situation is reversed. Residents should have the right to live in the peaceful semi-rural area where they have been living, without the aggravations presented by this new industry.

WATER

I.42-5

How can a 284% increase in water demand not be a Class 1 impact?

Santa Barbara County is one of the few areas still in "severe drought" despite last winter's rains. Table 3. indicates that 5 of the 9 Groundwater Basins in the Project Area are already in a state of overdraft. The DEIR, cites that this is not a problem, since licensees will be using (required?) water-saving devices, and "the County is directed to consider groundwater supplies during the permitting process" (3.8.3.3).

How is the County going to "*consider groundwater supplies during the permitting process*"? Will they be in constant contact with the respective water districts for updates on availability? Will they be monitoring or limiting applications for new wells? All of this points to a long and complicated permitting process—not the "efficient, clear, and streamlined" licensing and permit process aimed at in Objective #5. The environmental stakes are too high to be sacrificed in the name of "streamlining." Once an aquifer is depleted, it is gone forever—certainly beyond the lifetimes of generations and generations to come. In our pursuit of an economic agenda, we risk destroying resources that are beyond price.

The finding of "less than significant impacts" is not supported by any evidence. Admittedly, at this point no one knows how much acreage the Project may ultimately entail. But based on the responses to the County's 2017 Cannabis Registry, Carpinteria Valley currently has at least 37 acres of cannabis cultivation, and registered growers are proposing an additional 61 additional acres (4-21). [a projected tripling of cannabis acreage in Carpinteria.] County-wide, the Registry indicates 730 acres currently in marijuana, which "could grow to 1,216 acres, representing a 284% increase." (p. 3.9-44). Although they "considered speculative," these are "the EIR assumptions" for the Project. (p. 3.9-44)

I.42-5

Given these assumptions, what is the total water usage of the Project—per day, per month, per year?

Among the crucial but missing information is the water use per plant, per square foot, per acre?

All we read anywhere in the DEIR is the casual statement that cannabis water usage is "*similar to strawberries*."

Unlike some other counties, like Kern County, Santa Barbara's proposed Project has no cap on cannabis cultivation. This is short-sighted, irresponsible, and environmentally reckless.

ODOR

I.42-6

The DEIR totally downplays the impact of odor, referring to it as a "scent" that some "sensitive receptors" (people) find "disagreeable." In the Carpinteria Valley, it is the biggest issue related to cannabis cultivation at this stage. The odor problem is not a "nuisance" it is contributing to a diminished quality of life in Carpinteria Valley, a significant irritant to many. Allergic reactions are not uncommon. The debate continues as to the nature of the problem – health issue or nuisance. Either result in a diminished quality of life which is not acceptable.

"Although the scent of cannabis plants is not necessarily harmful to people, the plants can produce a variety of odors, especially during the flowering phase, which is often considered […] by some people as objectionable or offensive."

The DEIR's conclusions are not good news for afflicted neighbors: *"However, implementation of the Project would reasonably foreseeably expand cannabis operations and there remains the potential for odors to present a nuisance to neighboring receptors. Given the difficulty in being able to effectively contain or eliminate cannabis odors, and the residual potential for odors to be perceived as a nuisance despite implementation of odor control measures, additional potential mitigation is considered infeasible. Therefore, as no additional feasible mitigation beyond the requirement of Odor Abatement Plan has been identified […], residual impacts of the proposed Project would be significant and unavoidable (Class 1).* (pg. 5-2)

This contradicts the "positive spin" put on the matter earlier, on pg. 3.3-8:

"*Outdoor cultivation has the greatest potential to expose receptors to odors; although, greenhouse and indoor cultivation may occasionally contribute odors to surrounding areas if ventilation systems are ineffective or if indoor spaces are periodically aired out. Cannabis odors can be successfully can be successfully contained within structures or filtered to prevent diffusion into surrounding areas.*"

I.42-6

Whose conclusion is correct? Reportedly, 45% of the 2017 Cannabis Registry respondents self-reported they were using "*some type of commercial scrubbing device that prevents odors from escaping the facility*." If true, their devices are not working - the stench at Carpinteria High School is the most egregious example. It's been pointed out repeatedly that the 600-foot setback for schools and other public facilities is inadequate. At CHS, expanding this setback would impinge upon greenhouse activity on 3 sides. What matters more—the health and welfare of our young people or the profitability of cannabis growers. Consider the fact that most students do not spend their entire life in Carpinteria in the school. One can breathe in the odor in many parts of the Valley, the weather, wind direction, on-going year round harvesting all play a part. It's not just a school issue.

As part of the permitting process, these particular operations must be set back further from Carpinteria High School and any other public facility—like unless verifiable and measurable air quality standards are in place and enforced.

LICENSING & PERMITTING

I.42-7

This process is not clear. Must existing growers obtain new permits as well as licenses? The fiction is that all existing cannabis activities are "medical." This should not exempt them from scrutiny at the time of licensing, and they should be subject to inspection and regulation, the same as new or expanded development.

Why can't the permitting process be modeled on how we citizens have to proceed with the county to build or remodel? You submit plans get a temporary permit with inspections all along the building process. Not until a final inspection is signed do you get "approved."

"The County is directed to consider groundwater supplies during the permitting process." Does this also apply to the licensing process for existing operations? It should, in order to have a comprehensive picture of groundwater supplies. Self-reported information should not be taken at face value; corroborating evidence is imperative.

Will neighbors receive notices of proposed new operations & expansions?

ENFORCEMENT

I.42-8

Rules and guidelines are pointless without enforcement. Illegal growers in the back country are not the only growers who circumvent County ordinances. The problems with odor around Carpinteria High School began in early fall 2016—some 9 months after the Jan. 19, 2016 moratorium on any new

I.42-8

"medical" marijuana growing. All of this points to illegal expansion and intensification by Carpinteria growers who are now busily painting themselves as "the good guys," in contrast to those who are growing illegally in remote areas. This is no secret to residents and officials in the Valley. Our noses know.

The 2004 Carpinteria Agricultural Overlay District contains requirements for blackout screens "for any greenhouse structures designed to include interior cycling lighting." To date, some Carpinteria greenhouse growers have not been scrupulous in complying. Anyone driving at night along route 192 (Foothill Road) in the area of Carpinteria High School can see lighting in greenhouses south of the school. Even worse are certain greenhouses north of Via Real and West of Cravens Lane. Since they are hidden from sight from public roads, their owners assume that no one sees the nighttime lighting. Not so. The sudden illumination obliterating the night sky often wakes us up. On foggy or overcast nights, there is a huge orange glow over these areas, visible throughout the Valley. Several growers have taken advantage of a loophole in the ordinance, and strung lights throughout his open-field operations.

None of this is acceptable. While the County is modifying other ordinances to align with the proposed Project, it should close this loophole in the CA Overlay District (ban night lighting in open-field operations). Before cannabis permits are issued, growers must be scrupulously compliant with all night lighting requirements, or face heavy fines, which would also be consistent the Project Objective of improving the County's finances.

ACTIVE CODE ENFORCEMENT must be an essential component of the Project. Intensification of cannabis growing requires more than the current complaint-driven enforcement that gives growers 10 days warning to hide evidence of non-compliance. Significant fines for infractions could fund this level of oversight, which must include random night-time checking for blackout compliance.

Establish land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of visual resources and neighborhood characters, groundwater basin overdraft, obnoxious odors, noise nuisances, hazardous materials and fire hazards.

Develop a regulatory program that protects the public health, safety, and welfare through effective enforcement controls (i.e. ensuring adequate law enforcement and fire protection services) for cannabis activities in compliance with state law, to protect neighborhood character and minimize potential negative effects on people, communities, and other components of the environment; and

Limit potential for adverse impacts on children and sensitive populations by ensuring compatibility of commercial cannabis activities with surrounding existing land uses, *including residential neighborhoods*, agricultural operations, youth facilities, recreational amenities, and educational institutions.

I.42-9

The implementation of MM AQ-5, Odor Abatement Plan (OAP), would require all cannabis licensees – whether cultivating in an outdoor environment or processing entirely within the interior of a structure – to prepare an OAP consistent with SBCAPCD's requirements for an OAP. This "mitigation measure" would not serve anyone except the person hired to log the complaints. To date the APCD has claimed that odors, no matter how strong or irritating from cannabis, are not within their scope of jurisdiction. Repeated calls to their office have made that abundantly clear.

Comment Letter I.42 – Sally Eagle

I.42-1 The County shares the commenter's concerns that a legal cannabis industry should operate in a manner that minimizes or avoid impacts on surrounding communities and has designed the Project and analysis within the EIR to achieve this goal. In addition, many of these comments arise from potential impacts of a largely unregulated cannabis industry, which may implement some best management practices, but has not yet been subject to full mitigation and associated monitoring. Such issues as odor control that would be imposed upon a legal licensed cannabis industry under the Project. Please see **Master Comment Response 2 – Odor Control Initiatives** for discussion of how the Project would handle odor complaints, and **Master Comment Response 4 – Enforcement of Cannabis Operations** for how the Project would respond to illegal cannabis activities. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.42-2 Economic effects need not be considered in an EIR. See CEQA Guidelines Section 15064(e). Please also see **Master Comment Response 4 – Enforcement of Cannabis Operations** for discussion of how the Project would enforce its regulations, including keeping cannabis sales local.

I.42-3 With regard to economic decisions and taxation, please refer to **Comment Response I.42-2**. The decision to implement an Agricultural Preserve Program in accordance with the *California Land Conservation Act of 1965 (Williamson Act)* is at the discretion of the governing public agency. The public agency may also define both agricultural activities and compatible uses within contracted lands, and has enforce their local rules, in Santa Barbara County, the *Uniform Rules*, with the power to non-renew or cancel non-compliant agricultural preserve contracts, consistent with the Williamson Act. Please also see Section 3.2.3.1, *California Land Conservation Act of 1965 (Williamson Act)*, for more details. Additionally, your comment will be forwarded to the County decision-makers for consideration.

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I.42-5 This comment addresses adequacy of water supplies, including groundwater resources, in the Carpinteria Valley area. Impact determinations are focused only at the County-wide or regional level given the countywide nature of the Program, which applies to hundreds of thousands of acres across the County's diverse landscape. However, where appropriate, more detailed discussion and analysis of issue within sub-regions, such as the Carpinteria Valley, are provided to illustrate countywide or regional impacts, including the analysis included in EIR Section 3.8.2.2., *Hydrology and Water Quality, Groundwater*. This sub-section includes Table 3.8-2., *Status of Groundwater Basins in the Project Area*, which discloses that the Carpinteria Groundwater Basin is not indicated to be in a state of overdraft.

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strategies and other water conserving measures may be implemented to reduce water demand in the CVWD. Regarding the Carpinteria Valley area, based on the 2017 County Licensing Registration Data, approximately 20 percent of new cannabis operations would be concentrated in an area served by the CVWD. Assuming existing cultivation patterns continue under the licensing program, the proposed Project would result in approximately 146 acres of new cannabis concentrated within the CVWD. The CVWD currently provides service to 3,253 acres of crops, ranging from lemons and avocados to various nursery products. In comparison to crops with a high-water demand, such as avocados, cannabis cultivation has a much lower water demand. When considering the proposed Project represents an 4.4 percent increase in irrigated croplands, and proposes a relatively low-use water crop, and that the CVWD has the ability to purchase additional water supplies from the State Water Project, it is anticipated that the CVWD would have adequate water supplies to meet the demand of the proposed Project, and further water conservation for both cultivation and manufacture would be implemented in accordance with **MM HWR-3**, *Water Conservation-Water Efficiency for Cannabis Activities*. Additionally, the cannabis permitting process requires a finding of approval for adequate services and resources for all permit types. This finding provides for site-specific analysis, including effects upon groundwater basins, sea water intrusion, and other water resource concerns. Permit review also provides for inclusion of necessary conditions or project redesign, including retrofit and other conservation measures, to ensure that necessary services and resources are available to support cannabis related activities.

I.42-6 Please see **Master Comment Response 2 – Odor Control Initiatives** for an expanded discussion on odor impacts and amendments to **MM AQ-5**, *Odor Abatement Plan (OAP)*.

I.42-7 As described in Section 2.3.3 of Chapter 2, *Project Description*, under the Commercial Cannabis Licensing Program, any commercial cannabis operator would be required to obtain a license from the state and County to legally operate. To provide a comprehensive licensing program to monitor and control commercial cannabis activities throughout the County, the Planning and Development Department would require approval of planning permits, prior to issuance of licenses. Both existing and new growers must go through this process to be considered a legal, fully licensed cannabis operation under the Project.

In order to receive a license to cultivate under the Commercial Cannabis Licensing Program, both existing and future operators must first receive the necessary permits; the County permitting process is summarized in Table 2-6 of Chapter 2, *Project Description*. As described in Section 3.13, *Utilities and Energy Conservation*, potential licensees would be required to demonstrate that an adequate and approved water source is available for proposed cultivation via receipt of permission from appropriate agencies or owners of the rights to such water sources prior to issuance of a license under the Project, pursuant to the SWRCB water rights, and cannabis activity permitting and licensing requirements. Neighbors will receive notices of proposed new operations and/or expansions under the Project. Details of administered licenses would be maintained by the County and may be available for review upon request.

I.42-8 Please see **Master Comment Response 4 – Enforcement of Cannabis Operations** for an expanded discussion on active code enforcement under the Project. The County acknowledges the commenter's concerns and notes that both the Project and EIR address light pollution, and contain standards and mitigation measures to reduce or avoid any potential impacts. For example, *all lighting shall be shielded to prevent light trespass* into the

night sky and/or glare onto lots other than the lots that constitute the project site or rights-of-way (see Section 2.3.3, *Proposed Development Standards*). Impact AV-1 of Section 3.1, *Aesthetics and Visual Resources*, acknowledges lighting issues associated with cannabis cultivation. However, as stated above, the Project requires that all lighting shall be shielded to prevent light trespass into the night sky and/or glare onto lots other than the lots that constitute the cultivation site or rights-of-way, and that greenhouses using artificial light shall be completely shielded between sunset and sunrise. This requirement would eliminate the potential for light spillover from cultivation using artificial light during the night within greenhouses. In addition, the County does not permit lighting within hoop structures, so cannabis cultivation within hoop structures would not have adverse aesthetic effects from lighting under the Project. Additionally, the LUDC, MLUDC, and CZO would further regulate artificial lighting. Further, Impact AV-1 has been amended to include the provision that any outdoor light used for illumination of parking areas and/or loading areas, or for security, shall be arranged in a manner to be fully shielded, downlit, and emit no light rays above the horizontal plane, effectively eliminating potential for substantial new amounts of light or glare. Thus, lighting from cannabis activities would have a *less than significant* impact under the Project. Please also refer to **Comment Response I.42-1.**

I.42-9 With regard to odors, please refer to **Comment Response I.42-6.**

Individual

From: Rob Salomon <robb.salomon@gmail.com>

Sent: Wednesday, November 15, 2017 5:26 PM

To: Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; Klemann, Daniel; Lackie, David; Metzger, Jessica; FredShaw@ci.carpinteria.ca.us; WadeNomura@ci.carpinteria.ca.us; AlClark@ci.carpinteria.ca.us; Carty, Gregg; BradStein@ci.carpinteria.ca.us; D, Dave; mtp2252@sbsheriff.org

Subject: Cannabis Cultivatio & Comments on Draft EIR

To: Supervisor Das Williams & others: Nov 15, 2017

I.43-1

I've spoken/written you previously, mostly about the Santa Claus beach project. I am writing today, however, regarding the massive abuse & disregard the growers are demonstrating toward the County's interim moratorium on cannabis cultivation. I am writing from personal knowledge of what is going on in my neighborhood.

I live on Cravens, north of Foothill. A neighbor of mine has noticed in the last 2-3 weeks a strong smell of marijuana as well as grow lights illuminated through the nights in a greenhouse on a neighboring property. The stench & pollen were bad enough that his wife was forced to leave the home for 4 days!

My neighbor spoke with the owner of the property who said the greenhouse was on his land but leased for many years to a member of his wife's family. The property owner said the lessee previously had raised flowers in the greenhouse but had begun raising marijuana in the greenhouse 2-3 weeks previously, without his consent. **THE GREENHOUSE IS 18,000 SQUARE FEET & IS FILLED WITH CANNABIS PLANTS. MY NEIGHBOR SAW THOUSANDS OF PLANTS IN THE GREENHOUSE.**

My neighbor & I set up a meeting with the lessee & his brother (referred to as the growers for the rest of this letter) who is also involved in cannabis cultivation. During the meeting, the growers gave the usual rationalizations for marijuana cultivation. In describing the greenhouse & the cultivation that the growers admitted to, they spoke as though they are in full compliance with all laws & regulations. We pointed out that they clearly are not. That fact did not seem to disturb them in the slightest. The growers, who are clearly growing in violation of the terms of the County moratorium, are so arrogant that they are willing to make very large investments (see next paragraph) in their cultivation operations, confident that their illegal operations & disregard for the community & for County regulations will not interfere with their qualification for cultivation licenses; or, since the County has shown no willingness to enforce its own laws & regulations, they will simply cultivate without a license, continuing their undisturbed illegal operations.

The growers described this 18,000 square foot greenhouse as a very minor part of their CURRENT overall marijuana cultivation operation in unincorporated Carpinteria. They went on to tell us that they had just invested $750,000 in equipment that they will install in their numerous greenhouses to eliminate the stench. The equipment will spray some "organic" chemical(s) on the OUTSIDE perimeter of this greenhouse as well as, presumably, on the outside of the other cultivation greenhouses they control/operate. **We requested that the growers supply us with Material Safety Data Sheets for the the chemical(s) as well as the testing that was conducted to determine that the equipment & spray work effectively on both smell & pollens & is safe for the neighboring community when used in the open air. The growers have not responded to that request. We also asked them whether they had applied for permitting from the County & again received no response. I HAVE NO DOUBT WHATSOEVER THAT THE GROWERS DO NOT HAVE MATERIAL SAFETY DATA SHEETS FOR THE CHEMICALS THEY WILL SPRAY ON THE COMMUNITY &**

I.43-1

THAT THEY HAVE NO INTENTION OF FILING FOR PERMITS TO INSTALL OR USE THE EQUIPMENT THEY DESCRIBED IN OUR MEETING. The equipment apparently is the type in use at landfills & dumps; pervasive use of such equipment throughout unincorporated Carpinteria will be a monstrous step backward in so many respects for the quality of life in our community.

One other point, very minor compared to the above: I have heard from various sources that the growing community in general is hiring many workers. A condition of the hiring often is that each new hire obtain a medical marijuana card so that the hiring grower can further expand the extent of his/her "medical" marijuana cultivation. A trivial issue compared to the criminal, community-abusive, county-disrespectful behavior described above; but a clear indication of how sleazy the marijuana industry is. The erstwhile, self-styled community leaders are now at the forefront of that sleaze.

The cultivation moratorium the County passed to allow the industry to be properly regulated & controlled prior to being turned loose has been consistently, grossly & flagrantly disregarded, to the point that I can only assume that the County, by its utter passivity, has actually, & perhaps knowingly, encouraged the criminal & abusive behavior I've described in this letter.

I & several others intend to consult with attorneys with regard to the activities of the marijuana growers as well as with regard to the gross indifference of the County to anything other than the revenue stream the County prioritizes as its number 1 objective from the legalization of marijuana cultivation, sale & use. The County's failure or unwillingness to monitor & enforce its own regulations, passed subsequent to Prop 64, makes the County complicit in the onslaught of illegality that it has allowed to invade Carpinteria since marijuana became "legal". The County's need for money has seemingly linked the County to marijuana cultivation, legal or illegal, & the safety, health & quality of life of the citizens of SB County seem to have been left in the stench.

Regards---Rob Salomon, [redacted], Carpinteria

Comment Letter I.43 – Rob Salomon

I.43-1 With regard to concerns from cannabis-related odors, particularly within the Carpinteria Valley, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Response L.2-3.** With regard to enforcement of licensed and unlicensed cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of cannabis Operations.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Evan Turpin <epturpin@gmail.com>

Sent: Wednesday, November 15, 2017 8:48 PM

To: Cannabis Info

Subject: Comment on Draft EIR

Attn: Jessica Metzger

County of Santa Barbara Planning and Development Department

Long Range Planning Division

123 Anapamu Street

Santa Barbara, CA 93101

I.44-1

I am a homeowner in Carpinteria, living on Foothill Road in the county Agricultural zone.

As the "skunk" like odor of cannabis permeates my neighborhood, from Foothill Road to as far as Padaro Lane, I must comment of the inadequate Odor Abatement Plan described in section 3.3.4.2 of the DEIR.

As the Carpinteria Valley Association pointed out in their comments, the plan is "primarily a complaint-based system which is inappropriate." "The single biggest obstacle is that any complaint made has needed to specify the street address of the source of the odor. This is an unacceptable and unworkable burden to place on members of the community who are being impacted by a supposedly well-regulated growing operation."

In my neighborhood, we have been dealing with the smell since the Spring of 2016. It has been difficult to determine where the smells come from, dependent of wind conditions and time of day. As the neighborhood is made of of single family homes surrounded by nurseries, the smell could be coming from any number of the greenhouses.

That the DEIR stated that the scent of cannabis plants is not necessarily harmful to people, seems to have no basis. The overwhelming odor has caused many residents to close their windows, purchase air purifiers and there have been complaints of headaches, and other physical reactions. To have cannabis grow operations in close proximity to our schools and residences without air filters and stringent odor abatement regulations in place is unacceptable to the residents of Carpinteria.

The cannabis industry is poised to grow and to bring in much needed tax revenue for our County. But it should not be at the expense of the health and welfare of our residents.

Thank you,

Evan Turpin

[redacted]

Carpinteria

Comment Letter I.44 – Evan Turpin

I.44-1 With regard to concerns from cannabis-related odors, particularly within the Carpinteria Valley, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Response L.2-3.** With regard to enforcement of licensed and unlicensed cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of cannabis Operations.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Valerie Bentz <vbentz@fielding.edu>

Sent: Wednesday, November 15, 2017 8:43 PM

To: Cannabis Info

Cc: Williams, Das

Subject: Unique and Devastating Effect of Cannabis Greenshouses in Carpinteria

Dear County of Santa Barbara Supervisors and Officials,

I.45-1

I wish to urge the county to limit the amount of cannabis growing in Carpinteria. As a local resident, I have been negatively impacted by noxious odors since so many of the greenhouses surrounding our small community have converted to growing marijuana. I have to keep my windows closed much of the time and had to purchase an air purifier.

I am a senior citizen and that residences must also be considered "sensitive" receptors. Many of us are exposed to these fumes 24 hours a day.

Carpinteria as a small community historically surrounded by greenhouses and agriculture should not have to suffer the brunt of what has become a virtual factory like environment.

I.45-2

The EIR report says (section 3.4) that odors from cannabis growing are "significant" and "unmitigatable". In addition there are other "significant" and "unmitigatable" effects of these operations in the way they are highly concentrated around our community. These are traffic, road deterioration, lighting, and congestion.

Since this is the case as reported in the EIR the county should limit these operations in number in residential areas, such as Carpinteria.

I.45-3

Carpinteria is unique in the county for the concentration or agricultural areas surrounding our residences.

We feel our property values will also go down should this not be done as we would have to acknowledge the nuisance odors in transfer disclosure

forms at time of sale.

Do not let greed for tax dollars from these businesses cause you to overlook the health and well being of our community.

Sincerely,

Valerie Bentz, Ph.D.

Resident of Carpinteria

Comment Letter I.45 – Valerie Bentz

I.45-1 For issues and concerns relating to objectionable odors, please refer to **Master Comment Response 2 – Odor Control Initiatives.** With regard to the consideration of sensitive receptors, it is important to note that for the purpose of this EIR, sensitive receptors are defined as those identified and defined the proposed regulations of the Project, as provided in Appendix B of this EIR. Consistent with the definition of sensitive receptor under the Project and state law (SB 94), the County considers sensitive receptors to be limited to day care centers, instructional 1 through 12 schools, and youth centers. Proposed recommendation for consideration of additional sensitive receptors when determining the appropriateness of setback requirements shall be provided to County decision-makers prior to consideration of final Project review. In an effort to provide the public and County decision-makers with a range of feasible Project alternatives which may address public and community concerns, meet Project objectives, and/or reduce significant impacts of the Project, the EIR provides for the consideration of Alternative 1 – Exclusion of Cannabis Activities from the AG-I Zone District Alternative in Chapter 4, *Alternatives Analysis*. Specifically, this alternative is provided with the intent to reduce perceived potential environmental and land use compatibility concerns or neighborhood compatibility impacts of the Project that were identified during the NOP scoping process and from general public interest. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.45-2 Issues raised in this comment are not at variance with the existing content of the EIR. Such comments and concerns are best addressed towards County decision-makers.

I.45-3 Despite the Project's potential to result in neighborhood compatibility and adverse quality of life effects, an EIR is not required to assess the potential for loss of residential or private property value. Such effects are social and economic in nature and need not be assessed or considered under CEQA. See CEQA Guidelines section 15064(e). Please also see **Comment Response I.45-1**.

Individual

To the staff and the members of the Board of Supervisors,

I am a resident of the Carpinteria Valley and live off of Foothill Ave. We have raised our family here and have lived in this area for more than thirty years. I have witnessed the agricultural expansion of this area, the most recent and obvious of which is the blueberry fields that have been planted and fully developed in the last ten years. I have grave concerns about the quality of our life here, the future of this Valley as one that will be attractive to young families into the future, if the County fails in its duty to us to protect us in the tsunami of money that is now offered and being paid to growers and potentially to the County as a result of the industrialization of the agricultural product known as Cannabis. My comments are directed to the mandate required by CEQA that you put the environment first and that you do this by effective, enforceable regulation. That is the purpose of this correspondance.

I have read this letter sent to your offices of November 13, 2017 from the Carpinteria Valley Association and fully support its contents, its references to the clear weaknesses of the DEIR. Allow me to add to those comments.

I.46-1

As I understand the nexus between a DEIR or EIR and CEQA, is defined in essence as follows and it is:

To help the County accomplish the following basic objectives of CEQA:

a. To enhance and provide long-term protection of the environment.

b. To provide information to governmental decision makers and the public regarding the potential significant environmental effects of a proposed project.

c. To identify ways that environmental damage can be avoided or

d. To prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures.

e. To disclose and demonstrate to the public the reasons why a governmental agency approved a project in the manner chosen.

It has become obvious, whether you have visited here when the noxious odor is omnipresent in our homes, schools churches, athletic fields or if you saw the poignant interview by the KEYT reporter of the high school student on the news in which he described the smell of "weed" when his dad dropped off at school in the morning, that the odor-not-a-scent is an issue that hits all of us here. We feel like we are living next to a factory that spews its fumes from at least Cate School to the Santa Claus and Padaro to Serena Park. Is the DEIR addressing our concerns and how? That question must be evaluated to see if the DEIR fits within the mandated template as described in a-e above. My answer, the answer for the senior citizens who can't write, the answer for the uninformed who don't write, the answer for the children who don't know how to write and my answer for my neighbor who is so upset that he is planning on listing his house and moving his family is **no**.

I.46-2

Briefly and this does not address the hundred page DEIR as I simply cannot do that and am not a professional with the expertise to cite to everything. The DEIR is riddled with loopholes, with the laxity that a crafty "grower" can get around and truly offers us no protection. As lawmakers, you certainly know that **regulation without effective enforcement is no regulation**. Here we have neither.

One of my points on this issue where the DEIR addresses odor follow. My comments are in red and I apologize in advance for that:

4. Odor.

I.46-3 a. The Permittee (grower) shall prepare an odor abatement plan that includes (but is not limited to): (1) Designating an individual who is responsible for responding to odor complaints, 24-hours a day, seven days a week. Asking the grower to prepare its own plan inevitably will mean that the financial interest of that business entity will come before the environmental concerns. These are avaricious business people with out of County financing who are here now with their suitcases of cash. You have put the fox in charge of the hen house. Moreover what does "responding to odor complaints" mean and how are they made and what if he or she simply says, "it's fine or we are doing the best we can"? Is there no objective standard commercially available? We regulate industries from hot sauce factories to nuclear plants. There is a way to insure that there is negligible impact to our community and the weed industry can pay for it. This is the most valuable agricultural crop in the history of the US. They can do the research and install a technical device that measures, controls and regulates. Having their employee do so….? This is like asking the tobacco industry to protect a smoker against cancer. How did that work? Impose by registration requirements to protect us please.

I.46-4 (2) Providing property owners and residents of property within a 1,000 feet radius of the cannabis facility, with the contact information of the individual responsible for responding to odor complaints. This provision is without a doubt one of the most ridiculous arbitrary mechanisms for enforcement of an air pollution/ noxious odor regulation there is. So, I am in the 1000 feet of the cannabis factory and I come home at 10 at night and as usual my home, garden is filled with the skunk like smell. I am then calling some person who is on the weed payroll? And that person is going to do what? Make a list of complaints? Call a co-worker and tell her to turn the fan on? Does my call have the same weight as the principal of Carpinteria High who says they have a soccer game that day and the air is horrible? What about the senior citizen on oxygen? And why 1,000 feet? We know that they smell it at Cate School. We know that they smell it in Serena Park. This is not regulation. This is nothing. This offers us nothing. This is after the fact and imposing regulation on the citizens. Find and fund an enforcement mechanism that works. Impose that cost on the growers. They have already made unregulated millions and are turning our community into the next Humboldt County. They have the funds to create the growing environment and the cleaning/filtering technical device to protect us. Any refusal by the weed industry to this request is only due to their moneymaking priority. They do not care about us. They are not us.

I.46-5 (3) Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint. Same as above. After the violation, the "trained responsible party" will put my name on a list. The training will include saying they are sorry. This is all after the fact. The principal of Carp High calls about a football game and what is the person with the clipboard at the weed factory supposed to do? Probably the Cannabis company will find it is cheaper to pay for an upgrade to the gym at the high school than fix their filtrations system. This is not enforcement or effective warning. If there are 10 complaints in any month, are you going to shut them down? What are you going to do? The burden should not be on us. Make them pay to clean up their dirty industry. They are not growing flowers but a noxious substance that enters are homes uninvited. You may want to review the pollution record of Venoco who was another of our Carpinteria big money providers. Big business does not self-regulate.

I.46-6 (4) The description of methods for reducing odors, including minimizing potential add-on air pollution control equipment. There is no meaning to this statement. "Minimizing potential add-on air pollution control" means what? Make the grower present the elimination of odor technology to you. You evaluate it. If it works, that technology is required before they grow. This industry has billions of dollars with no

I.46-6 end in site. Every business has to invest in its infrastructure. This one in our community is trying to stretch the comparatively innocuous flower business into a noxious weed factory with a enormous financial upside. They are completely dissimilar in purpose, growth, and commercial distribution. Just because they require water, light and soil does not mean they are the same. Don't be fooled by these people. The money is here now and they will be devious to achieve their goals.

Conclusion

From the DEIR:

The Project is intended to balance the diverse demands for cannabis products with the public health, safety, and welfare of the community through the enactment of strong and effective regulatory and enforcement controls. The Project would regulate how, where, and how much cannabis and cannabis products may be commercially cultivated, processed, manufactured, tested, distributed, and sold to provide a reliable and high quality supply. The Project would also protect the environment, neighborhood character, and quality of life for people and communities within the County through the establishment of appropriate land use requirements, agricultural industry support, and an improved tax base.

I.46-7 What are the "diverse demands for cannabis products" as quantified and what will be required quantitatively to meet them? Is Carpinteria growing for Carpinteria? Santa Barbara? California? Whose needs are the weed factories meeting? Is it an international market? And if so why us? The plants can be grown from Alaska to Texas. So the regulation of this industry with its outside financing and lobbyists is required to be strict, enforceable and paid for by those that will profit from it and not paid for by those of us whose community is being disrupted and torn apart by the new business. Our health is at risk. The quality of our life is already affected. If the goal includes "strong and effective" the DEIR has not achieved its goal. In fact it has totally and completely missed it in an ill conceived backwards analysis that to us out here see the regulators putting the industry ($) before the people and the environment.

My observations are clearly not exhaustive of all of the elements of the DEIR and some could say that I have missed the efforts to address our concerns. However with no effective required environmentally sensitive regulation mechanism and no effective enforcement but the call from 1000 feet away to the violator, this DEIR has not complied with CEQA and has failed us receptors out here already paying our taxes and voting and hoping to continue to come home and breathe the ocean air instead of the cannabis air.

Comment Letter I.46 – Paul/Pablo Roberts

I.46-1 The County appreciates these comments. It should be noted that the total projected amount of cultivation area is approximately 1,136 acres *countywide,* with the majority of cultivation predicted to occur within existing greenhouses or hoop houses, resulting from a change in crop type on already cultivated land or from conversions of grazing land to cultivated land. As discussed in Section 3.2, *Agricultural Resources*, nearly 93 percent of the County is zoned for agricultural uses, with 712,823 acres of harvested agricultural acreage in 2016. Compared to the existing amount of agricultural operations within the County, the known amount of existing cannabis activities represents less than 0.06 percent of the harvested agricultural acreage in 2016. Future cultivation demand by Project registrants would potentially comprise 0.2 percent of eligible land area designated by the County for agricultural uses. Future cannabis activity site expansion would represent approximately 1 percent of the County's 67,202 acres of prime farmland (if entirely located on these areas, though highly unlikely), or less than 0.1 percent of all County farmland. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

I.46-2 Please see **Master Comment Response 2 – Odor Control Initiatives** for an expanded discussion on how odor impacts would be addressed under the Project, as well as amendments to **MM AQ-5,** *Odor Abatement Plan (OAP)*. When considering the direct impacts of the Project, which would involve fully licensed and regulated cannabis activities, it is important to consider the distinction between past illegal/unregulated cannabis activities and those to be regulated and enforced upon under the Project. With regard to effectiveness of enforcement, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

I.46-3 The proposed **MM AQ-5**, *Odor Abatement Plan (OAP),* is informed by mitigation recommended by the Santa Barbara Air Pollution Control District (SBAPCD) for the intent of reducing impacts associated with objectionable odors. The requirement that cannabis licensees must provide contact information to property owners and residents within a 1,000-foot radius of a licensed cannabis facility would provide a mechanism for members of the public within close proximity of the site to notify site operators of nuisance odors. Typically, it is the residents and property owners within close proximity of an odor generating site that may be first to detect odors, and most frequently exposed to these odors. Currently, the method of complaining of nuisance odors has involved filing complaints with local authorities, such as law enforcement, city departments, the County, or SBCAPCD, which may or may not have resulted in investigation of the complaint or prevention of the generation of odors. With implementation of **MM AQ-5** under the Project, the most adversely affected populations are provided the contact information of the cannabis site owner, whom they could call and inform of a complaint. Under the Project, the offending site's owner is then required to address the complaints and may be able to take more immediate action to prevent the generation or detection of nuisance odors within a greater geographic area. Under this requirement, if a licensed cannabis site fails to adequately respond to public complaints or control the emission and detection of odors, the licensee may be subject to enforcement by the County which may include issuance of fines or potential revocation of a license. While traditional complaints may still be issued and filed with local authorities and agencies, **MM AQ-5** presents a much more effective way to respond to and address public nuisances. However, as the EIR acknowledges

in Section 3.3, *Air Quality and Greenhouse Gas Emissions,* implementation of the Project has the potential to result in the generation of odors which are highly subjective and may be difficult to ensure the prevention or detection of such odors. Despite requirement for implementation of this mitigation measure, odor impacts are considered to remain significant and unavoidable. To more adequately address odor impacts, improve the effectiveness of **MM AQ-5**, and further ensure the reduction in the potential for generation and detection of objectionable odors, **MM AQ-5** has been amended to require additional measures for controlling odors, including the identification of and requirement for installation of odor control technologies which have been identified as feasible for reducing odor emissions. For additional discussion of impacts from odors and requirement for odor control measures, as well as amendments provided to **MM AQ-5**, please refer to **Master Comment Response 2 – Odor Control Initiatives**. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

I.46-4 With regard to odor impacts, please refer to **Comment Response I.46-3**.

I.46-5 With regard to odor impacts, please refer to **Comment Response I.46-3**.

I.46-6 With regard to odor impacts, please refer to **Comment Response I.46-3**.

I.46-7 With regard to appropriateness and economic viability of the Project, it is not the purpose of this EIR to assess the economic benefits or quantify and characterize the cannabis market within the County or state. See CEQA Guidelines Section 15064(e). With regard to environmental regulation and enforcement, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.** With regard to the specific requirements of **MM AQ-5**, *Odor Abatement Plan (OAP),* please refer to **Comment Response I.46-3.**

Individual

Please consider my comments regarding “Alternatives” 2 and 3 provided in the Draft EIR:

I. Alternative 2 - Preclusion of Cannabis Activities from Williamson Act Land

As cited below in items A-G, the DEIR considers cannabis activity as a “compatible use” designation within the County’s own “Uniform Rules for Agricultural Preserves” document and therefore all its guidelines and objectives:

1. Under Alternative 2 in the DEIR, cannabis is identified to be compatible with the County “Uniform Rules for Agricultural Preserves” document and would therefore be considered an **“appropriate secondary use on contracted land”** (page 21) and therefore consistent with the purposes of the Ag Preserve Program to **“preserve agricultural and open-space land or support the continuation of agricultural uses or the use or conservation of natural resources”** (page 22).
2. No data is cited to show that cannabis cultivation or processing on contracted land would interfere with any concurrent operations on the same or neighboring parcel(s).
3. Since the DEIR cites cannabis activity as “compatible,” all supportive agricultural uses are implied as cited on page 22 of the “Uniform Rules” document, including preparation and processing.
4. No data is cited to show that cannabis potentially creates greater impact on soil, air, water, population or traffic use than any other agricultural crop or activity.

I.47-1

5. As described in the DEIR, the suggested restriction of cannabis commercial activity to 22,000 sq. feet is only a formula devised to cut back all such activity by 88 percent with no relationship to any specific data regarding environmental impacts; it is simply a formula designed to reduce the number of applicants submitted in the June registry.
6. Since the DEIR cites cannabis activity as “compatible” to the County’s “Uniform Rules,” it also confirms that such activity supports **“conservation of agricultural and open-space land and benefits the general public by discouraging premature conversion of land to urban land uses . . . both protects agriculture and retains open space for its scenic qualities and value as wildlife habitat. Most directly, it contributes to the State’s agricultural economy and the availability of fresh, nutritious, varied and affordable food”** (page 1).
7. Since the DEIR cites cannabis activity as “compatible” to the County’s “Uniform Rules,” it also supports the Williamson Act for the **“long-term preservation of the maximum amount of agriculture and open space”** (page 17).

Despite confirming that cannabis activity is “compatible use,” just like all the other designations that support the objective of the Williamson Act, the DEIR is asking the Supervisors to consider restricting its commercial activity, unlike any and all other uses that meet the same designation. Again, no data is cited to indicate that cannabis activity has more or even less environmental impact than any other “compatible use.”

My family has over 14 acres of agricultural II land under Williamson Act contract. We currently lease over 10 acres for growing food; vegetables and berries. We wish to apply for a license to cultivate outdoor for the maximum allowable of 1 acre under California MAUCRSA.

On our size parcel, leasing agricultural land for food cultivation does not provide an income that pays for the required support and maintenance of well water infrastructure or dwellings or structures related to agricultural production. And if we want to continue to have our parcel used for agriculture in the future, there are the very real concerns of how to keep the land productive while it is handed off to the next generation of family caretakers, our children. Without adequate income, there will be little incentive for them to struggle to maintain the parcel in agriculture and preserve open space.

Commercial cannabis cultivation under MUACRSA holds the potential to cover many of our costs and also provide enough income to keep ag production in the family holdings, under renewable contracts with the County, while also making a much lower impact on water, soil and
I.47-2 air compared to our current crops. It also has the potential of supporting future family investment and providing an opportunity for family members to stay and invest their time and profession within the local agricultural economy. Alternative 2 in the DEIR is a threat to that potential. It effectively impacts outdoor cultivation, which typically provides only one crop a year, by cutting the crop size in half instead of the State maximum of one acre under Type 3 licensing. Alternative 2 of the DEIR destroys any economy of scale, thus maximizing the expenses per plant by mandating a smaller canopy, thus curtailing our ability to fairly compete in the State market. Cannabis prices will fall by half as predicted by a local Rand study (I can provide their statistics) and by examples in Washington, Oregon and Denver; lower crop yields will mean less income.

As cited by numerous investors that have already spoken publicly in the Supervisor meetings, half the number of licensed businesses will fail in the competitive market that begins in 2018. Numerous experts cite the same thing, including the international legal firm of Harris-Brickman. The DEIR suggestion undermines one of the "Projects" own goals, to **"develop a robust and economically viable legal cannabis industry . . . and as a public benefit, improve the County's tax base;"** (page 4-3 of the DEIR) through a singular mathematical tool of artificial reductions that has no rooting in the actual competitive market and no data implicating environmental impact.

II. Alternative 3: Reduced Registrants

As already cited above, the new market emerging in 2018 will be highly competitive. Out of the pool of 700 registrants, expect approximately half to fail. The State regulation process will be very intense, so out of the 700 registrants, assuming all would qualify for State licensing (and that is a big assumption), we can expect about 300-400 licensed business to remain and the
I.47-3 rest to fail. The market will dictate that only the best, most efficient and, most importantly, most **compliant businesses** will remain. If we are to reach many of the "Project Goals" cited in the DEIR, then a local, "robust" industry needs smart, successful entrepreneurs to make that happen. By cutting the pool of 700 registrants in half, the County would be doing just the opposite by artificially cutting out registrants with no regard to potential successful businesses or

I.47-3 not. Only a competitive market can determine the best operators for our local industry and it will have the same “intended” reduction on environmental impacts although the local industry feels quite strongly that the projected impacts are grossly overstated and I would have to agree.

I highly recommend against Alternative 2 and 3 since they will have just the opposite effect on the “Project Goals” listed in the DEIR and offer no substance on environmental impacts.

Respectfully,

Leo Elovitz

Buellton Ca.

Comment Letter I.47 – Leo Elovitz

I.47-1 This comment is not at variance with the existing content of the EIR. While the Project and two of its alternatives acknowledge cannabis cultivation as an agricultural use not dissimilar from other agricultural practices allowed within the County, under Alternative 2 – Preclusion of Cannabis Activities from Williamson Act Land Alternative (see Chapter 4, *Alternatives Analysis*), cannabis would not be considered an agricultural commodity, and lands used for the purpose of cultivating, producing, or manufacturing would not be considered an agricultural use. Therefore, cannabis activities would be precluded from Williamson Act provisions that govern agricultural preserve contracted lands under Alternative 2. Comments in support or rejection of one of the Project alternatives will be provided for consideration by County decision-makers.

I.47-2 Comments and concerns addressing the appropriateness of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* do not identify any inadequacies in the environmental analysis of this EIR and are best addressed towards County decision-makers. Ultimately, the Board has the approval authority for the proposed Project or its alternatives and will consider all information in the Final EIR and related documents before making a decision on the Project. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

I.47-3 With regard to the appropriateness and consideration of Project alternatives, please refer to **Comment Response I.47-2.** The County believes that the EIR presents a reasonable and conservative analysis that estimates the level of impacts considering the maximum level of activity and expansion under the Project, and does not need to be corrected. As discussed in Section 3.0.2, *Assessment Methodology*, as a new industry with limited available data on existing and projected activities, the potential for future expansion of the cannabis industry cannot be fully predicted. Utilizing the raw 2017 Cannabis Registry data, with some potential for duplication and self-reporting biases, the demand for new cannabis canopy coverage would be approximately 730 acres, for a total of approximately 1,126 acres, representing an increase of 284 percent. While it is anticipated that a majority of this acreage would occur within existing eligible agricultural, commercial, and industrial zoned areas, resulting in some potential for conversion from one crop type or use to another, the EIR is designed to assess a conservative scenario which utilizes the best available and reasonably accurate information. Therefore, the EIR analyzes the maximum level of activity and expansion under the Project in order to characterize the reasonably foreseeable level of impacts that would potentially occur.

Individual

From: deanna-ryan@sbcglobal.net

Sent: Thursday, November 16, 2017 8:32 AM

To: Cannabis Info

Subject: Fw: Cannabis odor & health impacts

From: deanna-ryan@sbcglobal.net

Sent: Thursday, November 16, 2017 8:17 AM

To: cannabisinfor@countyofsb.org

Subject: Cannabis odor & health impacts

I.48-1

As a resident of Carpinteria, living between Via Real and Foothill, I am experiencing very unpleasant odors as a result of the 50 or so cannabis growers now making money off their operations in this small city. Carpinteria is after all a beach community where one would expect to breath fresh air. Instead, most of us are being inundated by out of control unpleasant odors coming from a newly introduced form of agriculture, plus the impact of more and more huge trucks associated with these operations. **Why haven't the growers been made to take responsibility for the impact they are having on this city?**

There are many "sensitive" population groups in the growers' vicinities; schools, daycare centers, senior homes, etc. Personally, being someone who used to enjoy having some open windows in my home and being able to experience gardening and the great outdoors, I am now frequently encountering sore, watery eyes, impacted sinuses and the awareness of highly unpleasant, skunk-like odors resulting in having to curtail a once loved way of living.

Of course there is a lot of money to be made by everyone involved in this industry, including Santa Barbara County. That being said, surely some could be spent on controlling the air pollution that is also taking place? As citizens are we somehow less important than these businesses? It is, after all, the job of tax paid bureaucrats to govern and protect its citizens.

Please step up to the plate quickly and put much needed controls on this cannabis issue.

Yours truly,

Deanna Ryan

Comment Letter I.48 – Deanna Ryan

I.48-1 With regard to concerns from cannabis-related odors, particularly in the Carpinteria Valley area, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Responses L.2-3** and **L.2-9.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: anna bradley <annaberit@hotmail.com>
Sent: Thursday, November 16, 2017 11:55 AM
To: Cannabis Info
Subject: Feedback to the DEIR document

Importance: High

Dear County of SB Planning and Development Department,

With Reference to the DEIR document.
As best as I can - here are my concerns from a real life perspective.

I.49-1
Odor Control - at 1934 Paquita Dr. Carp We live a considerable distance beyond the 1000 foot recommendation for reporting odor issues. Realistically we are a good 1/2 mile directly from the base of Foothill road. We are affected every single day by odors entering our house and property. The distance for odor travel and control needs to be reevaluated realistically- and the ownership put back on the growers and not the residents to control. Odor control should be in place and regularly monitored in order to receive and maintain a growing permit.

I.49-2
Protecting the neighborhood character - As growing activities have been ramping up, our local infrastructure is being tested. On a daily basis, there are increased heavy load delivery trucks barreling down our residential and local hwy roads with urgency - Foothill Road, Via Real, Cravens, and Santa Monica. Delivery from site to site? Yesterday after school my daughter and I were behind a half open backed truck with visible cannabis plants moving from Toro Canyon Rd to a site on Via Real. It's not so much the content of the truck, it is more the safety consequence of adding more volume of this type of transportation to our local roads. I was nearly run off Foothill this morning by a tight tailing large delivery truck which unfortunately is becoming a more 'normal' experience. This point needs to be address further - with regards to add-on noise, air and safety concerns.

I.49-3
Receptors- All residents, school children, visitors should be considered sensitive receptors. More information is needed on the secondary effects to public health and the **financial cost** of treating those effects.

I.49-4
Quality of Life - Aside from the physical experience of living in the growing zone, ie odor, and health impacts, there is also the loss of residential property value impact that isn't sufficiently addressed.

I.49-5
Public Safety - Plan for monitoring of increased permitting and unofficial growing needs to be clarified - along with the need for increased public safety officers to cover the foreseen increased criminal activity that goes in hand with the financially highly valued product.

Of course there are so many other points I can add, but these are the ones at the forefront of our family's experience.

Thank you for your consideration.
Anna Bradley
[redacted]
Carpinteria, CA

Comment Letter I.49 – Anna Bradley

I.49-1 The proposed **MM AQ-5**, *Odor Abatement Plan (OAP),* is informed by mitigation recommended by the Santa Barbara Air Pollution Control District (SBAPCD) for reducing impacts associated with objectionable odors. The requirement for providing contact information to property owners and residents within a 1,000-foot radius of a licensed cannabis facility is provided as a requirement for which cannabis licensees must inform and provide members of the public within close proximity of the site information for which to notify site operators of nuisance odors. Typically, it is the residents and properties owners within close proximity of an odor generating site that may be first to detect odors and are most frequently exposed to odors. Currently, the method of complaining of nuisance odors has involved filing complaints with local authorities, such as law enforcement, city departments, the County, or SBCAPCD, which may or may not have resulted in investigation of the complaint or prevention of the generation of odors. With implementation of **MM AQ-5** under the Project, the most adversely affected populations are provided the contact information of the cannabis site owner, whom they could call and inform of a complaint. Under the Project, the offending site's owner is then required to address the complaints and may be able to take more immediate action to prevent the generation or detection of nuisance odors within a greater geographic area. While traditional complaints may still be issued and filed with local authorities and agencies, **MM AQ-5** presents a much more effective way to respond to and address public nuisances. However, as the EIR acknowledges in Section 3.3, *Air Quality and Greenhouse Gas Emissions,* implementation of the Project has the potential to result in the generation of odors which are highly subjective and may be difficult to ensure the prevention or detection of such odors. Despite requirement for implementation of this measure, odor impacts are considered to remain significant and unavoidable. To more adequately address odor impacts, improve the effectiveness of **MM AQ-5**, and further ensure the reduction in the potential for generation and detection of objectionable odors, **MM AQ-5** has been amended to require additional measures for controlling odors, including the identification of and requirement for installation of odor control technologies which have been identified as feasible for reducing odor emissions. For additional discussion of impacts from odors and requirement for odor control measures, as well as amendments provided to **MM AQ-5**, please refer to **Master Comment Response 2 – Odor Control Initiatives**.

I.49-2 To assess such potential impacts on surrounding land uses or neighborhoods, the EIR extensively assesses the neighborhood effects of the Project which primarily result from the generation of odors, traffic, and noise during operation of a licensed cannabis sites. For instance, the EIR identifies potentially adverse impacts associated with the generation of odors specific to cannabis in Impact AQ-5 of Section 3.3, *Air Quality and Greenhouse Gas Emissions,* while impacts to surrounding land uses from increases in ambient noise and traffic are respectively assessed in Section 3.10, *Noise,* and Section 3.12, *Transportation and Traffic*. Within these analyses, the EIR identifies potential significant impacts requiring the implementation of proposed mitigation. However, the EIR conservatively concludes that impacts of the Project on the environment and local area from the operation of licensed cannabis activities would continue to occur and would remain significant and unavoidable.

In an effort to provide the public and County decision-makers with a range of feasible Project alternatives which may address public and community concerns, meet Project objectives, and/or reduce significant impacts of the Project, the EIR provides for the consideration of

Alternative 1 – Exclusion of Cannabis Activities from the AG-I Zone District Alternative in Chapter 4, *Alternatives Analysis*. Specifically, this alternative is provided with the intent to reduce perceived potential environmental and land use compatibility concerns or neighborhood compatibility impacts of the Project that were identified during the NOP scoping process and from general public interest. This alternative provides much further analysis and consideration of the concerns addressed by the commenter with regard to licensing of cannabis activities on agriculture zoned lands in a highly urbanized area of the County or on the fringe of the rural-urban boundary.

I.49-3 With regard to the consideration of sensitive receptors, it is important to note that for the purpose of this EIR, sensitive receptors are defined as those identified and defined the proposed regulations of the Project, as provided in Appendix B of this EIR. Consistent with the definition of sensitive receptor under the Project and state law (SB 94), the County considers sensitive receptors to be limited to day care centers, instructional 1 through 12 schools, and youth centers. With regard to financial costs, social and economic effects of a project need not be considered in an EIR. See CEQA Guidelines Section 15064(e).

I.49-4 The EIR analyzes the Project, a countywide program establishing new land use and zoning regulations for licensing and permitting of agricultural, commercial, and industrial uses on existing zoned lands and the potential for such regulations to result in impacts to quality of life (i.e., loss of privacy, neighborhood incompatibility, nuisance noise, etc.). While Impact LU-1 provides for an analysis of the Project's potential to result in conflicts or inconsistency with existing land use plans, policies, or regulations related are analyzed (see Table 3.9-2), the EIR extensively assesses the neighborhood effects and quality of life impacts of the Project which primarily result from the generation of odors, traffic, and noise during operation of licensed cannabis sites in each appropriate resource section of the EIR. For instance, the EIR identifies potentially adverse impacts associated with the generation of odors specific to cannabis in Impact AQ-5 of Section 3.3, *Air Quality and Greenhouse Gas Emissions,* while impacts to surrounding land uses from increases in ambient noise and traffic are respectively assessed in Section 3.10, *Noise,* and Section 3.12, *Transportation and Traffic*. Within these analyses, the EIR identifies potential significant impacts requiring the implementation of proposed mitigation. As provided in each of these sections, the EIR conservatively concludes that impacts of the Project on the environment and local area from the operation of licensed cannabis activities would continue to occur and would remain significant and unavoidable. Despite the Project's potential to result in neighborhood compatibility and adverse quality of life effects, an EIR is not required to assess the potential for loss of residential or private property value or other social and economic effects. See CEQA Guidelines Section 15064(e).

I.49-5 With regard to discussion of increases in enforcement of licensed and unlicensed cannabis operations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

Individual

From: Beth Geiger <bethgeiger5@gmail.com>
Sent: Thursday, November 16, 2017 3:56 PM
To: Cannabis Info
Cc: Williams, Das
Subject: Re: Public Comment on County Cannabis Land Use Ordinance and Licensing Program Draft EIR
Attachments: CVA Cannabis DEIR comments.pdf; ATT00001.txt

Hello Jessica,

I.50-1

We are writing to voice our concerns regarding the problems being created by the burgeoning cannabis growing industry in the Carpinteria Valley. As a resident of Padaro Lane, we are in complete agreement with the letter sent out by Mike Wondolowski of the Carpinteria Valley Association, which we have included in this email. This industry will be a highly lucrative endeavor for the local growers. The impacts and problems are yet to be fully realized, we must proceed slowly with many safeguards and insist that the growers are engaged, in all ways, in protecting the community in which they live. Our problem is not necessarily with the cannabis growing industry, but we must make sure that regulations are in place to maintain the quality of life in our area for all residents.

Sincerely,
Beth and Dodd Geiger

Comment Letter I.50 – Beth Geiger

I.50-1 This comment addresses the merits of the Project and its alternatives and does not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. Individual responses to the comments received from the Carpinteria Valley Association are provided in response to **Comment Letter O.1**, above. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Brian Adams <maastertech@icloud.com>
Sent: Thursday, November 16, 2017 11:50 AM
To: Cannabis Info
Subject: EIR comments

To whom it may concern,

We wanted to add some comments to the Cannabis EIR.

I.51-1

First, the alternatives are each unworkable. Specifically limiting agricultural preserve land from cultivation is completely contrary to the stated goal of reducing urban sprawl. Cannabis is a crop and is grown in the same methods, with the same limitations, as other crops on similar land. The draft EIR even states Cannabis as a compatible use, While you could conceivably limit anything in anyway it simply doesn't make sense to limit large agricultural plots from cultivation the same as other crops.

I.51-2

Second, the proposed limit on operators would be contrary to the stated county goals of allowing a transition away from the black market and generating revenue. Why should a few, generally large and wealthy operators, take priority over small cultivators who are also willing to follow the ordinance? It turns hard working small farmers into criminals and pulls the rug out from their investments and efforts. Priority should be placed on transitioning operators who want to comply into a legal and taxed environment, not punishing them and their dream while the most well funded operations leverage their resources into limited licenses.

I.51-3

In regard to increasing setbacks it doesn't seem logical that increasing an already established setback protects children any more than the current setbacks do. Volatile manufacturing isn't done in quantities to create an explosion that powerful, why would the setback benefit from being extended?

I.51-4

Finally the industry needs the full supply chain. It doesn't make sense to ship grapes to Los Angeles for processing when they're grown in Santa Barbara, why would Cannabis be any different? When adverse affects, such as traffic, are sighted and goals like tax revenue are stated, why would removing manufacturing or distribution from the supply chain benefit anyone? The industry needs to have a complete supply chain to operate effectively.

Thank you,

Brian Adams
Santa Barbara county resident

Comment Letter I.51 – Brian Adams

I.51-1 While the Project and two of its alternatives acknowledge cannabis cultivation as an agricultural use not dissimilar from other agricultural practices allowed within the County, under Alternative 2 – Preclusion of Cannabis Activities from Williamson Act Land Alternative (see Chapter 4, *Alternatives Analysis*), cannabis would not be considered an agricultural commodity, and lands used for the purpose of cultivating, producing, or manufacturing would not be considered an agricultural use. Therefore, cannabis activities would be precluded from Williamson Act provisions that govern agricultural preserve contracted lands under Alternative 2. Comments in support or rejection of one of the Project alternatives will be provided for consideration by County decision-makers.

I.51-2 As described in Chapter 4, *Alternatives Analysis*, under Alternative 3, existing operators identified in the 2017 Cannabis Registry would be prioritized for licensing under this alternative, which would substantially reduce the net new buildout, while allowing for limited growth. Therefore, if the commenter is included in the 2017 Cannabis Registry, they would have priority in receiving a license under the Project, regardless of size of operation. While implementation of Alternative 3 would reduce the severity of most impacts while still allowing for some level of licensing of the cannabis industry in the County, implementation of this alternative would not achieve many Project objectives, including those related to development of a robust and economically viable legal cannabis industry. Further, this alternative would discourage existing cannabis operations from operating legally and securing a license under the program, resulting in potentially greater secondary impacts. Comments in support or rejection of one of the Project alternatives will be provided for consideration by County decision-makers.

I.51-3 This comment addresses the merits of the proposed setbacks. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. The setbacks analyzed within this EIR are based on Bureau of Cannabis Control regulations, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance. County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**.

I.51-4 Issues raised in this comment are not at variance with the existing content of the EIR. As discussed in Chapter 2, *Project Description,* the proposed Project involves the adoption of regulations for all the same cannabis activities considered by the state. The Project would adopt new cannabis regulations to address allowed uses and permit requirements for the cultivation, processing, manufacturing, testing, distribution, and sale of medical and non-medical cannabis within the County. It is not the intent, nor purpose of the Project to limit the

proposed cannabis industry by allowing only certain activities in the County. Rather, the Project would allow for the licensing of the whole cannabis industry to support a robust and economically viable legal cannabis industry. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

Individual

From: Dan Fox <dan@privatereserve.org>
Sent: Thursday, November 16, 2017 3:40 PM
To: Cannabis Info
Subject: Cannabis Draft EIR considerations

To whom it may concern:

I.52-1
My name is Dan Fox and I am a partner and COO of a medicinal cannabis cultivation business in Santa Barbara County. After reading and reveiwing the draft EIR, I would like to comment on how the Draft EIR does not take into account all the obstacles, hurdles and barriers of entry we've already spent so much time, energy and money to remain a fully functional, compliant and sustainable operation. To name a few barriers the draft EIR does not address are: local permitting, extensive discretionary review bodies, detailed development standards, long permitting processes, local tax, state tax, Federal 280E. It also over estimates local growth of industry and buildout scenario.

I.52-2
None of the alternatives (1,2 and 3) proposed in the draft EIR are reasonable and acceptable. All alternatives restrict the development of a robust and economically viable legal cannabis industry. Therefore, having Santa Barbara County benefit from the revenue generated from the voter approved legislation will be impacted very negatively versus positively. The alternatives are not encouraging commercial Cannabis businesses to operate legally. Unnecessarily, this WILL encourage a "black market" to thrive in our county. These alternatives also do not provide opportunities for the county to develop a full, legal cannabis supply chain, which once again has a negative impact on county tax revenues and jobs.

I.52-3
The more efficient, clear, and streamlined the licensing & permit program can be, the better the county's financial opportunities will be related to this California citizen's approved and endorsed industry will be for all concerned.

Lastly, I am currently at the MJ Biz Cannabis Confernce in Las Vegas. There are OVER 17,000 attendees from all different industries (banking, finance, legal, industrial, insurance, equipment, cultivation, manufacturing, etc) from all over the world!! This industry is booming and Santa Barbara County has the opportunity to be a true leader in this global sector and WE CAN'T waste this opportunity by creating unnecessary hurdles and obstacles.

Thank You,

Dan Fox

Comment Letter I.52 – Dan Fox

I.52-1 The EIR acknowledges and accounts for state and local permitting requirements, review processes, general development requirements, and regulatory compliance when considering the level of environmental impacts resulting from implementation of the Project. While it is not the purpose of this EIR nor CEQA to determine and assess the economic effect of a project, the EIR acknowledges the difficulties facing cannabis operations ability to obtain a license from the state and County, which the EIR acknowledges as a potential for increased unlicensed cannabis operations and associated secondary impacts. Please also refer to Section 5.4 of Chapter 5, *Other CEQA Considerations*. However, it is nearly impossible for this programmatic analysis to consider and identify the financial standing of existing cannabis operators and their ability to comply with all necessary licensing, permitting, and financial requirements. Given these limitations, the EIR provides for a conservative analysis of the environmental effects of the Project, disclosing to the public and County decision-makers all environmental effects associated with the Project, including the potential for extensive licensing requirements to establish a barrier to local cannabis operations and their ability to obtain a state and local license.

I.52-2 Comments and concerns addressing the appropriateness of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* do not identify any inadequacies in the environmental analysis of this EIR and are best addressed towards County decision-makers. Ultimately, the Board has the approval authority for the proposed Project or its alternatives and will consider all information in the Final EIR and related documents before making a decision on the Project. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

I.52-3 This comment does not raise a significant environmental issue and does not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: David Van Wingerden <david@westlandproduce.com>
Sent: Thursday, November 16, 2017 4:32 PM
To: Cannabis Info
Subject: DEIR Comments

To whom it may concern
Please review comments below regarding the Draft EIR

I.53-1
Setbacks/minimum distance requirements

Proposed project includes min distance requirement of 600 feet from schools, day care and youth centers for cultivation, nonvolatile and retail. It increases to 1,200 for volatile manufacturing.
The DEIR does not provide evidence or data that this mitigation measure for volatile manufacturing is necessary.
There is no analysis that concludes that these setbacks are effective mitigation

I.53-2
Williamson act

DEIR correctly states that cannabis supply chain is compatible with WA
The purpose of the WA is to protect agriculture and prevent pressures to develop ag lands for urban uses.
Permitting the cannabis supply chain is the best way to preserve agriculture and prevent pressures to convert prime ag lands
The existing uniform rules state that ag support uses are compatible with WA – including processing and even retail sales
Cannabis cultivation, manufacturing (extraction) packaging and distribution (transportation) is no different that other agriculture
Many farmers participate in the WA because they want to preserve open ag spaces - they should not be punished as a result

Methodology:

I.53-3
- DEIR analysis of baseline and impacts from the proposed project does not adequately account for existing cannabis operators and their use of pre-existing infrastructure. Impacts are overstated.
- The majority of existing operators in the Registry are using pre-existing infrastructure, such as greenhouses, hoop structures, or ag warehouse buildings
- In many cases, cultivation is less intensive and results in less impacts than traditional agriculture (give an example here, such as use of pesticides, water, size of vehicles to transport product)

I.53-4
- The DEIR does not account for 1) the existing local barriers to permitting for non-cannabis (long permitting process; extensive discretionary review bodies; detailed development standards); 2) proposed barriers to permitting under the draft County cannabis ordinance (minimum distance requirements; multiple layers of approvals including land use permit AND business license); 3) local tax; 4) state tax; 5) federal 280E; and 6) existing barriers to State licensing (extremely detailed requirements for each license type). In other words, the DEIR overestimates the local growth of the industry and buildout scenario.

Class 1 Impacts

I.53-5
- Strongly disagree that the project would result in the following Class 1 impacts: aesthetic/visual; air quality; ag resources; noise and traffic. (class 1 impacts are “significant and unavoidable” and cannot be mitigated or avoided and no measure could avoid or reduce effects to insignificant or negligible levels)
- All of the Class 1 impacts can be mitigated to an appropriate level
- There are numerous existing development standards in the LUDC, as well as community specific plans, such as the Carp Ag Overlay District, that already require mitigation measures to protect air quality, visual resources, ag resources, noise and traffic

I.53-6

Alternatives

None of the project alternatives proposed are acceptable to the industry
They would not meet the most important project objectives:

1. Develop a robust and economically viable legal cannabis industry to meet local demand and improve county's tax base
2. Provide opportunities for the full legal cannabis supply chain
3. Facilitate the orderly development and oversight of cannabis activities
4. Encourage commercial businesses to operate legally
5. Provide an efficient, clear and streamlined licensing & permit program

Adopting a narrow program would:

- not generate revenue for the county,
- would encourage the industry to stay in the black market
- create additional barriers to compliance and permitting
- limit the ability of the full cannabis industry in SBC – as there would not be adequate support uses for growers (i.e. distribution)

Regards,

David Van Wingerden
805-729-8776
www.westlandproduce.com

Comment Letter I.53 – David Van Wingerden

I.53-1 This comment addresses the merits of the proposed setbacks. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. The setbacks analyzed within this EIR are based on Bureau of Cannabis Control regulations, and the EIR did not identify any significant impact which may necessitate a quantified increase or decrease in setback distance. County decision-makers may decide the final setback distances, as further discussed in **Master Comment Response 1 – Program Development Process**.

I.53-2 The EIR has been revised to clearly include text that confirms that the agricultural use of prime agricultural soils would remain intact, as the ancillary structures are in direct support of the agricultural activity (Please refer to Section 3.2, Agricultural Resources). The DEIR recognizes cannabis-related structural development as agricultural uses (see pages 3.2-19 to 3.2-20 regarding the discussion of Impact AG-1). The determination of significant impact under Impact AG-1**,** addressing compatibility with agricultural uses and the Williamson Act, is based upon potential permitting of manufacturing and distribution licenses in agricultural zoning districts without a corresponding cultivation operation. It is important to note that only the development associated with manufacturing and distribution licenses was factored into the determination of significant impact. The County has discretion in making this determination and it is consistent with similar determinations made historically regarding the processing of agricultural products. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

I.53-3 Existing cannabis cultivation operations in the County, to the extent that they are known, are described in Subsection 2.2.5, *Environmental Baseline Conditions*. The analysis in this EIR is based on hundreds of sources of data, including County resources, industry and community member interviews, scoping meetings, and registry responses. These reasonably characterize the amount of current cannabis activity illustrate, as much as possible, where these activities are known to occur. The resources also include the June 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program (Cannabis Registry) database, the County Sheriff's Office's list of enforcement cases, and interviews with community members and industry representatives conducted by staff members from the County and the EIR consulting team. This EIR discloses the best available information on existing commercial cannabis conditions in the County to characterize a baseline for the purposes of impact analysis. The approach to impact assessment relative to the established environmental baseline condition is described in Section 3.0, *Introduction and Approach to Environmental Analysis*. Determinations regarding significance of Project impacts relative to the environmental baseline were made based on substantial evidence. The commenter does not provide substantial evidence that would lead to different determinations regarding the

baseline or the Project impacts. Ultimately, the lead agency has discretion in making such determinations.

I.53-4 Regarding the DEIR forecast of the cannabis industry buildout and barriers to the market, please refer to **Comment Responses B.1-3** through **B.1-5.**

I.53-5 The EIR concurs that some cannabis cultivation, such as cultivation occurring in pre-existing greenhouses, could result in fewer impacts than other types of agricultural operations. However, a conservative approach was used in the DEIR to analyze and disclose potentially significant impacts associated with the future licensing and permitting cannabis activities countywide given the programmatic scope of this study. For instance, while the EIR acknowledges a reasonable assumption that much of the traffic, air quality, and noise impacts generated by cannabis operations is already currently conducted by operators of long time traditional agricultural lands, the EIR could not defensibly identify impacts to these resources as less than significant with or without mitigation due to the broad programmatic nature of the Project, potential for licensing of new development on existing undeveloped or under-utilized lands, existing deficiencies in the traffic network or air quality or noise levels at certain locations throughout the County, the inability for the County to impose or control improvements on facilities located outside of the County's jurisdiction, and other reasons as discussed in Section 3.3, *Air Quality and Greenhouse Gas Emission*, Section 3.10, *Noise*, and Section 3.12, *Transportation and Traffic*. For these reasons, impacts to these resource areas are conservatively considered significant and unavoidable.

I.53-6 The County acknowledges these comments regarding the alternatives. Ultimately, the Board must determine how the County can best meet its objectives and which project or alternative should be implemented. The information in this comment will be in the Final EIR for review and consideration by the County Board.

Individual

To: Jessica Metzger, Project Manager
Cannabis Land Use Ordinance and Licensing Program
Planning and Development Dept.
County of Santa Barbara

From: Anna Carrillo
[redacted]
Carpinteria, CA 93013
annacarp@cox.net

Re: Comments Draft EIR for Cannabis Land Use Ordinance and Licensing Program

I.54-1 The draft EIR has as its #1 objective – the financial gain expected from the expected production and availability of high quality cannabis products to help meet local demands, and as a public benefit, improve the County's tax base. This should not be the #1 intent of an environmental document. This is an environmental impact report not an economic report. The primary goal should be to evaluate in what manner the physical environment of the county and the humans who live here are impacted from the proposed change in use. There is nothing said about the quantity desired in Santa Barbara County. Rumor is that only 10% of what is currently growing here legally and illegally is for Santa Barbara patients and customers.

I.54-2 The number one concern for those living in the Carpinteria Valley are items 8, 9, and 10, so the order of objectives should be listed differently. Greenhouses and adjacent agricultural properties have coexisted for years and years, but this new crop has created negative impacts on our Carpinteria community. When Article X was passed allowing those who had been growing medical cannabis before Jan. 19, 2016 to continue to grow under a legal nonconforming use, no neighbors complained about the odors. Neighbors on Cravens Lane began noticing the "skunky" odors August-September 2016. Now there are pockets all over Carpinteria experiencing these noxious odors. Our quality of life is being affected. I personally know of instances where residents experience nausea, running eyes, headaches and even if one doesn't have health issues aggravated by the odor, it is unpleasant. People wake up at night looking to close their windows, but they're already closed, the high school needs to be aired out in the morning and disclaimers issued to visiting sports teams that the odor is from the neighboring greenhouses. A Carpinteria city councilman just shared at the Nov. 13th city council meeting that he visited the high school 3 weeks ago and smelled the odor and asked students about it and they said this was nothing compared to what it is in the morning. The complaint process to the Zoning Department isn't working nor is APCD equipped to handle this. I've asked Zoning to develop a scattergraph to pinpoint where the complaints are coming from to no avail. July 2017 the local Nextdoor site identified 41 different addresses of residents feeling the effects of the odor. I know that it has increased lately exponentially. Many growers are growing with impunity with no concern for the community.

#8 Objective: Establish land use requirements for commercial activities to minimize the risks associated with criminal activity, degradation of visual resources and neighborhood character, groundwater basin overdraft, obnoxious odors, noise nuisances, hazardous materials and fire hazards.

#9 Objective: Develop a regulatory program that protects the public health, safety, and welfare through effective enforcement controls (i.e. ensuring adequate law enforcement and fire protection services) for cannabis activities incompliance with state law, to protect neighborhood character and minimize potential negative effects on people, communities, and other components of the environment;

I.54-2

#10 Objective: Limit potential for adverse impacts on children and sensitive populations by ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, agricultural operations, youth facilities, recreational amenities, and educational institutions.

Air Quality: AQ-5

The definition of sensitive receptors is inconsistent in the EIR document: 3.3.2.2 Sensitive receptors affected by the proposed Project would be primarily residences, parks, and school land uses. Hospitals and nursing homes are also listed. The Project lists individuals with pre-existing health problems as more sensitive, others are relatively sensitive, or sensitive and recreational land uses moderately sensitive. Admittedly some people are more sensitive to offensive odors than others, but in the city of Carpinteria and Carpinteria Valley there are residences that are within 50 feet of some greenhouses who have been complaining to the county and the greenhouse operators to no avail. Depending on the wind, time of day some residents smell the offensive odors up to 2 miles away, some in the morning, some in the evening, some all day. For those not familiar with Carpinteria's setting, there is an approximately 4 mile stretch on 192 and maybe a 2 mile stretch on Via Real with pockets of residential neighborhoods. I'm not sure if the residential areas are technically listed as EDRN Existing Developed Rural Neighborhoods, but regardless if they are or not they are.

I.54-3

3.3.2.6 Cannabis cultivation and to a lesser degree, manufacturing, is often accompanied by strong odors. The project states that Cannabis odors can be successfully contained within structures or filtered to prevent diffusion into surrounding areas, but though 45% of cultivators who signed up on the registry reported the use of some type of commercial scrubbing device that prevents odors from escaping the facility, this statement can't be accurate in Carpinteria. Because this project is creating objectionable odors which affect a substantial number of people (CEQA guidelines) this is a Significant and unavoidable Class 1 impact. Increasing cultivation sites and manufacturing will only increase and odor will continue to be a cumulative impact.

The proposed Odor Abatement Plan MM AQ-5 described in section 3.3.2.4 is not a satisfactory mitigation as there is no accountability in the OAP and the OAP as described continues to be complaint based. Even notifying residences 1000 feet away of the plan, still one does not know which address the odor is emanating from and even if one were to know where the odors is emanating from, there is no recourse if the designated person does not log in the complaint or respond to the complaint. It is incumbent upon those holding Licenses 1, 2, 3, 4, 6, and 7 that they must have automated equipment to detect, monitor and correct the odor immediately. There must be an objective standard. If the technology isn't developed yet, then 24/7 monitoring by humans must be required, logged, and reported at the time of annual business licenses renewals. There also needs to be a record of the

cleaning, maintenance, of the system. Also there must be a statement about updated new odor technologies when they become available. Fines for noncompliance must be substantial per plant, not structure and the immediate revocation of one's permit.

San Luis Obispo County is requiring their permitted sites to eliminate odor emissions from being detected offsite, which may be a stronger statement than requiring an Odor Abatement Plan. San Luis Obispo applicants are required to participate in a county-wide monitoring program. The monitoring program shall be funded by applicants and will be used to conduct site visits and inspections of all cannabis cultivation sites. The annual program fee shall be collected yearly at the time of a business license renewal. Failure to comply is then subject to permit revocation and/or Business License nonrenewal. San Luis Obispo plans to hire attorney(s) to be Cannabis Hearing Officer(s) to take the responsibility away from just a simple zoning violation. If, after the hearing and the Cannabis Hearing Officer has deemed there is a nuisance, an Enforcement officer can enter the property after 2 days and abate the nuisance.

I.54-3

According to the voluntary registry of 134 unique known cannabis locations, 31% are located in the South Coast, including Toro Canyon area minus 1% not in Carpinteria Valley and the Toro Canyon area. This is the highest number and neighbors, schools are feeling the impact. There were 216 registry respondents so I'm not sure exactly which number should be used to figure out exactly how many greenhouse growers reported on their current activity. I know for sure of at least 2 sites in the Carpinteria area (Cravens and Via Real) that have started up since signups for the registry concluded on June 30th. I have only begun to be involved with this issue last April and since then the odors have become more and more prevalent here in Carpinteria. When the EIR states that 45% of the growers say they are using scrubbing devices, this can't be or the scrubbers used are not effective. Why should we the public suffer for the tremendous profits being generated?

Outdoor cultivation, including hoop houses, shade houses, or personal outdoor grows would not be able to have any sort of odor abatement plan so these must be prohibited.

Aesthetics and Visual Resources 3.1

Lighting: There seems to be 2 different rules that are mentioned: 35.21.050 Development Standards for Agriculture Zones states light fixtures needs to be fully shielded and shall be directed downward to minimize impacts to the rural nighttime character and lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use. 35.102F.9 Development Standards for Greenhouses and Related Development (Coastal Zoning Ordinance and Carpinteria Overlay District) states that all new or retrofit greenhouse shall include a mechanized blackout screen system within growing areas to prevent interior night lighting from being visible outside the structure. If the applicant does not intend to use night lighting, the project description for individual greenhouse projects shall clearly state that night lighting within growing areas shall not occur. 35.28.210.H Toro Canyon Plan Area basically repeats what is in 35.21.050 but there is nothing about requiring a blackout screen system as mentioned in the Carpinteria Overlay District. With regard to cannabis cultivation, the standard should be the same for all 3 areas and should require the mechanized blackout screen system especially in the

I.54-4

I.54-4 Toro Canyon and the Carpinteria Overlay District. If more greenhouses are allowed in the Toro Canyon area and the Carpinteria Valley, the cumulative impacts would be Significant and unavoidable (Class 1).

Land Use Impacts 3.9

A map of Carpinteria with both the Toro Canyon Plan Overlay and the Carpinteria Agricultural Overlay District should be included just like the Santa Maria, Lompoc, and Santa Ynez zoning districts are included. Instead of combining Carpinteria with the South Coast, Carpinteria and Toro Canyon should be a separate entity.

MM-LU-2: It is stated that there would be land use conflicts to nearby residential communities from cultivation of cannabis plants, manufacturing of cannabis products and related licensing activities (e.g. processing, transportation, distribution, testing). The increase would definitely cause quality of life issues. In addition to odor issues covered earlier, there would be an increase in traffic, noise levels, and the degradation of neighborhood character. Harvesting occurs 3-5 times per year, and residents have reported increased crime, traffic, parking, and decreased home values. An increase would be inconsistent with SBCAG's regional planning forecast and this project was not even considered within the growth forecast in 2013.

I.54-5 3.9.4.4 How can mitigations from MM LU-1: Public Lands Restriction which states that cannabis operations need to be 600-1200 feet from public lands help the residents of Carpinteria, Carpinteria Valley, and Toro Canyon. Actual residences and schools should require at least a distance of 1000 feet with enforceable odor abatement plans in place. Granted, even this distance by itself would not guarantee the problems of odor but coupled with an automated odor mechanism and automated nighttime screening, a reduced number of permits issued would help the quality of life issues considerably. Even though the state is suggesting a 600 foot buffer, the local jurisdiction may set their own rules. San Luis Obispo County is using a 1000 foot buffer. The Carpinteria Valley, including the Toro Canyon Plan area, can not be expected to shoulder the same proportional growth as has occurred here. San Luis Obispo County will only be issuing 100 permits.

The Coastal Commission sent a note to San Luis Obispo recommending that manufacturing should not be allowed on prime agriculture soils.

In going through the new cannabis permit process, the county has never fully checked on numerous greenhouses that have expanded or been built after the Carpinteria Agricultural Overlay District Ordinance was passed. This should be done. The feeling here is that just like the odor issue, compliance is only checked after a complaint is filed. There was a two year program which allowed operators with non-permitted structures the opportunity to get permits without penalty. The feeling is that very few availed themselves of this opportunity.

Transportation and Traffic 3.12

I.54-6 It will be important to limit the number of permits issued in Carpinteria, Toro Canyon as our narrow road structure cannot handle the traffic that is projected from a 284% increase. There are 2 east/west

routes that are 2 lane, narrow and heavily traversed, especially when there is traffic on the 101. Route 192 currently is only one way over a bridge near Nidever. That is not even mentioned.

I.54-6 3.12.4.5 In order to reduce project impacts to a less than significant level, the County would be required to limit the number of licenses or amount of cannabis activity that would be allowed. It is anticipated that the Project would generate incompatible traffic, increase roadway hazards, and generate traffic in areas incompatible with existing surrounding land uses. This would be Significant and unavoidable (Class 1).

Alternatives Analysis

It is difficult to assess the alternatives because this Draft EIR only used information from the voluntary registry. It would be important to accurately establish an existing baseline and the conditions of the permitted and unpermitted structures in Carpinteria.

I.54-7 Unless odor and quality of life issues including transportation impacts can be properly addressed in the project in the Toro Canyon and the Carpinteria area, I suggest that cannabis cultivation not be allowed on Ag 1 parcels, if cultivation sites are closer than 2000 feet. There also should have to be a minimum parcel size on which cultivation and other activities can occur. Alternative 3 isn't feasible as, if Williamson Act parcels were disqualified from cannabis, owners would just opt out of the tax saving program. Alternative 4 isn't isn't acceptable either as halving the number of permits is still way too many for our area. Because of the high concentration in our area, Toro Canyon and Carpinteria would still be too heavily impacted.

Comment Letter I.54 – Anna Carrillo

I.54-1 The objectives listed in Section 2.3.2 of Chapter 2, Project Description, are not listed in order of importance, but rather carry the same weight and same degree of importance. The Project is intended to balance the diverse demands for cannabis products with the public health, safety, and welfare of the community through the enactment of strong and effective regulatory and enforcement controls. The Project would protect the environment, neighborhood character, and quality of life for people and communities within the County through the establishment of appropriate land use requirements, agricultural industry support, and an improved tax base. Without regulation of cannabis activities, ongoing illegal activities would continue with their associated environmentally damaging impacts. Please also see **Master Comment Response 1 – Program Development Process** for discussion of how the Project and its objectives were developed. As discussed in Section 1.2 of Chapter 1, *Introduction*, while Section 15021(a) of the State CEQA Guidelines requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including social and economic goals, in determining whether and in what manner a project should be approved. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.54-2 In regard to the order of objectives, please refer to **Comment Response I.54-1**. The County committed to ensuring that a legal cannabis industry should operate in a manner that minimizes or avoids impacts on surrounding communities and has designed the Project and analysis within the EIR to achieve this goal. In addition, many of these comments arise from potential impacts of a largely unregulated cannabis industry, which while operating under many best management practices, has not yet been subject to full mitigation and associated monitoring for some issues such as odor control that would be imposed upon a legal licensed cannabis industry under the Project. Please see **Master Comment Response 2 – Odor Control Initiatives** for detailed response as to how the Project would require cannabis operators to handle odor complaints, and **Master Comment Response 4 – Enforcement of Cannabis Operations** for how the Project would respond to illegal or unpermitted cannabis activities.

I.54-3 This comment concerns the use of the term "sensitive receptor" and its varied meaning related to state and local cannabis laws and general usage in planning and environmental analysis. For detailed response to comments and concerns related to the definition of sensitive receptors, please refer to **Comment Response L.2-9.**

I.54-4 The County acknowledges the commenter's concerns and notes that both the Project and EIR address light pollution, and contain standards and mitigation measures to reduce or avoid any potential impacts. For example, *all lighting shall be shielded to prevent light trespass* into the night sky and/or glare onto lots other than the lots that constitute the project site or rights-of-way (see Section 2.3.3, *Proposed Development Standards*). Impact AV-1 of Section 3.1, *Aesthetics and Visual Resources*, acknowledges lighting issues associated with cannabis cultivation. However, as stated above, the Project requires that all lighting shall be shielded to prevent light trespass into the night sky and/or glare onto lots other than the lots that constitute the cultivation site or rights-of-way, and that greenhouses using artificial light shall be completely shielded between sunset and sunrise. This requirement would eliminate the

potential for light spillover from cultivation using artificial light during the night within greenhouses. In addition, the County does not permit lighting within hoop structures, so cannabis cultivation within hoop structures would not have adverse aesthetic effects from lighting under the Project. Additionally, the LUDC, MLUDC, and CZO would further regulate artificial lighting. Further, Impact AV-1 has been amended to include the provision that any outdoor light used for illumination of parking areas and/or loading areas, or for security, shall be arranged in a manner to be fully shielded, downlit, and emit no light rays above the horizontal plane, effectively eliminating potential for substantial new amounts of light or glare. Thus, lighting from cannabis activities would have a *less than significant* impact under the Project.

I.54-5 This comment regarding a separate map of Carpinteria and Toro Canyon as its own region does not raise a significant environmental issue for which a response is required. As discussed in Section 2.2.2, *County Cannabis Regions*, the five regions of the County are based on census tract boundaries and generalized distinctions based on topographic, watershed, and climatic conditions. These regions are used as the geographic basis for this Project for planning purposes and to identify the unique characteristics of different areas of the County. The five regions offer generalized location similarities that are used to facilitate Project data and impact analysis within the EIR.

Impact LU-2 acknowledges that implementation of the Project could in result impacts to existing nearby residential communities and to agricultural, commercial, and industrial areas or business parks. However, perceived land use compatibility concerns of the public which may arise from characteristics specific to cannabis and the cannabis industry or the operation of licensed cannabis sites are not related to land use compatibility, but to overall *neighborhood* compatibility. Rather than addressing neighborhood compatibility in Impact LU-2, potential neighborhood compatibility impacts are discussed throughout the impact analyses provided in Sections 3.1 through 3.14, including those from air quality and odors, noise, neighborhood character and crime, traffic/parking, and population and housing. As provided in the analyses contained therein, the regulations, restrictions, and development standards included in the Project, including zoning restrictions, development standards, such as setbacks from sensitive uses, and prohibitions on noise and odor generation that can be perceived offsite, would regulate cannabis activities and restrict the potential for neighborhood incompatibility. However, the EIR conservatively concludes that impacts of the Project on the environment and local area from the operation of licensed cannabis activities would continue to occur and would remain significant and unavoidable. With regard to consideration of impacts associated with implementation of such regulations and standards, as well as **MM LU-1**, *Public Lands Restriction*, which would resolve land use conflicts with public lands, impacts would be less than significant with mitigation. With regard to neighborhood compatibility within EDRN areas and the inclusion of requirements for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**. Please also refer to **Comment Response I.54-2**.

I.54-6 With regard to the EIR's programmatic analysis of Project impacts on traffic, transportation, and circulation, please refer to **Comment Response L.2-32.**

I.54-7 For comments and concerns relating to the discussion and identification of the environmental baseline conditions utilized for analysis in this EIR, please refer to **Comment Response L.2-2.** With regard to comments concerning the selection of Project alternatives, please refer to

Comment Response L.2-58. Precluding cannabis activities from AG-I areas that have well developed and sophisticated existing agricultural infrastructure such as state of the art greenhouse, packing, and shipping facilities would potentially increase new development in less developed rural areas of the County on AG-II lands to support permitted cultivation, for those operations which continue within the County. While the reduction of current and future cultivation sites under this Alternative would potentially result in fewer environmental impacts in some areas of the County due to reduced land use compatibility and odor concerns, other environmental impacts such as loss of habitat, visual intrusion into sensitive viewshed, and water quality impacts would potentially increase in these areas. Cultivation uses would potentially also result in grazing land conversion to cultivation construction of processing, packaging, distribution, and manufacturing uses with associated impacts (e.g., increased water demand). In summary, by not accommodating a substantial proportion of existing cannabis activities and proposed expansion area as represented in the License Registration data, Alternative 1 would potentially result in greater environmental impacts to some resources than the proposed Project. Comments in support of and recommending adoption of one of the Project alternatives are best addressed towards County decision-makers and will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Helen Daniels <hddaniels@gmail.com>

Sent: Thursday, November 16, 2017 1:54 PM

To: Cannabis Info

Subject: County Cannabis DEIR Comments

I.55-1

My family has agricultural land in the Williamson Act. We leased for many years to the Bodgers Seed Company to grow flower and seed. They were responsible and provided us with a decent income. Competition from foreign markets drove them out of business. We struggled for many years leasing at substantially lower leasing rate to a series of farmers that weren't as responsible with the use of our land or their rent. In some cases they created numerous environmental problems and abandoned their operation, leaving us with the expense of cleaning it up.

Having access to a legal, regulated marijuana industry that could lease our property would fulfill a long term need to provide us with adequate income and the peace of mind having an environmentally responsible business.

I believe the alternatives recommended in the environmental impact report are not based on any practical, logical environmental needs and only work to stifle the growth of a responsible, economically boosting industry that this County needs.

I strongly urge you to not consider any of the EIR alternatives and create an ordinance that will support, not hinder, the marijuana industry.

Sincerely,

John Thacker

Vandenberg Village

Comment Letter I.55 – John Thacker

I.55-1 This comment addresses the merits of the Project and its alternatives and does not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Helen Daniels <hddaniels@gmail.com>

Sent: Thursday, November 16, 2017 1:56 PM

To: Cannabis Info

Subject: County Cannibis DEIR Comments

I have been paying attention to the County meetings on drafting a cannabis ordinance and I see some serious flaws with Alternative Options 2 and 3 offered in the draft EIR:

I.56-1

My family has a stake in agricultural land in this County and they have been able to keep their property in the Williamson Act contract for about 50 years. I've worked locally in the wine industry for many years and have seen the industry's rapid growth and the conversion of food crops into grape crops for wine production. This growth is preserving acres of agricultural land as open space, picturesque in fact, but also has significant impact on water, waste disposal, power and traffic. The potential growth of a marijuana industry here would be much, much smaller, just a tiny fraction, compared to the wine industry with a much smaller footprint in terms of environmental impact. And I'd like to see a certifiable, responsible industry develop in this County, along with all the benefits of jobs and much needed County income, instead of the numerous hidden farms that don't follow any statutes and sell untested products that get in the hands of both adults and minors.

Both Alternative options work against the goal of an honest, responsible industry that can bring jobs, income and help sustain our agricultural economy. Please do not consider either of these options while you draft an ordinance for the County.

Thank you,

Helen Daniels

Vandenberg Village

Comment Letter I.56 – Helen Daniels

I.56-1 Comments and concerns addressing the appropriateness of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* do not identify any inadequacies in the environmental analysis of this EIR and are best addressed towards County decision-makers. Ultimately, the Board has the approval authority for the proposed Project or its alternatives and will consider all information in the Final EIR and related documents before making a decision on the Project. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

Individual

Jessica Metzger
123 East Anapamu Street
Santa Barbara, CA 93101

Transmitted via email: *cannabisinfo@countyofsb.org*

State Clearing House No. 2017071016
County EIR No. 17EIR-00000-0003

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR). We are an existing cannabis cultivation operator using pre-existing greenhouse infrastructure for our operations. Our operations are generally much less impactful than previous cut flower operations especially in the areas of reduced traffic and the fact that we do not use pesticides.

We'd like to thank all those involved in preparing the DEIR, but wanted to identify a couple areas that need additional consideration.

I.57-1

1) Environmental Impacts identified in the DEIR are inaccurate

Several impacts identified in the DEIR, especially those that are Class I, significant unavoidable, need to be carefully reconsidered and corrected to reconcile the difference of impacts from pre-existing infrastructure vs. new construction. The DEIR appears to not draw any distinction here and inaccurately over estimates and inflates the level of impacts from commercial cannabis operations, much of which will use pre-existing infrastructure in Santa Barbara County. For example, it's preposterous to conclude that what is ostensibly a crop change from cut flowers to cannabis in pre-existing greenhouses will create new Class I impacts or any new environmental impacts. **The impacts analysis throughout the DEIR must be corrected to not misappropriate impacts from pre-existing operations and infrastructure into being "new" impacts.**

I.57-2

2) The Preferred Alternative 3 needs significant modification

The reduced registrants alternative lacks sound methodology and depends on the Registry data that likely does not accurately reflect the existing and potential of the cannabis industry in Santa Barbara County. Many people did not participate in the Registry and because of pending state legislation and regulations applicants that applied for the Registry did not fully have complete knowledge as to the number of licenses they would be seeking because the State rules were not final at the time of submission to the Registry. For example, we now realize that most operators will be required to have distribution licenses for ANY transport of their product. In addition, there will be numerous mixed light license types (3) requested to take advantage of pre-existing infrastructure and we do not believe the Registry accurately reflects the right number of licenses that we now know the State will require to comply with canopy limits. We anticipate having a number of licenses for a large

greenhouse facility and will develop a premises map according to State regulation. However, for business purposes and compliance with State regulations, whether we break up the greenhouse up into 20 licenses or 10 licenses has no relevance to environmental impacts. This alternative also does not consider that impacts associated with previous non-cannabis greenhouse operations were more impactful that cannabis operations. The methodology of reducing the total number of licenses by 50% of the registry is flawed as it does not take into appropriate consideration that most of the mixed light licenses will be for pre-existing greenhouse infrastructure and have little to no impacts.

I.57-2

We would suggest the Preferred Alternative 3 be modified to apply a "reduced registrants" of the total number of licenses from the Registry on only new development (not pre-existing infrastructure) and supplement this with a policy that would preference licenses that utilize pre-existing infrastructure over new construction as a much more accurate methodology of reducing environmental impacts. Applying such a drastic reduction (50%) in the number of anticipated licenses from the Registry cannot be reasonably supported as reducing environmental impacts when a vast majority of the applicants in the Registry were utilizing pre-existing infrastructure and will operate in ways less impactful that previous cut-flower operations.

Thank you for consideration of these comments. We appreciate the timeliness of this effort and are convinced with minor modifications to the DEIR pursuant to our comments above the Final EIR will support the County's adoption of a cannabis ordinance an accurately consider environmental impacts and make appropriate recommendations for mitigation.

Sincerely,

Hans Brand
Autumn Brands, LLC

Comment Letter I.57 – Hans Brand

I.57-1 The commenter claims in this comment that the EIR has identified "misappropriate" impacts and "inaccurately over estimates and inflates the level of impacts." The EIR does not over estimate or inflate the level of impacts and does not need to reconsider or revise the analysis based on these conclusions. The EIR presents a reasonable conservative analysis that estimates the level of impacts considering the maximum level of activity and expansion under the Project, and does not need to be corrected. As discussed in Section 3.0.2, *Assessment Methodology*, as a new industry with limited available data on existing and projected activities, the potential for future expansion of the cannabis industry cannot be fully predicted. Utilizing the raw 2017 Cannabis Registry data, with some potential for duplication and self-reporting biases, the demand for new cannabis canopy coverage would be approximately 730 acres, for a total of approximately 1,126 acres, representing an increase of 284 percent. While it is anticipated that a majority of this acreage would occur within existing eligible agricultural, commercial, and industrial zoned areas, resulting in some potential for conversion from one crop type or use to another, the EIR is designed to assess a conservative but reasonably foreseeable scenario. Therefore, the EIR analyzes the maximum level of activity and expansion under the Project in order to characterize the level of impacts that would potentially occur.

I.57-2 With regard to consideration of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* please refer to **Comment Response L.2-58.**

Individual

Jessica Metzger
123 East Anapamu Street
Santa Barbara, CA 93101

Transmitted via email: *cannabisinfo@countyofsb.org*

State Clearing House No. 2017071016
County EIR No. 17EIR-00000-0003

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR). We are an existing cannabis cultivation operator using pre-existing greenhouse infrastructure for our operations.

We'd like to thank all those involved in preparing the DEIR, but wanted to identify a few areas that need additional consideration.

I.58-1

1) <u>The Preferred Alternative 3 needs modification</u>

The reduced registrants alternative lacks sound methodology and depends on the Registry data that likely does not accurately reflect the existing and potential of the cannabis industry in Santa Barbara County. Many people did not participate in the Registry and because of pending state legislation and regulations applicants that applied for the Registry did not fully have complete knowledge as to the number of licenses they would be seeking because the State rules were not final at the time of submission to the Registry. For example, we now realize that most operators will be required to have distribution licenses for ANY transport of their product. In addition, there will be numerous mixed light license types (3) requested to take advantage of pre-existing infrastructure and we do not believe the Registry accurately reflects the right number of licenses that we now know the State will require to comply with canopy limits. We anticipate having a number of licenses for a large greenhouse facility and will develop a premises map according to State regulation. However, for business purposes and compliance with State regulations, whether we break up the greenhouse up into 20 licenses or 10 licenses has no relevance to environmental impacts. This alternative also does not consider that impacts associated with previous non-cannabis greenhouse operations were more impactful that cannabis operations. The methodology of reducing the total number of licenses by 50% of the registry is flawed as it

does not take into appropriate consideration that most of the mixed light licenses will be for pre-existing greenhouse infrastructure and have little to no impacts.

I.58-1 **We would suggest the Preferred Alternative 3 be modified to apply a 20% reduction of the total number of licenses from the Registry and supplement this with a policy that would preference licenses that utilize pre-existing infrastructure over new construction as a much more accurate methodology of reducing environmental impacts.** Applying such a drastic reduction (50%) in the number of anticipated licenses from the Registry cannot be reasonably supported as reducing environmental impacts when a vast majority of the applicants in the Registry were utilizing pre-existing infrastructure and will operate in ways less impactful that previous cut-flower operations.

2) Environmental Impacts identified in the DEIR are inaccurate

I.58-2 Several impacts identified in the DEIR, especially those that are Class I, significant unavoidable, need to be carefully reconsidered and corrected to reconcile the difference of impacts from pre-existing infrastructure vs. new construction. The DEIR appears to not draw any distinction here and inaccurately over estimates and inflates the level of impacts from commercial cannabis operations, much of which will use pre-existing infrastructure in Santa Barbara County. For example, it's preposterous to conclude that what is ostensibly a crop change from cut flowers to cannabis in pre-existing greenhouses will create new Class I impacts or any new environmental impacts. The impacts analysis throughout the DEIR must be corrected to not misappropriate impacts from pre-existing operations and infrastructure into being "new" impacts.

Thank you for consideration of these comments. We appreciate the timeliness of this effort and are convinced with minor modifications to the DEIR pursuant to our comments above the Final EIR will support the County's adoption of a cannabis ordinance an accurately consider environmental impacts and make appropriate recommendations for mitigation.

Sincerely,

Graham Farrar
G & H Supply Company

Comment Letter I.58 – Graham Farrar

I.58-1 With regard to consideration of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* please refer to **Comment Response L.2-58.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.58-2 The commenter claims in this comment that the EIR has identified "misappropriate" impacts and "inaccurately over estimates and inflates the level of impacts." The EIR does not over estimate or inflate the level of impacts and does not need to reconsider or revise the analysis based on these conclusions. The EIR presents a reasonable conservative analysis that accurately estimates the level of impacts considering the maximum level of activity and expansion under the Project, and does not need to be corrected. As discussed in Section 3.0.2, *Assessment Methodology*, as a new industry with limited available data on existing and projected activities, the potential for future expansion of the cannabis industry cannot be fully predicted. Utilizing the raw 2017 Cannabis Registry data, with some potential for duplication and self-reporting biases, the demand for new cannabis canopy coverage would be approximately 730 acres, for a total of approximately 1,126 acres, representing an increase of 284 percent. While it is anticipated that a majority of this acreage would occur within existing eligible agricultural, commercial, and industrial zoned areas, resulting in some potential for conversion from one crop type or use to another, the EIR is designed to assess a conservative but reasonably foreseeable scenario. Therefore, the EIR analyzes the maximum level of activity and expansion under the Project in order to characterize the level of impacts that would potentially occur.

Individual

Jessica Metzger
123 East Anapamu Street
Santa Barbara, CA 93101

Transmitted via email: *cannabisinfo@countyofsb.org*

State Clearing House No. 2017071016
County EIR No. 17EIR-00000-0003

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR). We are an existing cannabis cultivation operator using pre-existing greenhouse infrastructure for our operations. Our operations are generally much less impactful than previous cut flower operations especially in the areas of reduced traffic and the fact that we do not use pesticides.

We'd like to thank all those involved in preparing the DEIR, but wanted to identify a few areas that need additional consideration.

1) <u>The Preferred Alternative 3 needs significant modification</u>

I.59-1

The reduced registrants alternative lacks sound methodology and depends on the Registry data that likely does not accurately reflect the existing and potential of the cannabis industry in Santa Barbara County. Many people did not participate in the Registry and because of pending state legislation and regulations applicants that applied for the Registry did not fully have complete knowledge as to the number of licenses they would be seeking because the State rules were not final at the time of submission to the Registry. For example, we now realize that most operators will be required to have distribution licenses for ANY transport of their product. In addition, there will be numerous mixed light license types (3) requested to take advantage of pre-existing infrastructure and we do not believe the Registry accurately reflects the right number of licenses that we now know the State will require to comply with canopy limits. We anticipate having a number of licenses for a large greenhouse facility and will develop a premises map according to State regulation. However, for business purposes and compliance with State regulations, whether we break up the greenhouse up into 20 licenses or 10 licenses has no relevance to environmental impacts. This alternative also does not consider that impacts associated with previous non-cannabis greenhouse operations were more impactful that cannabis operations. The methodology of reducing the total number of licenses by 50% of the registry is flawed as it does not take into appropriate consideration that most of the mixed light licenses will be for pre-existing greenhouse infrastructure and have little to no impacts.

We would suggest the Preferred Alternative 3 be modified to apply a "reduced registrants" of the total number of licenses from the Registry on only new development (not pre-existing infrastructure) and supplement this with a policy that would preference

I.59-1 **licenses that utilize pre-existing infrastructure over new construction as a much more accurate methodology of reducing environmental impacts.** Applying such a drastic reduction (50%) in the number of anticipated licenses from the Registry cannot be reasonably supported as reducing environmental impacts when a vast majority of the applicants in the Registry were utilizing pre-existing infrastructure and will operate in ways less impactful that previous cut-flower operations.

2) Environmental Impacts identified in the DEIR are inaccurate

I.59-2 Several impacts identified in the DEIR, especially those that are Class I, significant unavoidable, need to be carefully reconsidered and corrected to reconcile the difference of impacts from pre-existing infrastructure vs. new construction. The DEIR appears to not draw any distinction here and inaccurately over estimates and inflates the level of impacts from commercial cannabis operations, much of which will use pre-existing infrastructure in Santa Barbara County. For example, it's preposterous to conclude that what is ostensibly a crop change from cut flowers to cannabis in pre-existing greenhouses will create new Class I impacts or any new environmental impacts. **The impacts analysis throughout the DEIR must be corrected to not misappropriate impacts from pre-existing operations and infrastructure into being "new" impacts.**

Thank you for consideration of these comments. We appreciate the timeliness of this effort and are convinced with minor modifications to the DEIR pursuant to our comments above the Final EIR will support the County's adoption of a cannabis ordinance an accurately consider environmental impacts and make appropriate recommendations for mitigation.

Sincerely,

Kelly Clenet
Green House Processing and Supply

Comment Letter I.59 – Kelly Clenet

I.59-1 With regard to consideration of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* please refer to **Comment Response L.2-58.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.59-2 The commenter claims in this comment that the EIR has identified "misappropriate" impacts and "inaccurately over estimates and inflates the level of impacts." The EIR does not over estimate or inflate the level of impacts and does not need to reconsider or revise the analysis based on these conclusions. The EIR presents a reasonable and conservative analysis that accurately estimates the level of impacts considering the maximum level of activity and expansion under the Project, and does not need to be corrected. As discussed in Section 3.0.2, *Assessment Methodology*, as a new industry with limited available data on existing and projected activities, the potential for future expansion of the cannabis industry cannot be fully predicted. Utilizing the raw 2017 Cannabis Registry data, with some potential for duplication and self-reporting biases, the demand for new cannabis canopy coverage would be approximately 730 acres, for a total of approximately 1,126 acres, representing an increase of 284 percent. While it is anticipated that a majority of this acreage would occur within existing eligible agricultural, commercial, and industrial zoned areas, resulting in some potential for conversion from one crop type or use to another, the EIR is designed to assess a conservative but reasonably foreseeable scenario. Therefore, the EIR analyzes the maximum level of activity and expansion under the Project in order to characterize the level of impacts that would potentially occur.

Individual

Jessica Metzger
123 East Anapamu Street
Santa Barbara, CA 93101

Transmitted via email: *cannabisinfo@countyofsb.org*

State Clearing House No. 2017071016
County EIR No. 17EIR-00000-0003

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We'd like to thank all those involved in preparing the DEIR, but wanted to identify a few areas that need additional consideration.

I.60-1

1) <u>The Preferred Alternative 3 needs modification</u>
The reduced registrants alternative lacks sound methodology and depends on the Registry data that likely does not accurately reflect the existing and potential of the cannabis industry in Santa Barbara County. Many people did not participate in the Registry and because of pending state legislation and regulations applicants that applied for the Registry did not fully have complete knowledge as to the number of licenses they would be seeking because the State rules were not final at the time of submission to the Registry. For example, we now realize that most operators will be required to have distribution licenses for ANY transport of their product. In addition, there will be numerous mixed light license types (3) requested to take advantage of pre-existing infrastructure and we do not believe the Registry accurately reflects the right number of licenses that we now know the State will require to comply with canopy limits. We anticipate having a number of licenses for a large greenhouse facility and will develop a premises map according to State regulation. However, for business purposes and compliance with State regulations, whether we break up the greenhouse up into 20 licenses or 10 licenses has no relevance to environmental impacts. This alternative also does not consider that impacts associated with previous non-cannabis greenhouse operations were more impactful that cannabis operations. The methodology of reducing the total number of licenses by 50% of the registry is flawed as it does not take into appropriate consideration that most of the mixed light licenses will be for pre-existing greenhouse infrastructure and have little to no impacts.

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much more accurate methodology of reducing environmental impacts. Applying such a drastic reduction (50%) in the number of anticipated licenses from the Registry cannot be reasonably supported as reducing environmental impacts when a vast majority of the applicants in the Registry were utilizing pre-existing infrastructure and will operate in ways less impactful that previous cut-flower operations.

I.60-1

2) Environmental Impacts identified in the DEIR are inaccurate

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I.60-2

Thank you for consideration of these comments. We appreciate the timeliness of this effort and are convinced with minor modifications to the DEIR pursuant to our comments above the Final EIR will support the County's adoption of a cannabis ordinance an accurately consider environmental impacts and make appropriate recommendations for mitigation.

Sincerely,

Michael Palmer
P&B Land LLC

Comment Letter I.60 – Michael Palmer

I.60-1 With regard to consideration of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* please refer to **Comment Response L.2-58.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.60-2 The commenter claims in this comment that the EIR has identified "misappropriate" impacts and "inaccurately over estimates and inflates the level of impacts." The EIR does not over estimate or inflate the level of impacts and does not need to reconsider or revise the analysis based on these conclusions. The EIR presents a reasonable and conservative analysis that accurately estimates the level of impacts considering the maximum level of activity and expansion under the Project, and does not need to be corrected. As discussed in Section 3.0.2, *Assessment Methodology*, as a new industry with limited available data on existing and projected activities, the potential for future expansion of the cannabis industry cannot be fully predicted. Utilizing the raw 2017 Cannabis Registry data, with some potential for duplication and self-reporting biases, the demand for new cannabis canopy coverage would be approximately 730 acres, for a total of approximately 1,126 acres, representing an increase of 284 percent. While it is anticipated that a majority of this acreage would occur within existing eligible agricultural, commercial, and industrial zoned areas, resulting in some potential for conversion from one crop type or use to another, the EIR is designed to assess a conservative but reasonably foreseeable scenario. Therefore, the EIR analyzes the maximum level of activity and expansion under the Project in order to characterize the level of impacts that would potentially occur.

Individual

From: k bell <karend2000@hotmail.com>
Sent: Thursday, November 16, 2017 2:59 PM
To: Cannabis Info
Cc: k bell
Subject: Draft EIR input

Good afternoon,

First, thank you for your time and support with the cannabis industry and as a small business, I look forward to the outcomes and remaining compliant with the regulations.

Regarding the Draft EIR, my comments are:

I.61-1
Alternative 3 – reduced registrants seriously concerns me. As a small business, I would anticipate that my company would be one of the ones that would not receive a license as we do not compete with some of the larger cultivation farms in the county. This would seriously impact and encourage the black market and would not generate the applicable tax from all growers.

I.61-2
Alternative 1 – exclusion of cannabis from ag-1 zone district. My cultivation is on Ag-1 land along with other crops (avacado) and this alternative would put me out of the business.

Thank you for your time and allowing the business owners to provide input.
Karen Bell

Comment Letter I.61 – Karen Bell

I.61-1 As described in Chapter 4, *Alternatives Analysis*, under Alternative 3 – Reduced Registrants Alternative, existing operators identified in the 2017 Cannabis Registry would be prioritized for licensing under this alternative, which would substantially reduce the net new buildout, while allowing for limited growth. Therefore, if the commenter is included in the 2017 Cannabis Registry, they would have priority in receiving a license under the Project, regardless of size of operation.

I.61-2 Comments in support of the Project or its alternatives are best addressed towards County decision-makers. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Kyle Wolf <kylejwolf@gmail.com>

Sent: Thursday, November 16, 2017 4:20 PM

To: Cannabis Info

Subject: EIR Draft Program

Kyle Wolf

[redacted]

Santa Ynez Ca, 93460

November 16, 2017

Jesica Metzger

Project Manager

Santa Barbara County Planning Commission

123 E. Anapamu Street

Santa Barbara Ca, 93101

Hello Jesica,

I.62-1

I would like to start by thanking you for all the hours of hard work you have committed so far to the ordinance development process. My family has lived in the Santa Ynez Valley for three generations. We have created thousands of jobs throughout Santa Barbara County over the last forty five years. Our combined business interests have created tens of millions of dollars of taxable income right here in Santa Barbara County. I am a huge supporter of legalized cannabis. Last year my fiancé and I purchased a five acre crop field in Santa Ynez in hopes of cultivating cannabis. This particular parcel met all requirements set forth in the County Cannabis Registry. Including the question designed for five and ten acre parcels regarding set backs from public roads. I believe these roads are described as public easement roads in the unincorporated parts of Santa Barbara County. There is no house on this parcel, so the only legal use is agriculture considering it is an AG - I zoned parcel. This property is also located within the Right to Farm Act. It is hard for me to believe that this County would ignore the rights set forth and protected under this act. Just because they believe five acres is to small to grow a crop that has to tested every ten pounds.

All of the project Alternatives would cripple this new and legally complicated industry.

I.62-2

1. Alternate 1, Exclusion of Cannabis Activities from AG - I Zoned District.

This is completely unacceptable, at least 58% of the current County growers are located on AG - I lands. This County cannot turn their backs on the rich agricultural history that has made this County great. By insulting the very same farmers and farms by blocking them out from the largest boon to the local agriculture sector in history. All cannabis activities should be approved on all AG - I zoned properties.

A) Distribution should be permitted on AG - I parcels.

B) Third party compliance testing labs should be permitted on AG - I parcels.

C) Closed loop ethanol extractors should be allowed on all AG - I parcels that have appropriate buildings and facilities. Within close proximity to a fire hydrant.

I.62-3

2. Alternate 2, Preclusion of cannabis Activities from Williamson Act Land.

Cannabis is an agricultural based business. It is ridiculous that this is even in the running. Would the Santa Barbara County chapter of The Williamson Act really ignor the largest cash crop in history just to please the old guard who currently make their lives easier. Cannabis will reignite the agriculture sector. Cannabis will keep the Williamson act alive. God knows they desperately need the money.

I.62-4

3. Alternate 3, Reduced Registrants.

No cap on total canopy production should be considered. Simply because it is bad for business. Santa Barbara County is broke and according to Supervisor Peter Adam it will be bankrupt within five years. Its like the state of California put a giant free ATM machine in the middle of the Courthouse Building's courtyard for the County to use. However Supervisor Janet Wolf wants it taken away because she doesn't like the color. Yet at the same time she refuses the necessary budget cuts. Come on guys there is nothing coming down the pipeline fast enough to

I.62-4

combat complete financial ruin of this County except cannabis. The County should look at cannabis permits like high interest loans that never get paid off. This opportunity will benefit the community by generating significant municipal income through new taxes. The combined County cannabis tax haul cold be at least 30 million dollars next year if the County plays their cards right .

I.62-5

In closing I would like express that it is very important for the County to get this right. Because if the County doesn't prosper why allow it. After going to all of the County related cannabis meeting this year I am still very excited about the future of the cannabis industry in Santa Barbara County. So much so that we are in escrow on a second property this time it is zoned AG - II. Partially because Supervisor Adam scarred me into it. Realistically because we see the enormous profit potential of doing business in Santa Barbara County when everyone is on the same page and the entire community can prosper.

Thank you for your time.

Sincerely,

Kyle Wolf

Comment Letter I.62 – Kyle Wolf

I.62-1 This comment addresses the merits of the Project and its alternatives and does not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. With regard to consideration of the County Right to Farm Act, please refer to **Master Comment Response 5 – Right to Farm Consideration.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.62-2 Comments and concerns addressing the appropriateness of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* do not identify any inadequacies in the environmental analysis of this EIR and are best addressed towards County decision-makers. Ultimately, the Board has the approval authority for the proposed Project or its alternatives and will consider all information in the Final EIR and related documents before making a decision on the Project. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

I.62-3 With regard to comments and concerns pertaining the Project alternatives, please refer to **Comment Response L.62-2.**

I.62-4 With regard to comments and concerns pertaining the Project alternatives, please refer to **Comment Response L.62-2.**

I.62-5 It is a long-standing goal and objective of the County to establish and adopt accurate, feasible, effective, and beneficial regulations to allow for well-planned use of County lands and economic prosperity throughout the County while ensuring the protection of the population and natural environment. All comments received from the public are appreciated and will be included as part of the administrative record and made available to the decision-makers for their consideration prior to final decision on the proposed Project.

Santa Barbara Organics
Loren Luyendyk, Owner
805-452-8249
loren@sborganics.com
www.sborganics.com
ISA Certified Arborist # WE 7805A
Certified Permaculture Design and Education

To:
Jessica Metzger
By email to cannabisinfo@countyofsb.org
Santa Barbara County
Planning and Development Department
Long Range Planning Division
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: **Comments on the SB County Draft EIR for Cannabis Lad Use Ordinance and Licensing Program:**

Dear Ms. Metzger,

I.62-1
I am a local business owner who operates in the agricultural sector as a designer, consultant, and manager. I have been in business as Santa Barbara Organics since 1999 providing these services to homeowners, farmers, and ranchers. I am a Certified Arborist and Permaculture Designer and currently live on agricultural property on the Gaviota Coast.

I have also worked on the periphery, and most recently directly in the Cannabis industry as a consultant. I am aware of "both sides" of the industry- legal and illegal. I foresee significant potential growth in this industry and also significant potential benefits to the County and its inhabitants should we design a robust and forward leading ordinance that embraces Organic and Regenerative Agricultural practices.

For more information on the draft Regenerative Agriculture Certification and Standards see this link:
https://rodaleinstitute.org/regenerativeorganic/

Regardless, I have significant concerns similar to the County with respect to Agricultural Resources, Air Quality, Biological Resources, and Water Quantity and Quality. Below I address each impact as stated in the DEIR and provide a Solution and Environmentally Superior Alternative.

Comments Specific to the DEIR:

1. Propose an Alternative 4:
   a. Limit Cannabis operations to existing prime farmland (Zoned AG2) currently or historically (in last 10 years) under intensive cultivation (land is already cleared, graded, irrigated). Any conversion of grazing land to intensive cultivation will require an agricultural development permit similar to vineyards and will be capped.

I.63-2

2. Agricultural Resources: Disagree that Impact AG-2 is significant and unavoidable. Could reduce to *less than significant*. Currently berry operations install the majority of hoop houses and do so on prime and non-prime farmland with no restrictions (?). (If Cannabis will be restricted then berries should be too.)
   a. Solution: Include a requirement that temporary structures are allowed (no electric) but not permanent greenhouses with foundations and utilities (water and electric).

I.63-3

I.63-3

b. Do not allow paving or covering of prime agricultural soils with permanent materials such as gravel or road base except for access roads.

3. Air quality: All air quality impacts can be reduced *(to less than significant?)* with requirements for growers.
    a. Tree planting: New and existing cannabis operations shall plant trees as a mitigation effort commensurate with the operations' estimated GHG emissions. Tree plantings should be hedgerows and buffer strips surrounding cultivation areas and access roads (where feasible), which filter out dust and particulates, as well as noise. These plantings also have the benefit of providing habitat for birds and insects, and can be part of a Bio-Swale system to reduce or eliminate storm water runoff and improve groundwater recharge.

I.63-4

    b. Alternative fuels: The County can provide incentives for growers to use alternative fuels (biodiesel, CNG) and electric vehicles for transportation of labor and product- ie reduced tax rates.

4. Biological Resources: We suggest that the county give the mitigation more teeth with not only Habitat Protection Plans, but also include requirements for new and existing operations to provide habitat restoration and plant native plants in buffer strips as outlined above. Native plants can be trees and perennial shrubs, which provide habitat, sequester CO2, catch dust and particulates, improve storm water retention and infiltration, and reduce noise and odors.

I.63-5

5. Hazards and Hazardous Materials: Disagree that Impact HAZ-3 is less than significant with mitigation. I feel that even with a "Volatile Manufacturing Employee Training Plan" the use of hazardous materials will have significant impacts on the local water and biological resources (just as conventional agriculture currently does, mainly from fertilizers and biocides). Many growers who are now (and will be) operating in the county came from illegal operations and are used to growing in a completely different context- one that requires chemical intervention to ensure a quality product in a short amount of time in soilless and/or less than ideal conditions. Hence, many growers apply far too much fertilizer and overuse biocides, as they are used to dealing with challenging conditions. Furthermore many are growing in containers with purchased commercial potting soil that leaches nutrients when irrigated.

I.63-6

    a. Cannabis operations could be required or incentivized to be Certified Organic and/or use only organically approved materials (NOP standards). At minimum the County can provide Best Management Practices to growers that include recommended fertilization regimens, and could require that growers use soil and/or leaf sampling to determine their nutrient demands. Bio-Swales should be required to mitigate storm water runoff.

6. Hydrology and Water Quality Impacts: See above for commentary on Bio-Swales, which have a multiple use and benefit. The County can and should require that new and existing Cannabis operations have bio-swales in place to mitigate water quality issues and recharge groundwater (also helps operations be in compliance with the Regional Water Quality Control Board's regulations for irrigated agriculture and effectively functions as a Storm Water Management Plan). Most operations should be able to implement bio-swales if the operation is on Prime Agricultural farmland (usually not sloped and also has good access). With reference to water quantity and quality, bio-swales:

I.63-7

    a. Catch and store runoff water and serve as infiltration basins for groundwater recharge
    b. Remove pollutants such as fertilizers, biocides, and heavy metals with the appropriate design and utilization of plant, fungal, and microbial remediation

Conclusion and Final Thoughts:

I.63-8

The County has an opportunity to require and/or incentivize that new and existing Cannabis operations are the most environmentally superior in the State and the world for that matter. By utilizing Regenerative Agricultural practices and techniques, many of the impacts associated with the Project could be reduced to *less than significant.*

Regenerative Agriculture Practices:

- Improve water and mineral cycles on agricultural lands through contour farming and soil conservation methods
- Increase effective precipitation (the percentage of rainfall which becomes available to plants and crops and that infiltrates into aquifers) by improving soil structure and proper grading of land (Bio-Swales)
- Reduce and/or eliminate net water use by selecting crops that are adapted to the local climate and by improving soil structure and water holding capacity
- Preserve and create soil through sound soil management practices
- Reduce or eliminates soil degradation and erosion caused by tillage through the use of perennial crops and no till methods

I.63-8

- Sequester carbon in the soil through Carbon Farming and organic production methods which reduce impacts of climate change
- Is based on increasing species diversity of both agricultural crops and native species for Integrated Pest Management
- Decrease reliance on agricultural chemicals such as fertilizers and biocides
- Integrate livestock that are humanely raised into crop production
- Improve economic resiliency of farming operations through diversified production
- Improve natural capital and ecosystem services on agricultural lands
- Use socially just business models like cooperatives, profit sharing, and nested enterprises

I.63-9

One element that I have noted that will provide many of these services and mitigate many of the impacts noted by the county is the Bio-Swale. The Bio-swale is basically a constructed wetland coupled with an infiltration or sediment basin. The engineered structural component of the Bio-Swale traps water into a basin, while plants, fungi, and microbes remediate the water (remove and metabolize pollutants) as it infiltrates into the aquifer, recharging groundwater. Many operations may be able to operate at a Net Positive Water Budget (using less water than the amount being infiltrated and captured). Furthermore the Bio-swale provided significant improvement of Air Quality and Biological Resources if designed appropriately, with ample number of plants of the right species.

I am not suggesting that the Bio-Swale is the Silver Bullet for mitigating the noted impacts, however I do think this simple technique is underutilized and provides significant mitigation as well as environmental benefits, not to mention compliance with local and State law.

Here is the Wikipedia entry for Bio-Swale. I am proposing that these structures could have a ground water recharge function as well as the removal of pollutants and silt:
https://en.wikipedia.org/wiki/Bioswale

Please feel free to contact me via email or phone to discuss further (contacts in headed of this document and in my email signature).

Respectfully-

Loren Luyendyk

Comment Letter I.63 – Loren Luyendyk

I.63-1 All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.63-2 With regard to consideration of the Project alternatives provided and analyzed in Chapter 4, *Alternatives Analysis,* please refer to **Comment Response L.2-58.** An alternative that limits cannabis operations to AG-II zoned lands would potentially increase new development in less developed rural areas of the County on AG-II lands to support permitted cultivation, for those operations which continue within the County. While the reduction of current and future cultivation sites under the commenter's proposed alternative would potentially result in fewer environmental impacts in some areas of the County, other environmental impacts such as loss of habitat, visual intrusion into sensitive viewsheds, and water quality impacts would potentially increase in these areas. Cultivation uses would potentially also result in grazing land conversion to cultivation construction of processing, packaging, distribution, and manufacturing uses with associated impacts (e.g., increased water demand). In summary, by not accommodating a substantial proportion of existing cannabis activities and proposed expansion area as represented in the License Registration data, this alternative would potentially result in greater environmental impacts than the proposed Project.

I.63-3 While inclusion of the commenter's suggested measures may potentially reduce adverse impacts to several EIR resource impacts, the measures would not necessarily reduce the significance level of any particular resource impact. Nonetheless, the measures will be considered and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.63-4 With regard to the measures provided in this comment as suggestions for inclusion in the EIR to reduce impacts of the Project, please refer to **Comment Response I.63-3.**

I.63-5 With regard to the measures provided in this comment as suggestions for inclusion in the EIR to reduce impacts of the Project, please refer to **Comment Response I.63-3.**

I.63-6 With regard to the measures provided in this comment as suggestions for inclusion in the EIR to reduce impacts of the Project, please refer to **Comment Response I.63-3.**

I.63-7 With regard to the measures provided in this comment as suggestions for inclusion in the EIR to reduce impacts of the Project, please refer to **Comment Response I.63-3.**

I.63-8 With regard to the suggested consideration and inclusion of regenerative agricultural practices, please refer to **Comment Response O.4-2** and **Comment Response O.4-3.**

I.63-9 With regard to the measures provided in this comment as suggestions for inclusion in the EIR to reduce impacts of the Project, please refer to **Comment Response I.63-3.**

Individual

From: Merrily Peebles <merpeebles@gmail.com>

Sent: Thursday, November 16, 2017 1:39 PM

To: Metzger, Jessica; Cannabis Info

Cc: Williams, Das; Bozanich, Dennis

Subject: DEIR comments

November 15, 2017

Attn: Jessica Metzger

County of Santa Barbara Planning and Development Department

Long Range Planning Division

Delivered by email : cannabisinfo@countyofsb.org

cc.: Das Williams and Dennis Bozanich

Re: Public Comment on County Cannabis Land Use Ordinance and Licensing Program Draft EIR

Dear Planners and Supervisors,

I.64-1

I am a senior living in the Carpinteria foothills and am worried about our air and our community. I have lived here 35 plus years and now Cannabis is damaging our environment. It affects our health, quality of life, and property values. The Cannabis Industry has been dropped into our neighborhoods and if it is to stay here if needs strict regulation with enforcement and heavy fines.

Odor masking will not be acceptable if it means we substitute one smell for another. Fresh clean air is a right. Please see my comments re: 3.3.8 This is the highest value crop in the history of AG. That is why new growers are pouring into our County and existing growers can't wait to legally convert so they grow anyway.

Attached I have attempted to respond to various points of the DEIR. It is complicated. Ultimately *Proposed Ordinances Appendix B, page 17, Odor #4* is laughable. This is a non ordinance. There is no substance to it. It is a wonder that this is the best the DEIR can come up with. There are many flaws in this report. I only have time to highlight the most essential for me.

Also, the students and youths are not "sensitive receptors"-that sounds like a machine. All residents, visitors and workers in CV are human and we all have the same need, clean air. As a result of reading this draft report, I feel the County should *greatly limit* the number of growers and acres in Carpinteria, probably to less then now exist until order is achieved. It is best to start small and get a handle on the situation. My comments are in red, hope that is OK?

Thank you,

MerrilyPeebles

La Mirada, Carpinteria

The Purpose of the EIR as codified in the CEQA Statutes states "To identify ways that environmental damage can be avoided or To prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures."

I.64-2

The Environmental Effects of cannabis cultivation and manufacturing are **not adequately covered** in this DEIR. Air pollution from the flowering plants, increased water usage with resulting stress on the water table, and the potential for more greenhouses are mentioned but glossed over. All of this affects the environment in Carpinteria. From Cate School to the Polo Fields, cannabis odor is evident. And we do not want perfume.

The Project

I.64-3

Holding in mind the Purpose of the EIR and the objectives of the CEQA, "to enhance and to provide long-term protection of the environment," the Project terminology is backwards. The Project places the environment second to cannabis demand and quality, issues the county really don't need to concern themselves with. Cannabis is in high demand and the quality of the product is a business issue. Does the County concern itself with the quality of a Gerber daisy? The project places environment and quality of life as an "also."

The Project would also provide County-specific regulations addressing cannabis-licensing activities in the unincorporated portions of the County while providing standards to address neighborhood compatibility concerns, adequacy of services and utilities, and protection of natural resources.

I.64-4

The "project" **does not provide adequate regulations** for licensing in the county. The DEIR recommends a neighbor within 1000 feet of a grow will be given the phone number of the grower and can complain to him. That is not adequate OAP. If the county will allow the growing of cannabis, and the community recognizes that odor is the major problem residents (and visitors) must put up with, then the County needs an enforcement phone number and dedicated officers to inspect and enforce odor control in a timely manner.
Neighborhood compatibility is a great issue, but not covered in this report.

ES-3 Summary of Project Objectives

I.64-5

3. Regulatory Program

What is the regulatory program? The Cannabis business is growing day-by-day. This highlights the need for strict regulations. The County must be responsible for rules and enforcement.

6. Cannabis and natural environment

The natural environment is the air we breathe, help!

8.Land use requirements to minimize …odor

9. Develop regulatory program that protects …neighborhood character etc

10. Limit adverse impacts on the population…

I.64-6

The points, above in 8, 9 and 10 are not adequately addressed and the adverse impacts are already here.

ES4 Significant and Unavoidable

New Greenhouses, Traffic/ Air quality, Odor, etc

Given that unregulated cannabis activities currently exist and are likely to continue to exist within the County, secondary impacts, with the exception of aesthetics and visual resources, are considered to **result in significant and unavoidable effects on the environment due to the difficulty of effectively enforcing and regulating such unlicensed operations**

I.64-7

This is the reason law enforcement and dedicated staff just for cannabis issues as well as monthly inspections must be part of the process. (And spot inspection if deemed necessary)

Public Service Impact did not mention the need for an increase in inspectors and law enforcement to make sure of adherence to regulations/permits.

If the County can not regulate and enforce the cannabis industry then cannabis industry should not be in the County at all.

1.7 Areas of Known Controversy

I.64-8

1. Objectionable odors—these are not just objectionable, nor are they a "scent". They are noxious, when surrounding and entering one's home. The quality of life is impaired when one is unable to eat outside and must keep windows closed. When driving through Carpinteria everyone is reminded the cannabis growers are succeeding in taking over the Valley. And odor controls need to be healthful for the community. Masking with a perfume is not odor control, it is a perfume. We need fresh air. It is a right. Perhaps some growers will need to install closed systems?

Agriculture Context 2-9

I.64-9

The Right to Farm Act states certain factors must be met by Agricultural operations. One of these factors is "The farming activity was not a nuisance at the time it began." This should be carefully considered as some farmers in Carpinteria Valley have disregarded community concerns for odor control for two years and continue to increase the size of their grows knowing it is illegal to do so after Jan 2016

No agricultural activity… shall be or become a nuisance, private or public, due to any changed condition in or about the locality, The growing of cannabis without odor controls is a nuisance. And this will factor in to the Williamson act.

General Development Standards 2-41

In addition to the development standards listed above, proposed zoning amendments include general commercial development standards, which include the following requirements for site fencing, lighting, noise **and odor controls**, and site security requirements:

I.64-10

Where/what are the requirements for odor control??? **Everything above was sited but odor control. Specifications were left out?**

Table 3.0-1. Representative Projected Expansion of Hoop Houses within Carpinteria

I.64-11

New hoop house installation of 43 acres in Carpinteria is projected. **No hoop house growing of cannabis should be allowed in Carpinteria, regulations of odor and security issues preclude this**.

Impact AQ-5

I.64-12

…Although the scent of cannabis plants is not necessarily harmful to people, This is not true-it is harmful to some, causing headaches, respiratory issues etc and it is a terrible annoyance when the neighborhood smells and property values go down. This odor changes the character of the Valley of Carpinteria.

Impact AQ-5. Given the extent of public nuisance currently generated by existing cannabis operations and the likelihood for the generation and detection of potentially objectionable (they are already objectionable) odors

under the Project, impacts related to odors are considered potentially significant.

I.64-13

3.3.8 contradicts IMPACT AQ-5

The Impact AQ-5, above, states "given the difficulty in being able to contain cannabis odors the residual impacts of the proposed project is significant and unavoidable" but in 3.3.8 the **DEIR states greenhouses and indoor cultivation may contribute to odor if system is ineffective, But Cannabis odors can be successfully contained within structures or filtered to prevent diffusion into surrounding areas."**

Cannabis Product Manufacturing 2-13

"may also involve the transition of raw cannabis into other products, such as oil, rosin, hash, or tinctures, which is then often used in other products, such as edibles, salves, and cosmetics

2.2.3

I.64-14

The DEIR left out the number one use of hash oil -- vaping (smoking) This Draft report is disingenuous. This is an important point as the manufacturing of cannabis into oil increases each pound of buds by 25 to 33%. Permitting the manufacturing of non-volatile and volatile extraction in AG1 and AG2 is not right.

ES4

Significant and Unavoidable: If the Project is approved with significant and unavoidable impacts, decision-makers are required to adopt a Statement of Overriding Considerations pursuant to CEQA Section 15093 explaining why benefits of the Project outweigh the potential damage caused by these significant unavoidable impacts. •

That will be interesting

Comment Letter I.64 – Merrily Peebles

I.64-1 All comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.64-2 While this comment states that the EIR inadequately addresses the environmental effects of cannabis cultivation and manufacturing with regards to air pollution, water use, and new greenhouse development, it does not state a specific inadequacy of the EIR. The EIR thoroughly discusses and assesses the potential impacts of the proposed Project on air quality, increased water demand, and potential new development associated with licensed cannabis operations. For instance, impacts to air pollution from implementation of the Project is very thoroughly discussed in Section 3.3, *Air Quality and Greenhouse Gas Emissions,* which identifies a significant and unavoidable impact to both air quality from the generation of criteria air pollutants, GHGs, and odors. Please also refer to **Master Comment Response 2 – Odor Control Initiatives**. With regards to impacts associated with new water demands, impacts of the Project on the County's hydrologic resources (i.e., surface and groundwater supplies) municipal water supplies are discussed and analyzed in Section 3.8, *Hydrology and Water Resources* and Section 3.13, *Utilities and Energy Conservation,* respectively. However, the EIR cannot precisely predict the total amount of new greenhouse development that may occur under implementation of the Project; such assumptions and analysis would be speculative under CEQA. Rather, the EIR provides for a broad, programmatic analysis of the environmental impacts associated with implementation of the proposed regulations, using the best available data, adopted definitions, and approved methodologies obtained thorough background research and personal communications with local and regional industry representatives and other stakeholders to inform EIR analysis and findings.

I.64-3 This comment does not provide specific information regarding the analysis, conclusions, or mitigation measures provided in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.64-4 The requirement for **MM AQ-5**, *Odor Abatement Plan (OAP),* is informed by SBAPCD's recommended measure for reducing impacts to sensitive receptors from odors. Under an OAP as provided in **MM AQ-5**, the County would ongoing monitoring to ensure compliance with this measure. In the event a permitted and licensed operator fails to comply with this measure and effectively control odors, the operator may be subject to potential fine, probation, or revocation of a licensed by the County. However, despite requirement for or implementation of this measure, it cannot be assured that impacts from odors would be reduced to a less than significant level, and impacts are therefore conservatively considered significant and unavoidable. Please also refer to **Master Comment Response 2 – Odor Control Initiatives**.

With regards to discussion of physical environmental impacts which may affect neighborhood incompatibility, such impacts are addressed under Impact LU-2. As provided in the analysis, the regulations, restrictions, and development standards included in the Project, including zoning restrictions, development standards, such as setbacks from sensitive uses, and prohibitions on noise and odor generation that can be perceived offsite, would regulate cannabis activities and restrict the potential for neighborhood incompatibility. Additionally, with implementation of **MM AQ-3**, *Cannabis Site Transportation Demand Management*, **MM**

AQ-5, *Odor Abatement Plan*, and **MM TRA-1**, *Payment of Transportation Impact Fees*, the physical environmental impacts which contribute to one's quality of life would be mitigated to the furthest extent feasible. A complete discussion and analysis of impacts to land use compatibility is provided in Section 3.9, *Land Use and Planning.*

I.64-5 For detailed description of the proposed regulatory program, refer to Appendix B of this EIR. A summary of the proposed regulations is also provided in Chapter 2, *Project Description.*

I.64-6 With regard to discussion of objectionable odors and associated potential for neighborhood incompatibility issues, please refer to **Comment Response I.64-2** and **I.64-4.**

I.64-7 The requirement for additional law enforcement and regulatory oversight of licensed cannabis operations is currently included in the Project. Consistent with state law (SB 94), the Project would implement a licensing program to provide enforcement of cannabis sites that operate without a license from the County or state. Additionally, Project objectives include optimizing legalization of cannabis activities, elimination and better enforcement of unlicensed activities, and provision of adequate law enforcement and fire protection response to cannabis sites. Specifically, future cannabis operations that seek a license would also be subject to all local and state regulations on an ongoing basis. All licensed cannabis operations would be subject to annual renewal by the County and state to ensure ongoing compliance with Project regulations through review by the County Planning and Development Department, including code enforcement if needed. This licensing process would allow the County to effectively track and conduct licensing enforcement on an ongoing basis, in which the County may fine or revoke licenses of operations that fail to comply with adopted County codes and regulations. As described in Impact PS-1 in Section 3.11, *Public Services,* interviews with the County Sheriff have determine that law enforcement staff levels are adequate and would be monitored over time to address service needs. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

I.64-8 With regard to odors, please refer to **Comment Responses I.64-2** and **I.64-4** above, as well as **Master Comment Response 2 – Odor Control Initiatives**.

I.64-9 Please refer to **Master Comment Response 5 – Right to Farm Consideration** for an expanded discussion on how state and County Right to Farm Acts apply under the Project.

I.64-10 Specification for odor control requirements are provided in the regulatory program included in Appendix B of this EIR and are summarized in Section 3.3, *Air Quality and Greenhouse Gas Emissions.* Additional odor control requirements have been identified as required mitigation for reducing impacts from odors and are included as **MM AQ-5**, *Odor Abatement Plan (OAP)*. Please also refer to **Master Comment Response 2 – Odor Control Initiatives**.

I.64-11 This comment does not provide specific information regarding the analysis, conclusions, or mitigation measures provided in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.64-12 The nature of odors and impacts associated with them as they relate to the proposed Project is discussed and analysis in Section 3.3, *Air Quality and Greenhouse Gas Emissions.* Please also refer to **Master Comment Response 2 – Odor Control Initiatives**. Please note that all comments and suggestions will be included as part of the administrative record and made

available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.64-13 For comments and concerns related to odors from licensed cannabis operations, please refer to **Master Comment Response 2 – Odor Control Initiatives**.

I.64-14 The EIR acknowledges the products that are typically manufactured or produced from cannabis, including cannabinoid concentrates and oils; however, the EIR does not specifically identify the use or method of consumption of each form of cannabis product as such is not relevant to the environmental analysis. Ultimately, the eligibility of cannabis manufacturing activities upon agriculture zoned lands is a policy determination of the County decision makers.

Individual

From: Mollie Culver <culver.mollie@gmail.com>

Sent: Thursday, November 16, 2017 3:35 PM

To: Metzger, Jessica; Cannabis Info

Subject: draft EIR comments

The following submission is on behalf of Thomas Martin, Buellton:

Thank you for accepting comment on the draft EIR regarding recreational cannabis.

I appreciate the thorough approach taken by the County and Contractor. As someone who has worked in the medical cannabis field for years I wanted to comment on a few of the points made in the draft report.

I.65-1

I strongly disagree that the impacts on air quality and traffic cannot be mitigated as the report did not seem to take into account the level of these activities being done currently for medical cannabis and the fact that these agricultural lands have traditionally had larger volume of car and truck traffic that exists with a crop that has many fewer harvests and thus transportation needs of traditional agriculture. All activities such as processing that have the potential to impact air quality in regard to odor are conducted in spaces equipped with filters and the County has the option to require top-quality odor abatement systems to combat any potentially offensive smells.

I.65-2

In regard to aesthetics, cannabis crops utilize the same agricultural implements as traditional agriculture and should not be subject to a higher standard than any other agricultural commodity.

I.65-3

Finally, I feel that the proposed alternatives not only would be contrary to the goals of developing a robust industry that will provide revenue and reduce or eliminate black market activity, but that they encourage trying to arbitrarily reduce the ability of operators to participate based on artificial and arbitrary means. I believe that the County can better mitigate any concerns over impacts with a comprehensive ordinance that outlines a clear and streamlined license and permitting program.

Sincerely,

Thomas Martin

Comment Letter I.65 – Thomas Martin

I.65-1 The EIR provides for a thorough and well informed environmental analysis of the Project and its alternatives based on the best available information of the cannabis industry to identify and disclose the full potential for adverse environmental effects that may be experienced under implementation of the Project. For instance, the EIR characterizes potential future impacts of the Project on the existing and planned transportation environment based on the best available data including interviews with local cannabis operators, review of recent traffic analyses, and results of the Cannabis Registry. However, because data on the existing cannabis industry is incomplete and difficult to confirm, this EIR discloses the best available information on existing cannabis conditions in the County to characterize an environmental baseline for the purposes of impact analysis. The existing data cannot provide a precise picture of existing operations because the existing cannabis industry is illegal and the locations and operations of the industry are, to a large degree, unknown. However, the collated information characterizes the general range, type, location, and resource demands of existing cannabis operations in the County to support an understanding of the environmental baseline sufficiently for impact analysis. While the EIR acknowledges a reasonable assumption that much of the traffic generated by cannabis operations is already currently conducted by operators of long time traditional agricultural lands, the EIR could not defensibly identify impacts to traffic as less than significant with or without mitigation due to the broad programmatic nature of the Project, potential for licensing of new development on existing undeveloped or under-utilized lands, existing deficiencies in the traffic network at certain locations throughout the County, the inability for the County to impose or control improvements on facilities located outside of the County's jurisdiction, and other reasons discussed in Section 3.12, *Transportation and Traffic*. For these reasons, impacts to traffic and transportation are conservatively considered significant and unavoidable. Please refer to discussion of Impacts TRA-1 and TRA-2 in Section 3.12 of this EIR. A similar conservative analysis of Project impacts to air quality and GHG, odors, and noise was also conducted and concluded the potential for significant and unavoidable effects related to these environmental issues.

I.65-2 While the EIR acknowledges cannabis cultivation as an agricultural use not dissimilar from other agricultural practices allowed within the County (with the exception of consideration of Alternative 2 – Preclusion of Cannabis Activities from Williamson Act Land Alternative; see Chapter 4, *Alternatives Analysis*), due to the long history of illegality of cannabis and accompanying illegal practices or activities, some special consideration is required when assessing Project impacts to the environment and to address public concerns for quality of life. This is particularly the case when considering the high profits associated with cannabis plants and frequency of theft from cannabis operations. To address this issue, the Project as part of the proposed regulations would require development of additional security features, including installation of security fencing. Due to this Project requirement for fencing, the EIR has identified potential adverse impacts on visual and scenic resources resulting from the construction of security fencing in areas that conflict with the existing visual character of the landscape or site, or would obstruct scenic views (see Impact AV-1 in Section 3.1, *Aesthetics and Visual Resources*). For example, implementation of this requirement may result in the construction of security fencing around a licensed cannabis site within the rural agricultural areas of the County that are host to vast scenic views of agriculture, natural landscapes, rolling hills, etc. Further, given no security fencing requirement exists for other cultivation practices

within the County, this requirement is determined to result in potential visual incompatibility with surrounding agricultural uses. To reduce such impacts, the EIR provides for **MM AV-1**, *Screening Requirements,* which would amend Project requirements and regulations and reduce potential for significantly adverse impacts to aesthetic and visual resources and allow for a more consistent standard for regulating cannabis similar to existing agricultural uses. Regardless, comments and concerns regarding the provision of additional regulatory requirements for cannabis operations as part of the Project regulations are not directly related to a significant environmental issue or the existing content of the EIR, and are best addressed toward County decision-makers.

I.65-3 This comment addresses the merits of the Project and its alternatives and does not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

From: Mollie Culver <culver.mollie@gmail.com>

Sent: Thursday, November 16, 2017 3:23 PM

To: Metzger, Jessica; Cannabis Info

Subject: public comment from John De Friel

The following submission is made on behalf of John De Friel, Buellton:

I am writing in response to the draft EIR regarding recreational cannabis. I appreciate the opportunity to provide input as a medical cannabis cultivator currently operating in Santa Barbara County.

I.66-1

The draft EIR correctly states that cannabis cultivation and manufacturing is compatible with the Williamson Act, which seeks to preserve agricultural land and prevent urban encroachment. This is a key point to note to encourage continued participation in the Williamson Act, which is a large influence on preserving Santa Barbara County's appealing rural character. Permitting the cannabis supply chain is the best way to preserve agriculture and prevent pressures to convert prime agricultural lands.

I.66-2

The draft EIR also suggests manufacturing setbacks of 1200 feet for volatile manufacturing, which is not necessary for any safety requirement. A set back of 600 feet as it exists in the state regulations is more than adequate to ensure minimal impacts on sensitive receptors. These activities are safe, well regulated and do not produce offensive odors or by-products. Additionally, agricultural manufacturing is necessary for the success of any vertically integrated cannabis producer.

I.66-3

As an employer, we work to ensure minimal traffic impacts of both employees and commerce by encouraging carpooling and on-site parking. I feel strongly that the report minimizes the commerce already being conducted on long time traditional agricultural lands and that the Class 1 impacts noted including aesthetic, air quality, noise and traffic can all be mitigated to acceptable levels.

I.66-4

Finally, in order to properly develop a sustainable industry which can be a long term and reliable tax base it is important not to arbitrarily cap the number of participants or to restrict their participation by agricultural zoning designations such as Ag-1.

We look forward to continuing to work with the County and to contributing financially to the general fund moving forward.

Thank you,

John De Friel

Comment Letter I.66 – John De Friel

I.66-1 Issues raised in this comment are not at variance with the existing content of the EIR. The EIR acknowledges cannabis cultivation as an agricultural use not dissimilar from other agricultural practices allowed within the County (with the exception of consideration of Alternative 2 – Preclusion of Cannabis Activities from Williamson Act Land Alternative; see Chapter 4, *Alternatives Analysis*). Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.66-2 This comment addresses the effectiveness of the proposed setbacks. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County.

I.66-3 The EIR characterizes potential future impacts of the Project on the existing and planned transportation environment based on the best available data including interviews with local cannabis operators, review of recent traffic analyses, and results of the Cannabis Registry. However, because data on the existing cannabis industry is incomplete and difficult to confirm, this EIR discloses the best available information on existing cannabis conditions in the County to characterize an environmental baseline for the purposes of impact analysis. The existing data cannot provide a precise picture of existing operations because the cannabis industry has historically been illegal and the locations and operations of the industry are, to a large degree, unknown. However, the collated information characterizes the general range, type, location, and resource demands of existing cannabis operations in the County to support an understanding of the environmental baseline sufficiently for impact analysis. While the EIR acknowledges a reasonable assumption that much of the traffic generated by cannabis operations is already currently conducted by operators of long time traditional agricultural lands, the EIR could not defensibly identify impacts to traffic as less than significant with or without mitigation due to the broad programmatic nature of the Project, potential for licensing of new development on existing undeveloped or under-utilized lands, existing deficiencies in the traffic network at certain locations throughout the County, the inability for the County to impose or control improvements on facilities located outside of the County's jurisdiction, and other reasons discussed in Section 3.12, *Transportation and Traffic*. For these reasons, impacts to traffic and transportation are conservatively considered significant and unavoidable. Please refer to discussion of Impacts TRA-1 and TRA-2 in Section 3.12 of this EIR. A similar conservative analysis of Project impacts to air quality and GHG, odors, and noise was also conducted and concluded the potential for significant and unavoidable effects related to these environmental issues.

I.66-4 This comment addresses the merits of the Project and its alternatives and does not identify an inadequacy in the analysis, conclusions, or mitigation measures in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

From: Paul Kowalski <pkowalski@sofcenter.net>
Sent: Thursday, November 16, 2017 1:03 PM
To: Cannabis Info
Subject: Cannabis EIR

I.67-1 It is un-necessary to increases it to 1,200 for volatile manufacturing. The DEIR does not provide evidence or data that this mitigation measure for volatile manufacturing is necessary. There is no analysis that concludes that these setbacks are effective mitigation

I.67-2 DEIR correctly states that cannabis supply chain is compatible with WA Many farmers participate in the WA because they want to preserve open ag spaces - they should not be punished as a result.

I.67-3 DEIR analysis of baseline and impacts from the proposed project does not adequately account for existing cannabis operators and their use of pre-existing infrastructure. Impacts are overstated. The majority of existing operators in the Registry are using pre-existing infrastructure, such as greenhouses, hoop structures, or ag warehouse buildings. In many cases, cultivation is less intensive and results in less impacts than traditional agriculture.

I.67-4 The DEIR does not account for 1) the existing local barriers to permitting for non-cannabis (long permitting process; extensive discretionary review bodies; detailed development standards); 2) proposed barriers to permitting under the draft County cannabis ordinance (minimum distance requirements; multiple layers of approvals including land use permit AND business license); 3) local tax; 4) state tax; 5) federal 280E; and 6) existing barriers to State licensing (extremely detailed requirements for each license type). In other words, the DEIR overestimates the local growth of the industry and buildout scenario.

I.67-5 None of the project alternatives proposed are acceptable to the industry
They would not meet the most important project objectives:

1. Develop a robust and economically viable legal cannabis industry to meet local demand and improve county's tax base
2. Provide opportunities for the full legal cannabis supply chain
3. Facilitate the orderly development and oversight of cannabis activities
4. Encourage commercial businesses to operate legally
5. Provide an efficient, clear and streamlined licensing & permit program

Adopting a narrow program would:

- not generate revenue for the county,
- would encourage the industry to stay in the black market
- create additional barriers to compliance and permitting
- limit the ability of the full cannabis industry in SBC – as there would not be adequate support uses for growers (i.e. distribution)

-

Paul Kowalski

805-890-6008

This email has been checked for viruses by Avast antivirus software.
www.avast.com

Comment Letter I.67 – Paul Kowalski

I.67-1 This comment addresses the effectiveness of the proposed setbacks. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. The setbacks analyzed within this EIR are based on Bureau of Cannabis Control regulations, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance. County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**.

I.67-2 While the Project and two of its alternatives acknowledge cannabis cultivation as an agricultural use not dissimilar from other agricultural practices allowed within the County, under Alternative 2 – Preclusion of Cannabis Activities from Williamson Act Land Alternative (see Chapter 4, *Alternatives Analysis*), cannabis would not be considered an agricultural commodity, and lands used for the purpose of cultivating, producing, or manufacturing would not be considered an agricultural use. Therefore, cannabis activities would be precluded from Williamson Act provisions that govern agricultural preserve contracted lands under Alternative 2. Comments in support or rejection of one of the Project alternatives will be provided for consideration by County decision-makers.

I.67-3 The EIR presents a reasonable and conservative analysis that accurately estimates the level of impacts considering the maximum level of activity and expansion under the Project, and does not need to be corrected. Existing cannabis cultivation operations in the County, to the extent that they are known, are described in Section 2.5.5, *Environmental Baseline Conditions*, of the DEIR. As discussed in Section 3.0.2, *Assessment Methodology*, as a new industry with limited available data on existing and projected activities, the potential for future expansion of the cannabis industry cannot be fully predicted. Utilizing the raw 2017 Cannabis Registry data, with some potential for duplication and self-reporting biases, the demand for new cannabis canopy coverage would be approximately 730 acres, for a total of approximately 1,126 acres, representing an increase of 284 percent. While it is anticipated that a majority of this acreage would occur within existing eligible agricultural, commercial, and industrial zoned areas, resulting in some potential for conversion from one crop type or use to another, the EIR is designed to assess a conservative but reasonably foreseeable scenario which utilizes the best available and reasonably accurate information. Therefore, the EIR analyzes the maximum level of activity and expansion under the Project in order to characterize the level of impacts that would potentially occur. Determinations regarding significance of Project impacts relative to the environmental baseline were made based on substantial evidence. The commenter does not provide any substantial evidence that would lead to different determinations regarding the baseline or the Project impacts.

I.67-4 The EIR acknowledges and accounts for state and local permitting requirements, review processes, general development requirements, and regulatory compliance when considering the level of environmental impacts resulting from implementation of the Project. While it is not the purpose of this EIR nor CEQA to determine and assess the economic effect of a project, the EIR acknowledges the difficulties facing cannabis operations ability to obtain a license from the state and County which the EIR acknowledges as a potential for increased unlicensed cannabis operations and associated secondary impacts. Please refer to Section 5.4 of Chapter 5, *Other CEQA Considerations*. However, it is nearly impossible for this programmatic analysis to consider and identify the financial standing of existing cannabis operators and their ability to comply with all necessary licensing, permitting, and financial requirements. Given these limitations, the EIR provides for a conservative analysis of the environmental effects of the Project, disclosing to the public and County decision-makers all environmental effects associated with the Project, including the potential for extensive licensing requirements to establish a barrier to local cannabis operations and their ability to obtain a state and local license. Please also see **Comment Response I.67-3** for more discussion of the EIR's appropriately conservative analysis.

I.67-5 The EIR provides for detailed discussion of each Project alternative's ability to meet the basic objectives of the Project in Chapter 4, *Alternatives Analysis*. The comments and concerns raised by the commenter regarding the appropriateness and feasibility of the proposed alternatives are best addressed towards County decision-makers. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

Individual

To: Ms. Jessica Metzger and the EIR Committee
Cc: Santa Barbara County Board of Supervisors
Re: Supervisor's Decisions, on November 14, 2017

November 16, 2017

Tepusquet Community has serious concerns regarding the fact that County is attempting to stay on top of all the convoluted, mind-boggling State Regulations, which are incomplete and subject to change. How can County make informed decisions, when they do not have the completed regulations?

On July 11, 2017, the BOS directed County Staff to, "Prepare amendments to Article X, Medical Marijuana Regulations; establish a process to determine the legal nonconforming status of existing medicinal cannabis cultivators; and provide for the termination of legal non-conforming status so that sites must either obtain County permits or cease operations."

On November 14th, the Board voted to adopt Option One, which is fraught with problems, in my opinion. At Tuesday's Board of Supervisor's Meeting, Mr. Bozanich indicated the following:

I.68-1

"Option One – Provide a letter of authorization to applicants for submittal for their request for temporary state license.
– Medical marijuana growers would submit a request to the County Executive Office by Dec. 15, requesting a letter of authorization to apply for a temporary state license.
– Amortization amendment to Article X, 'provides time for a cultivator to recoup some investment, if unable or unwilling to meet state and local regulations and be forced to shutter his operation.'
– "There will be a 12 to 15-month gap or transition period from effective date of County's potential ordinances and land-use ordinances. Given the position, Staff would be able to act or not act on the request for temporary state license, until the adoption of possible new business licensing and land use permitting ordinances, in January 2018."

– In January, **"The state will offer annual licenses, which provide options for applicants to file with or without a local license; with or without a local land-use permit; with or without a letter of authorization.**
This provides an opportunity for the "Bad Actors," to bypass County Processes, for how many years?
– **"The State will then notify the local jurisdiction of each application and then the County can respond with whether applicant is compliant on non-compliant. OR** (and this is the scary part) **County could remain silent and after 60 days, the state license would be issued."**
What's to prevent County from 'remaining silent' allowing "Corrupt Actors," to continue, unimpeded?
– "If for any reason, local licenses and permits were NOT ISSUED, because we rejected an application or license or discovered we did not provide the land-use permit, then we would notify the state and the state could act to revoke the State License, at that point."

I.68-2

Who would be responsible for the removal of these "Bad Actors' Operations," the County or State?
How long would this process take, before the "CORRUPT Actors" are removed?

Tepusquet Community must not be forced to endure one… more… season of illegal, nonconforming Cannabis operators! Our environment and our safety are at great risk! We must not be subjected to this detrimental impact, until the County and State get all their "I's dotted, and T's crossed."
These illicit growers need to be removed, immediately!

At the BOS meeting, Helios Dayspring announced that he 'owns EIGHT properties in Tepusquet and was granted a Dispensary License in Grover Beach.' The Cannabis, for his Dispensary, is grown in Tepusquet Canyon. How does this purported Revenue benefit *OUR* County?

I.68-3

We continue to implore County Staff and the Board of Supervisors to find a way to, “Exempt Tepusquet” and all unincorporated, isolated areas of the county, from Commercial Cannabis Operations. Please designate Commercial Cannabis to be grown in areas where there is already existing agriculture and greenhouses; where it is accessible to regulators and where it can be monitored, taxed and enforced!

Please ask Mr. Ghizzoni to find a way to, “Exempt Tepusquet” and similar, unincorporated communities from this industry!

Respectfully Yours,

Renée O’Neill

Tepusquet Canyon Crisis Committee

Comment Letter I.68 – Renée O'neill (2)

I.68-1 With regard to development of the Project and proposed regulatory program, please refer to **Master Comment Response 1 – Program Development Process.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.68-2 With regard to potential licensing of existing "bad actors," the state and County cannabis licensing regulations would ensure licensed cannabis activities are conducted in compliance with all existing applicable policies and regulations. Initiation of state licensing in January 2018 will not preclude cannabis activities from compliance with local regulations, which would ensure licensed cannabis sites have/will provide assurance of compliance with licensing regulations, as well as compliance with federal, state, and local regulations. Given the County is currently in the process of preparing cannabis licensing regulations under the Project, it is not anticipated that the County would fail to respond to state notifications of issuance of a state cannabis license. However, in the event the County fails to respond or "remains silent," state licensing requirements would continue to require adherence to proposed licensing regulations which would ensure licensed cannabis activities do not consist of "bad" or "corrupt" operations. Enforcement of illegal or unlicensed cannabis operations would be implemented by the appropriate local jurisdiction in which the cannabis operations are located. Further discussion of enforcement of cannabis operations under the Project is provided in **Master Comment Response 4 – Enforcement of Cannabis Operations**.

I.68-3 With regard to consideration of cannabis activities within the Tepusquet Canyon area and other similarly constrained communities, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

Individual

From: sheelah@cox.net
Sent: Thursday, November 16, 2017 3:26 PM
To: Cannabis Info
Subject: Fwd: Cannabis odor in Carpinteria

> Date: Thu, 16 Nov 2017 13:56:36 -0500
> From: <sheelah@cox.net>
> To: cannabisinfor@countyofsb.org
> Subject: Cannabis odor in Carpinteria
>
> This e-mail is to protest the increasing smell of Cannabis in Carpinteria.
>
I.69-1
> My husband and I have lived in Carpinteria since 1987, and purchased our house on Via Marcina 23 years ago. This year is the first time in all those years we have experienced an ongoing, unpleasant odor in the vicinity of our home. We have always loved living in Carpinteria, in part for the fresh ocean salt-air atmosphere.
>
> Earlier this year, I started noticing a faint skunk-like smell when I stepped outside, often first thing in the morning. I attributed it at first to the occasional nocturnal visit of our skunk neighbors. The odor became more persistent, however, until it is present almost all the time, most noticeable in the mornings and evenings. The odor has also become stronger as the months progressed.
>
> We are now concerned about this as an ongoing, increasing air-quality issue. It is affecting our enjoyment of where we live. I am concerned about health issues--I have asthma and chronic sinus symptoms which have recently become more frequent and severe, and I am wondering if there is a connection to the changing air quality. And we are concerned about dropping property values in our area if the odor persists and becomes more serious.
>
> I understand that the legalization of cannabis has created new commercial opportunities which will generate a lot of income, and presumably bring increased tax revenues to our community. This is good, as long as it does not impact the quality of life for residents of Carpinteria valley. Ventilation technologies which could reduce greenhouse odor emissions should be looked into, as well as possible limits on the amount of cannabis production allowed in our area.
>
> Thank you for your serious consideration of this increasingly serious issue,
>
> Sheelah (and Douglas) Smith, Carpinteria homeowners.

Comment Letter I.69 – Sheelah and Douglas Smith

I.69-1 With regard to concerns from cannabis-related odors, particularly within the Carpinteria Valley, please refer to **Master Comment Response 2 – Odor Control Initiatives,** as well as **Comment Response L.2-3.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

16 November 2017

To Jessica Metzger, Senior Planner, Santa Barbara County

RE: Cannabis Land Use Ordinance and Licensing Program Draft EIR

Dear Ms. Metzger,

I realize that your Draft EIR needs to analyze adverse environmental effects on a somewhat broad scale, but I think that paying closer attention to a subset of AG-I parcels, namely those in Existing Developed Rural Neighborhoods (otherwise known as EDRNs), may be beneficial.

I.70-1 These are residential neighborhoods that typically haven't been exposed to intensive commercial agricultural operations before illegal Cannabis growers moved into the area. Many of the conflicts between Cannabis growers and neighbors that have arisen in Santa Barbara County to date are occurring in Tepusquet and Cebada canyons, both of which are EDRNs.

Not all AG-I parcels have similar characteristics! The negative impacts of commercial Cannabis operations, especially with respect to noise, traffic, air quality, and visual changes, will be very different in the dense concentrations of 20-acre AG-I parcels that are found in many EDRNs when compared to impacts that would be experienced by neighbors in situations where an isolated 20-acre parcel or two occur in a matrix of larger AG-I and AG-II parcels.

I.70-2 Commercial Cannabis cultivation is not compatible with the rural residential neighborhoods found in EDRNs and should only be allowed on remote AG-II parcels larger than 40 acres, where surrounding residents can be adequately protected from the objectionable odors associated with dense Cannabis grow sites, and where neighborhood safety and quality of life are less likely to be compromised. A comprehensive neighborhood compatibility study should be included in the Final EIR and would presumably reveal the differences between these different situations.

As a result of the legalization of Cannabis in the state of California, Cannabis grow sites have proliferated in our neighborhood in Cebada Canyon. Since cultivation of medical marijuana, with two limited exceptions, is currently prohibited in the unincorporated areas of Santa Barbara County, the grow sites in our neighborhood are mostly illegal. Their rapidly-expanding presence has provided a preview at what life would be like if these intensive commercial operations were to be legally permitted in rural residential neighborhoods.

Some of the adverse environmental effects of these illegal commercial operations in Cebada Canyon are described in the paragraphs below. These effects are significant!

Vehicular traffic associated with the commercial grow sites has dramatically increased on the unpaved road that we share with several neighbors, resulting in increased noise, dust, and activity throughout the day and into the evening hours. The increased traffic has resulted from numerous employee vehicles, delivery trucks (many extremely large), and a variety of miscellaneous trucks and trailers.

Hoop structures (of several different shapes and sizes) and temporary fencing have been installed with only a 10-foot setback from our shared road. Several 40-foot metal storage containers and a portable office trailer have been delivered to one of the properties where Cannabis is being grown (the storage containers are used to dry female Cannabis inflorescences and flower buds after they are harvested).

The installation of the hoop structures, storage containers, and fencing have significantly degraded the visual character of our rural neighborhood. The plastic covering of the hoop structures has dramatically increased reflected light and glare in our viewshed.

I.70-2

The skunk-like odor produced by maturing Cannabis plants is becoming more noticeable by the day in our neighborhood. This has apparently been a significant problem in all areas of Santa Barbara County where Cannabis is grown near residential areas.

Grading, earth moving, and soil compaction, along with the removal of juvenile and adult coast live oak trees (*Quercus agrifolia*) and other woody vegetation (root systems and all), have adversely affected the habitat of the Northern California legless lizards (*Anniella pulchra*) and coast horned lizards (*Phrynosoma blainvillii*) that occur in our neighborhood. Both of these reptiles are considered to be Species of Special Concern by the California Department of Fish and Wildlife.

Cebada Canyon is located on the eastern edge of the Burton Mesa, an area known for its unique sandhill chaparral vegetation that is dominated by endemic shrubs, including shagbark manzanita (*Arctostaphylos rudis*) and La Purisima manzanita (*Arctostaphylos purissima*). Other endemic plants with populations in the Cebada Canyon area include ceanothus (*Ceanothus cuneatus* var. *fascicularis*), seaside bird's-beak (*Cordylanthus rigidus* subsp. *littoralis*), Blochman's larkspur (*Delphinium parryi* subsp. *blochmaniae*), Lompoc wallflower (*Erysimum capitatum* subsp. *lompocense*), and sand almond (*Prunus fasciculata* var. *punctata*). As far as I know, no site surveys by qualified biologists have been conducted to ensure that these special status plants are being protected as vegetation around these illegal Cannabis grow sites is being bulldozed.

I.70-2 These are just some of the very real adverse effects that will continue to occur if the final version of the project that you are examining does not prohibit commercial Cannabis cultivation in rural residential areas such as the EDRN in Cebada Canyon.

Thank you for the opportunity to comment on the Draft EIR for this project, which could have wide-reaching negative impacts in Santa Barbara County.

Sincerely,

Steve Junak
P.O. Box 365
Lompoc, CA 93438

Comment Letter I.70 – Steve Junak

I.70-1 With regard to neighborhood compatibility within EDRN areas and the inclusion of requirements for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods.** Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

I.70-2 When considering the direct impacts of the Project, which would involve fully licensed and regulated cannabis activities, it is important to consider the distinction between past illegal/unregulated cannabis activities and those to be regulated and enforced upon under the Project. For additional information and discussion of enforcement of cannabis operations under the Project, please see **Master Comment Response 4 – Enforcement of Cannabis Operations**. As discussed in Impact TRA-1 of Section 3.12, *Transportation and Traffic*, the EIR acknowledges that implementation of the Project would potentially increase traffic volumes and degrade roadway and intersection operations beyond projected or planned levels in applicable local or regional transportation plans, policies, and/or programs. Despite projected new traffic volumes, the Project would not likely substantially increase vehicle trips or traffic volumes along any one road or intersection, as proposed cannabis operations would be dispersed across a relatively wide area, some of which are already experiencing cannabis-related trips from existing medical cannabis cultivation. Further, implementation of **MM TRA-1**, *Payment of Transportation Impact Fees,* and **MM AQ-1**, *Cannabis Site Transportation Demand Management,* would reduce impacts to County transportation facilities. However, at a programmatic level, impacts to a specific intersection or road segment, as well as mitigation measures necessary to reduce such impacts cannot be identified. As discussed in Impact AV-1 of Section 3.1, *Aesthetics and Visual Resources*, the EIR acknowledges that widespread implementation of hoop structures have the potential to obstruct or degrade the view of the County's scenic resources, interfere with the public's enjoyment of visually important areas, and have the potential to conflict with the policies set forth in the CLUP and Comprehensive Plan. However, with implementation of **MM AV-1**, *Screening Requirements*, which would give discretion to the Planning Director to determine on a case-by-case basis the appropriate type of screening for a licensed grow site (e.g., height, materials, design, and location) in compliance with the land use entitlement (e.g., LUP, CDP, or CUP), impacts would be reduced to *less than significant with mitigation*. In addition, the County does not permit lighting within hoop structures, so cannabis cultivation within hoop structures would not have adverse aesthetic effects from lighting. Please see **Master Comment Response 2 – Odor Control Initiatives** for an expanded discussion on odor impacts and amendments to **MM AQ-5**, *Odor Abatement Plan (OAP)*. For discussion of impacts to sensitive species, please refer to **Comment Response S.2-6.**

Individual

From: Fogg, Mindy <mfogg@co.santa-barbara.ca.us>
Sent: Friday, November 17, 2017 8:33 AM
To: Cannabis Info
Cc: Buggert, Matthew
Subject: FW: Cannabis EIR

[redacted]

From: Carl Stucky [mailto:csavos@gmail.com]
Sent: Thursday, November 16, 2017 5:02 PM
To: Fogg, Mindy <mfogg@co.santa-barbara.ca.us>
Subject: Cannabis EIR

Following are several comments regarding the Cannabis PEIR:

I.71-1
1. Interior lighting rules are part of the Carpinteria Agricultural Overlay District Ordinance.
The "Carpinteria Agricultural Overlay District" text can be found at:
https://santabarbara.legistar.com/LegislationDetail.aspx?ID=454698&GUID=5E08598F-B8EF-45C4-9E62-DFF1AFA4C53D&Options=&Search=
The primary section about lighting is 9.A.16. There is another section about shielding exterior lighting as well, but I didn't readily see it.

Any greenhouse now using interior night lighting would by nature have undergone a significant re-fit, and would fall under the requirement
for a mechanized blackout system that would eliminate all escaped light.

I.71-2
2. There is another County requirement that any new permit would only be issued on the condition that everything else on the property is properly permitted.
Right now in Carpinteria, there is and has been extensive new construction on and in greenhouses, which is being done without permits. The County's preliminary
investigation, which was cursory at best, uncovered a number of violations.
This includes everything from electrical work, to roofs, to entire greenhouses rebuilt from the inside out.

The customary procedure with many of these operations is to build without a permit, and get one if caught. The County's complaint based enforcement mechanism makes getting caught rare. At the time the Agricultural Overlay was adopted, about 20% of the greenhouses and support structures in Carpinteria had never been properly permitted.
Also at the time the Coastal Commission required that the County rectify this lack of oversight. There was a two year program which allowed operations
with non-permitted structures the opportunity to get permits without penalty.It was reported at the end of that time period that only one request was initiated.

I.71-3
3. The project Objectives mention the positive fiscal impacts, through taxation, of permitted marijuana farming. While there is no discussion of actual budget estimates, they are likely to be inflated, at least in the long term. Almost every crop ever planted in California has be subsequently over-planted, with with net profits declining to near zero, with only
the lowest cost producers surviving.

I.71-4
4. Judging by the increase in the number of cars parked at new marijuana operations, it appears that marijuana farming is much more labor intensive than prior
crops. The EIR should address this more fully.

I.71-5
5. There are also numerous operations making claims to cultivation prior to legislation that are without merit. The County should make a reasonable effort to verify
their claims.

I.71-6
6. The cannabis trade is conducted in cash. The County's enforcement mechanisms should include a rigorous audit component to ensure that taxes are reported and collected.

I.71-7

7. There is no discussion of carbon dioxide generators being used in conjunction with greenhouse operations inn Carpinteria. Many if not most operations have these generators
onsite.

I.71-8

8. While there is a short discussion of prevalent inversion layers along the coast, there is not adequate discussion of their extent along the Carpinteria Coast, trapping odors
over large areas. The 600 foot setback is not adequate.

Sincerely,

Carl Stucky
PO Box 1
Carpinteria, CA 93014

Comment Letter I.71 – Carl Stucky

I.71-1 While certain existing ordinances may already have language pertaining to lighting, the Project provides standards for all cannabis activities countywide, regardless where the operations are located and pursuant to applicable ordinances. Both the Project and EIR address light pollution, and contain standards and mitigation measures to reduce or avoid any potential impacts. For example, *all lighting shall be shielded to prevent light trespass* into the night sky and/or glare onto lots other than the lots that constitute the project site or rights-of-way (see Section 2.3.3, *Proposed Development Standards*). Impact AV-1 of Section 3.1, *Aesthetics and Visual Resources*, acknowledges lighting issues associated with cannabis cultivation. However, as stated above, the Project requires that all lighting shall be shielded to prevent light trespass into the night sky and/or glare onto lots other than the lots that constitute the cultivation site or rights-of-way, and that greenhouses using artificial light shall be completely shielded between sunset and sunrise. This requirement would eliminate the potential for light spillover from cultivation using artificial light during the night within greenhouses. The County does not permit lighting within hoop structures, so cannabis cultivation within hoop structures would not have adverse aesthetic effects from lighting under the Project. Additionally, the LUDC, MLUDC, and CZO would further regulate artificial lighting. Further, Impact AV-1 has been amended to include the provision that any outdoor light used for illumination of parking areas and/or loading areas, or for security, shall be arranged in a manner to be fully shielded, downlit, and emit no light rays above the horizontal plane, effectively eliminating potential for substantial new amounts of light or glare. Thus, lighting from cannabis activities would have a *less than significant* impact under the Project.

I.71-2 As described in Section 2.3.3 of Chapter 2, *Project Description*, under the Commercial Cannabis Licensing Program, any commercial cannabis operator would be required to obtain a license from the County to legally operate. To provide a comprehensive licensing program to monitor and control commercial cannabis activities throughout the County, the Planning and Development Department would issue required land use permits, to which the County would issue the licenses based on successful approval of the required permits. Both existing and new growers must go through this process to be considered a legal, fully licensed cannabis operation under the Project. The County acknowledges the commenter's concerns over the well documented impacts of many past and ongoing illegal cannabis operations in the County. The County has also documented and attempted to address such problems. The requirement for additional law enforcement and regulatory oversight of licensed cannabis operations is currently included in the process being undertaken by the County for this Project. For additional information and discussion of enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations**.

I.71-3 Economic effects, including those related to tax revenues and fiscal impacts, need not be considered in an EIR. See CEQA Guidelines Section 15064(e).

I.71-4 The EIR adequately addresses the potential increase of employment caused by the Project in Section 3.14, *Population, Employment, and Housing*. Since the Cannabis Registry Data only provides employment data for the existing cultivation and manufacturing industry components, Institute of Transportation Engineers (ITE) estimations are relied on for industry components that are not currently active within the unincorporated County. As shown in Table 3.14-11, future distribution, retail, and testing are estimated to result in a

combined increase of 539 employees. When combined with the net increase of new cultivation and manufacturing employment under the Project, this would result in a total net increase of 3,615 new cannabis industry jobs after implementation of the Project, or a grand total of 5,284 employees associated with the cannabis industry within the County. This increase in employment would account for approximately 6.0 percent of the projected Countywide employment growth through 2040.

I.71-5 With regard to the legality of existing cannabis operations and eligibility of existing operators for a license under the Project, please refer to **Comment Response I.71-2**.

I.71-6 With regard to the legality of existing cannabis operations and eligibility of existing operators for a license under the Project, please refer to **Comment Response I.71-2**.

I.71-7 As provided in the General Development Standards included in Section 2.3.3 of Chapter 2, *Project Description,* the use of a generator as an energy sources for cannabis activities, outside of temporary use in the event of a power outage or emergency, is prohibited under the Project. Given this regulation, detailed analysis of carbon dioxide emissions from generator use in Section 3.3, *Air Quality and Greenhouse Gas Emissions,* is not warranted as such emissions would occur on a highly infrequent basis and over a very limited period of time.

I.71-8 With regard to consideration of regional Project impacts on a large geographic scale, please refer to **Comment Response L.2-3.**

Late Letter - Individual

11/17/2017

Dear Mindy,

I am a cannabis farmer located in Tepesquet Road area Zoned AG-1. We are Rural Land.

My plan is to get a Micro. Biz License, but am Zoned out in your E.I.R.

X.1-1

Please change that Zoning to CUP1. with this change only Delivery will be allowed and we can't compete with growers on AG-II.

The 20 growers Affected By this Zoning change could then use the Northern Road to Hwy 166.

We may be able to Remove the 2 growers located in the Residential Area if we allow them to move to a more suitable location.

Thank you Very much. Eric Bjorklund

Comment Letter X.1 – Eric Bjorkland

X.1-1 As discussed in Chapter 2, *Project Description,* the Project would not involve the rezoning or re-designation of existing County lands. Where existing cannabis operations are located on lands that would not be eligible for licensing under the Project, operations would be required to move to an eligible zoned site and acquire a license from the state and County or be subject to enforcement by local regulatory authorities. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Project.

8.4.8 Oral Responses

Santa Barbara Hearing – October 12, 2017

Public Commenter – Bruce Watkins

OT.1-1 Potential for mitigation limiting area of new pavement on a site to some percentage of a parcel or site.

Response While the EIR does not identify the need for additional mitigation measures requiring limitations on the total area of new pavement on a site due to requirement for implementation of existing development standards and regulations (see Section 3.6, *Geology and Soils*), these comments and recommendations shall be provided for County decision-makers for their consideration prior to final decision on the Project.

OT.1-2 Existing County code requires visual barriers around greenhouses.

Response The County's requirement for screening of greenhouse structures is provided as Policy 8-7 of the CLUP, which applies only to greenhouse structures located within the coastal portions of the County, and as part of the LUDC and MLUDC for discretionary permit processes. As such, landscape and screening requirements do not exist which would apply to all development related to cannabis activities. Therefore, to address adverse aesthetic and visual impacts from agricultural structures utilized for cannabis activities throughout the County, **MM AV-1**, *Screening Requirements,* is provided.

Public Commenter – Paul Ekstrom

OT.2-1 In support of the marijuana industry, but need to deal with mitigation to odor.

Response For an expanded discussion of impacts from odor and required mitigation under the Project, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

Public Commenter – Cecilia Brown

OT.3-1 Figures 2-3 and 2-4 should be larger.

Response Revised figures enlarging the area shown in Figure 2-3 and Figure 2-4 have been included in Appendix C to provide reviewers with the ability to discern additional detail regarding the total area of eligibility, location of sensitive receptors, and extent of setback restrictions from such uses.

OR3-2 Would like a listing of the schools/daycares considered in the appendix.

Response A listing of all schools, daycares, and child care land uses that are identified in Figure 2-3 and Figure 2-4 have been included in Appendix C.

OT.3-3 Lighting standards used in the EIR are out of date, and should require wildlife friendly lighting requirements (CBL lighting, rural areas with low LED light and a low Kelvin color)

Response As discussed in Impact AV-1 of Section 3.1, *Aesthetics and Visual Resources,* which has been revised to include additional discussion of Project lighting development standards, impacts from lighting or glare are identified as less than significant due to the Project requirement for

shielding of all lighting associated with licensed cannabis activities. Impact BIO-3 of Section 3.4, *Biological Resources,* has been revised to include additional discussion of these requirements and the Project's effects on wildlife from light and glare. As discussed in the revised impact, these same lighting development standards would eliminate the potential for light spillover or the casting of excessive light offsite onto neighboring wildlife habitat or skyward. Impacts to wildlife would therefore be less than significant, and additional requirements for wildlife friendly lighting are not required.

OT.3-4 Should reference dark sky requirements in local Community Plans (at least 3 have them).

Response The lighting development standards of the Project as provided in Appendix B and detailed in Section 3.1, *Aesthetics and Visual Resources,* have been designed to be consistent with the night sky and lighting development standards of the Santa Barbara County Comprehensive Plan, including local Community Plans. As provided in Section 3.1.3.2 of Section 3.1, projects within the areas that are subject to local Community Plans would be subject to applicable visual protection goals and policies, including dark sky requirements.

OT.3-5 Figures 3.9-7 and 3.9-13 should be larger.

Response No Figure 3.9-7 or Figure 3.9-13 existed within the Draft EIR. However, Figure 3.9-6, Figure 3.9-7, and Figure 3.9-8 have been added to the EIR in response to public comments received on the Draft EIR.

Public Commenter – John De Friel

OT.4-1 Opposition to Alternative 3 and a cap on number of cannabis licenses.

Response Comments in opposition to the Project or one of the alternatives are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

OT.4-2 License types – types have changed and will change in the future.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

OT.4-3 Ordinance should support local competitiveness and allow growth and expansion of operations

Response The Project would allow for the licensing of the whole cannabis industry to support a robust and economically viable legal cannabis industry. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

OT.4-4 Williamson Act restriction would eliminate a lot of land.

Response Issues raised in this comment are not at variance with the existing content of the EIR. Comments in opposition to the Project or one of its alternatives are best addressed towards

County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

OT.4-5 See consistency in fencing for all crop types (dust fences).

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

Public Commenter – Jessie Zaragoza

OT.5-1 Security requirements (security cameras) is onerous.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

OT.5-2 Lighting can be mitigated.

Response Issues raised in this comment are not at variance with the existing content of the EIR. As discussed in Section 3.1, *Aesthetics and Visual Resources,* impacts from light and glare are considered less than significant due to Project requirements for lighting development standards.

OT.5-3 Transportation impacts are a trade off with new jobs.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration.

OT.5-4 Typical delivery involves one delivery vehicle per operation.

Response The County notes that delivery of cannabis products may typically involve one delivery vehicle per operation. However, for the purpose of this programmatic analysis, the EIR assesses potential future Project traffic trips based on Institute of Transportation Engineer (ITE) Trip Generation Rates for land use types comparable to licensed cannabis operations. As discussed in Section 3.12, *Transportation and Traffic,* the EIR provides a conservative mathematical estimate based on *typical* trip rates; however, it acknowledges that actual trip generation from Project implementation may be lower due to more typical trip rates of cannabis operations, the data for which remains largely variable, difficult to confirm, or highly inaccurate.

OT.5-5 Can limit lighting to daytime hours.

Response Issues raised in this comment are not at variance with the existing content of the EIR. As discussed in Section 3.1, *Aesthetics and Visual Resources,* impacts from light and glare are considered less than significant due to Project requirements for lighting development standards. Limiting lighting to daytime hours may be a means of ensuring compliance with

Project lighting development standards and employed by licensed cannabis operators, as well as other methods such as indoor cultivation or shielding of light sources.

OT.5-6 Indoor growing can have zero odors.

Response With regard to cannabis odors, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

OT.5-7 Greenhouse filtering can assist.

Response With regard to cannabis odors, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

Public Commenter – Steve Decker

OT.6-1 Page 4-21 Table 4-1: What constraints inform the reduction from 134 sites to 74 sites?

Response These sites were determined by taking the known sites indicated in Chapter 2, *Project Description,* which totaled 134 sites, and applying the AG-I zone district restriction considered under Alternative 1 to the area of eligibility under the Project. Once this overlay was applied, it was found that 60 known sites are located within the AG-I zone district, and so would be ineligible under Alternative 1. This alternative would therefore allow 74 known sites.

Public Commenter - John Stashenko

OT.7-1 Concerned about conforming with proposed state regulations.

Response The Project would ensure licensed cannabis sites have/will provide assurance of compliance with licensing regulations, as well as compliance with federal, state, and local regulations, including proposed state regulations related to cannabis activities. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing staff.

OT.7-2 The Bureau of Cannabis Control currently believes that in absence of a local license, you will be illegal.

Response Initiation of state licensing in January 2018 will not preclude cannabis activities from compliance with local regulations. With Project implementation, cannabis activities within the County must be licensed. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing staff.

OT.7-3 Would like to push a way to show conformance to state to apply for early license applications (i.e. legal nonconforming).

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing staff.

Santa Maria Hearing – October 17, 2017

Public Commenter – Hunter Jameson

OT.8-1 The EIR neglects effects on the public from drug use.

Response Impacts associated with individual or public abuse a highly regulated substance or drug are not related to an environmental issue pursuant to CEQA. As use of cannabis is legal under state law, the Project cannot regulate the consumption of cannabis; therefore, the EIR does not analyze this. The purpose of the EIR under CEQA is to analyze the environmental effects of the Project's regulations and allowances in terms of licensing cannabis businesses countywide, according to County and CEQA thresholds. However, for concerns related to enforcement of cannabis activities, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

OT.8-2 The EIR should look at effects on law enforcement.

Response The EIR currently analyzes the effects of the Project on law enforcement services in Section 3.11, *Public Services.* For concerns related to enforcement of cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

OT.8-3 The EIR has deficient conclusion on the demand for law enforcement.

Response As discussed in Section 3.11, *Public Services*, through interviews with the Santa Barbara County Sheriff, the EIR determined that although licensed cannabis activities could incrementally increase demand on law enforcement services, staffing levels are adequate. Additional information on staffing has been added to this section to support this conclusion. For concerns related to enforcement of unlicensed cannabis operations under the Project, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

OT.8-4 The EIR should look at impacts to hospitals from visits.

Response Impacts associated with individual or public abuse a highly regulated substance or drug are not related to an environmental issue pursuant to CEQA. As use of cannabis is legal under state law, the Project cannot regulate the consumption of cannabis; therefore, the EIR does not analyze this. Similar to effects of a Project on traffic crime, impaired driving, and traffic related accidents, and EIR need not consider effects of a project on increases in emergency room visits or hospitalization due to consumption of cannabis.

OT.8-5 Retail figures should consider retail estimations from a County, instead of cities.

Response Retail figures provided in Chapter 3, *Environmental Impact Analysis*, to inform the assumptions of total potential cannabis operations within the County are based on the best data available from other jurisdictions that have adopted similar cannabis regulations and have detailed technical data regarding licensed cannabis operations.

OT.8-6 Suggests the minimum setback should be increased to 1,000 feet, for manufacturing and retail.

Response This comment addresses the merits of the proposed setbacks. The Project's proposed setbacks are designed to distance cannabis cultivation and manufacturing operations from

identified sensitive uses. The setbacks are based on regulations issued by the Bureau of Cannabis Control on November 16, 2017; California's three state cannabis licensing authorities issued the proposed text for California Code of Regulations, Title 16, Division 42, Bureau of Cannabis Control. Section 5026(a) continues to recommend a 600-foot setback from a cultivation or manufacturing site to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued. The recommended 1,200-foot setback for a volatile manufacturing site was not retained in the November 2017 proposed regulations because it was deemed too large for urban areas; however, the Draft EIR maintains this provision for schools given the suburban and rural nature of Santa Barbara County. The setbacks analyzed within this EIR are based on Bureau of Cannabis Control regulations, and the EIR did not identify any significant impact that may necessitate a quantified increase in setback distance. County decision-makers may decide to increase setbacks, as further discussed in **Master Comment Response 1 – Program Development Process**.

OT.8-7 Should prohibit consumption onsite.

Response As use of cannabis is legal under state law, the Project cannot regulate the consumption of cannabis; therefore, the EIR does not analyze this. Comments regarding the merits of the regulatory program and policies relating to the consideration for onsite consumption of cannabis at licensed retail facilities do not relate to an environmental issue pursuant to CEQA. These concerns are best addressed towards County decision-makers.

Public Commenter – Renée O'Neill

OT.9-1 Response time to Tepusquet is long and should have additional parameters for eligible areas.

Response With regard to compatibility of cannabis activities within constrained EDRN areas and the inclusion of requirement for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

OT.9-2 Should limit to areas of existing agricultural areas and infrastructure, with taxation and enforcement similar to those.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing staff.

OT.9-3 Should strictly impose quality control on cannabis products (testing).

Response Cannabis product testing requirements are discussed in Chapter 2, *Project Description*. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing staff.

Public Commenter – Patricia Hansen

OT.10-1 There are approximately 30 cannabis farms in Tepusquet, however they all have their privacy.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing

staff. With regard to compatibility of cannabis activities within EDRN areas and the inclusion of requirement for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

OT.10-2 There is no guarantee growers will apply for permits.

Response Under implementation of the Project or any of its alternatives, all cannabis operations which fail to acquire a license from the County and which continue to operate as unlicensed or illegal operations shall be subject to enforcement by County, state, or other authoritative regulatory agencies. Please also refer to **Master Comment Response 4 – Enforcement of Cannabis Operations** for detailed discussion of enforcement of cannabis activities under the Project.

OT.10-3 Do not allow permits in Tepusquet.

Response With regard to compatibility of cannabis activities within EDRN areas and the inclusion of requirement for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

Public Commenter – Anita Lange

OT.11-1 The EIR does not adequately address safety or the concerns about the safety of Tepusquet Canyon residents.

Response The EIR fully addresses impacts of the Project associated with the safety of residents of existing environmentally constrained communities within the County, including those of Tepusquet Canyon. The EIR discusses and characterizes the impacts to this community, as well as other communities of the County, for a number of safety related hazards, including wildfire, traffic, hazardous materials, emergency access, etc. However, to provide for additional consideration of compatibility of cannabis activities within the Tepusquet Canyon area and other similarly constrained EDRNs, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

OT.11-2 The EIR should reference the purpose and intent of SB 94 "Protect California residents from damages."

Response Despite the occupation of residential uses by potentially sensitive individuals or populations for more extended periods of time, consistent with the guidance provide under SB 94, residential uses are not considered sensitive receptors and specific setbacks are not required for cannabis cultivation uses adjacent to residential uses. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing staff.

Public Commenter – Rory O'Reilly

OT.12-1 Concerned about hazards from fire due to grows, such as the recent Blazing Saddle Fire and Cuyama Fire.

Response The EIR acknowledges many of the constraints present within communities of the County relating to emergency access, traffic safety, fire response, fire hazard, etc. As discussed in Section 3.7, *Hazards and Hazardous Materials,* the EIR identifies potentially adverse impacts associated with the licensing of cannabis activities within areas identified as being at

significant risk of wildfire. However, due to the requirement for adherence to federal, state, and local regulations governing fire development standards and fire response, impacts are considered to be less than significant. Regardless, the EIR has acknowledged that several highly constrained communities may be at increased threat from natural hazards or may be ill-suited for licensed cannabis operations due to these existing constraints. Please also refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

OT.12-2 We are concerned about impacts from the trucking of water.

Response As discussed under Impact UE-1 in Section 3.13, *Utilities and Energy Conservation,* consistent with proposed state licensing requirements and SB 94, licensees would be required to provide site-specific details regarding source of water supplies and provide proof that adequate water supply exists to serve the intended use of the site, either in the form of a will-serve letter from the appropriate water service provider, proof of water rights to groundwater or surface water supplies, or documentation of a statement of water diversion submitted to the SWRCB. Trucking or importing of water onsite would not be allowed under Project, and impacts associated with trucking of water would be limited only to operation of unlicensed cannabis sites.

OT.12-3 Many of our views will be impacted by hoop houses.

Response The EIR adequately assesses the impacts of the Project on aesthetic and visual resources, including views and scenic vistas in Section 3.1, *Aesthetic and Visual Resources.* As discussed therein, development associated with cannabis activities, which could be visible from a distance, may incrementally disrupt views of landscapes, but would generally be consistent with the character and scale of much of the agricultural development located on agricultural zoned lands throughout the County.

Public Commenter – Michael Butler

OT.13-1 Mentions one water basin for Tepusquet, including limited water, sensitive species, and habitat protection.

Response Further into the environmental analysis, the EIR team discovered Tepusquet's unique situation and inserted special paragraphs throughout the EIR to address specific issues and environmental conditions in Tepusquet. For example, discussion of Tepusquet's unique water supply situation was added to Section 3.8, *Hydrology and Water Quality*. With regard to impacts to groundwater resources and supplies, please refer to **Comment Response S.2-8.** With regard to impacts to sensitives species and habitat, please refer to **Comment Responses S.2-2, S.2-3, S.2-4,** and **S.2-6.**

OT.13-2 Concerned about safety during this cannabis "gold rush".

Response The EIR acknowledges many of the constraints present within communities of the County relating to emergency access, traffic safety, fire response, fire hazard, etc. As discussed within Section 3.7, *Hazards and Hazardous Materials,* the EIR identifies potentially adverse impacts associated with the licensing of cannabis activities within areas identified as being at significant risk of wildfire. However, due to the requirement for adherence to federal, state, and local regulations governing fire development standards and fire response, impacts are considered to be less than significant. Regardless, the EIR has acknowledged that several highly constrained communities may be at increased threat from natural hazards or may be

ill-suited for licensed cannabis operations due to these existing constraints. Please also refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

OT.13-3 States regulations are weak to protect the environment.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County licensing staff.

OT.13-4 Multiple power outages due to grows is mentioned, and noise from generators.

Response Impacts of the Project related to supply and demand for energy resources are discussed in Section 3.14, *Utilities and Energy Conservation.* The Project involves specific cannabis-related development standards that would reduce impacts to such resources, including the requirement that all cannabis sites must receive electrical power from municipal suppliers or from approved onsite renewable energy sources. Under the Project, the use of generators for cultivation is prohibited, expect for temporary use in the event of a power outage or emergency, reducing and/or eliminating associated noise impacts.

Public Commenter – Susan Butler

OT.14-1 Fire Hazard from cannabis.

Response The EIR acknowledges many of the constraints present within communities of the County relating to emergency access, traffic safety, fire response, fire hazard, etc. As discussed within Section 3.7, *Hazards and Hazardous Materials,* the EIR identifies potentially adverse impacts associated with the licensing of cannabis activities within area identified as being at significant risk of wildfire. However, due to the requirement for adherence to federal, state, and local regulations governing fire development standards and fire response, impacts are considered to be less than significant. Regardless, the EIR has acknowledged that several highly constrained communities may be at increased threat from natural hazards or may be ill-suited for licensed cannabis operations due to these existing constraints. Please also refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

OT.14-2 Huge wildfire hazards in Tepusquet.

Response Please refer to **Comment Response OT.14-1** above.

OT.14-3 Mitigation must require growers to pay fees to fund fire stations and fire suppression.

Response The EIR adequately addresses impacts to fire protection and law enforcement services per adopted environmental significance thresholds in Section 3.11, *Public Services.* Please note that all comments and suggestions will be included as part of the administrative record and made available to the decision-makers for their consideration prior to a final decision on the proposed Program.

Public Commenter – Derek McLeish

OT.15-1 Skunk smell is awful.

Response For expanded discussion related to odors and required mitigation under the Project, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

OT.15-2 Poor water supplies.

Response With regard to concerns relating to impacts to water supply and demand, please refer to **Comment Response S.2-8.**

OT.15-3 Cebada Canyon has same issues as Tepusquet.

Response For comments and concerns regarding the sensitivity and environmental constraints of Tepusquet Canyon and Cebada Canyon, please refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

Public Commenter – Linda Tunnell

OT.16-1 Prefers Alternative 1.

Response Comments supporting and recommending adoption of the Project or one of the alternatives are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

OT.16-2 Should prohibit cannabis in mountainous rural areas.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

OT.16-3 Increases in traffic hazards.

Response The EIR fully acknowledges the Project's effect on traffic safety and roadway hazards in Section 3.12, *Transportation and Traffic.* As provided in the discussion of Impact TRA-2, the Project would have the potential to reduce roadway safety or introduce new roadway hazards, such that the County's adopted significance criteria for traffic and roadway safety are exceeded, particularly within areas with presently known hazardous roadway conditions, such as the rural winding roads of Tepusquet Canyon and Mission Canyon. Impacts of the Project are therefore considered potentially significant. Implementation of **MM TRA-1**, *Payment of Transportation Impact Fees,* and **MM AQ-3**, *Cannabis Site Transportation Demand Management,* would reduce safety and emergency access related impacts to County transportation facilities to a less than significant level. However, the Project would generate incompatible traffic, increase roadway hazards, or generate traffic in areas which would be incompatible with existing surrounding land uses (i.e., generation of commercial truck traffic in urban residential areas) along roadways located outside of the County's jurisdiction. For the same reasons regarding mitigation feasibility as discussed above, impacts to these facilities are considered significant and unavoidable.

OT.16-4 Questions on licensing fees, cost of law enforcement.

Response This comment does not pertain to an environmental issue pursuant to CEQA. These concerns are best addressed towards County staff.

Public Commenter – Dave Clary

OT.17-1 Figure 3.8-1 does not accurately represent groundwater or watershed.

Response Figure 3.8-1 of Section 3.8, *Hydrology and Water Resources,* is informed by County classifications and mapping data of major local watersheds provided by Santa Barbara County's 2011 Groundwater Report. At the regional County level, this data represents the most technically accurate and best available data.

OT.17-2 Supports Alternative 1.

Response Comments supporting and recommending adoption of the Project or one of the alternatives are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

OT.17-3 Does not like reference to a current illegal grow site as a "write off".

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

OT.17-4 Suggests separate designation for Tepusquet Canyon.

Response With regard to compatibility of cannabis activities within EDRN areas, such as Tepusquet Canyon, and the inclusion of requirement for heightened/discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

Public Commenter – Tim Bennett

OT.18-1 Bringing cannabis equipment up Tepusquet Canyon Road is too dangerous and unsafe.

Response The EIR fully acknowledges the Project's effect on traffic safety and roadway hazards in Section 3.12, *Transportation and Traffic.* As provided in the discussion of Impact TRA-2, the Project would have the potential to reduce roadway safety or introduce new roadway hazards, such that the County's adopted significance criteria for traffic and roadway safety are exceeded, particularly within areas with presently known hazardous roadway conditions, such as the rural winding roads of Tepusquet Canyon and Mission Canyon. Impacts of the Project are therefore considered potentially significant. Implementation of **MM TRA-1**, *Payment of Transportation Impact Fees,* and **MM AQ-3**, *Cannabis Site Transportation Demand Management,* would reduce safety and emergency access related impacts to County transportation facilities to a less than significant level. However, the Project would generate incompatible traffic, increase roadway hazards, or generate traffic in areas which would be incompatible with existing surrounding land uses (i.e., generation of commercial truck traffic in urban residential areas) along roadways located outside of the County's jurisdiction. For the same reasons regarding mitigation feasibility as discussed above, impacts to these facilities are considered significant and unavoidable. Further into the environmental analysis, the EIR team discovered Tepusquet's unique situation and inserted special paragraphs throughout the EIR to address specific issues and environmental conditions in Tepusquet. For example, discussion of the unique limitations of Tepusquet Road was added to Section 3.12, *Transportation and Traffic*. Please also refer to **Master Comment Response 3 – Existing Developed Rural Neighborhoods**.

OT.18-2 Should first improve road before allowing grows in the valley.

Response Please refer to **Comment Response OT.18-1.**

Public Commenter – Lillian Clary

OT.19-1 Believes secondary impacts would disproportionately affect Tepusquet.

Response For an expanded discussion of enforcement of illegal grow sites under the Project, please see **Master Comment Response 4 – Enforcement of Cannabis Operations**. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

O.T19-2 States there are multiple new grows in Tepusquet – 3 since the July Alamos fire.

Response With regard heightened review of cannabis operations within Existing Developed Rural Neighborhood (EDRN) areas such as Tepusquet, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods**. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

Public Commenter – Carmen Castro

OT.20-1 Project creates adverse effects on bio resources.

Response Issues raised in this comment are not at variance with the existing content of the EIR. With regard to impacts to biological resources and amended mitigations due to public comment, please refer to comment responses for Comment Letter S.2 – California Department of Fish and Wildlife.

OT.20-2 Lots of illegal grading.

Response Despite the potential for illegal grading that may have occurred prior to consideration of the Project from unpermitted or illegal cannabis operations, under the Project, all future grading occurring in connection to licensed cannabis operations would be required to comply with all applicable grading requirements and regulations. These regulations would ensure that grading occurs pursuant to existing law and adopted regulations and does not result in significant adverse impacts to geology, soils, slope stability, etc. Please also refer to Impacts GEO-1 and GEO-2 in Section 3.6, *Geology and Soils.*

Public Commenter – David Castro

OT.21-1 Law enforcement is not enforcing upon illegal grows

Response With regard to enforcement of licensed and unlicensed cannabis operations, please refer to **Master Comment Response 4 – Enforcement of Cannabis Operations.**

OT.21-2 Well ran dry due to illegal grows.

Response With regard to impacts to groundwater resources and supplies, please refer to **Comment Response S.2-8.**

OT.21-3 Cannabis overuses water.

Response With regard to concerns relating to use of water from cannabis, please refer to **Comment Response S.2-8.**

OT.21-4 Impacting quality of life.

Response With regard to impacts to quality of life as a result of implementation of the Project and operation of licensed cannabis sites, please refer to **Comment Response L.2-22.**

OT.21-5 Shady characters racing up Tepusquet.

Response For an expanded discussion of enforcement of illegal grow sites under the Project, please see **Master Comment Response 4 – Enforcement of Cannabis Operations**. This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

OT.21-6 Trucks will destroy roads.

Response To address impacts associated with damages caused by additional vehicle trips along roadways throughout the County, discussion in Section 3.12, *Transportation and Traffic,* has identified the requirement for implementation of **MM TRA-1**, *Payment of Transportation Impact Fees,* which would require licensed cannabis operators to pay into the County's existing Development Impact Mitigation Fee Program in order to improve performance of the circulation system.

Public Commenter – John Treur

OT.22-1 Cuyama agricultural grower that states odor should not be an issue, as other agricultural crops are just as bad.

Response With regard to consideration of odors from cannabis, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

OT.22-2 Wants to reduce the opposition members of the public have against cannabis.

Response This comment does not pertain to an environmental issue pursuant to CEQA.

OT.22-3 Admits there are impacts from cannabis due to fire, however it is not solely due to cannabis.

Response This comment does not identify any inadequacies in the analysis, conclusions, or mitigation measures provided in the EIR. These concerns are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

Public Commenter – Robert Fedore

OT.23-1 Odor can be mitigated.

Response With regard to mitigation of odors from cannabis activities, please refer to **Master Comment Response 2 – Odor Control Initiatives.**

OT.23-2 Cannabis industry is beneficial for jobs.

Response While it is acknowledged that the introduction and regulation of a new industry within the County may introduce potential for new employment opportunities, social and economic effects need not be considered in an EIR. See CEQA Guidelines Section 15064(e).

OT.23-3 Traffic impacts can be mitigated.

Response With regard to the identification of significant and unavoidable traffic impacts in Section 3.12, *Transportation and Traffic,* please refer to **Comment Response L.2-32.**

OT.23-4 Licensing would reduce secondary impacts.

Response This comment is not at variance with the existing contents of the EIR.

Public Commenter – Steve Junak

OT.24-1 Registry accuracy: many registrants stretched truth and exaggerate operations.

Response As discussed in Chapter 3, *Environmental Impact Analysis,* the EIR acknowledges that data retrieved from the 2017 Cannabis Registry may not accurately reflect the full extent of existing cannabis operations or potential future operations cannabis operations and may include some potential for duplication and self-reporting biases. However, this information, in addition to the many other sources utilized to inform the EIR analysis, represents and discloses the best available information on existing commercial cannabis activities in the County. To account for potential inaccuracy in the data sources utilized, the EIR has assumed a highly conservative analysis when assessing and disclosing the potential impacts of the Project.

OT.24-2 Cebada Canyon grows lie, accuracy is flawed, which affects analysis.

Response Please refer to **Comment Response OT.24-1.**

OT.24-3 Consider EDRN exclusions.

Response With regard to neighborhood compatibility within EDRN areas and the inclusion of requirement for heightened, discretionary review, please see **Master Comment Response 3 – Existing Developed Rural Neighborhoods.**

OT.24-4 Is supportive of Alternative 1.

Response Comments supporting and recommending adoption of the Project or one of the alternatives are best addressed towards County decision-makers and will be provided for their consideration prior to final decision on the proposed Project.

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