

RE: Ordinance 15ORD-00000-00018

Santa Barbara County Board of Supervisors

Medical Marijuana Regulations Hearing

Author: JP

Response Version 1.2

Date: January 19, 2016

Table of Contents

Comments to Resolution	4
Ordinance 15ORD-00000-00018 Violations of Law	5
Issues with Logic Created By Ordinance	9
Waster Issues	12
Goleta Water.....	12
Santa Barbara Water.....	13
Montecito Water	13
Carpinteria Water	14
Cannabis Plant Growing Requirements	15
CEQA Violations	17
Recommendations	18
Works Cited.....	19

Dear County Board of Supervisors:

- 1) I believe this policy violates several laws, citizens' rights, and negatively impacts our environment. I incorporate them herein by reference the: Uniform Controlled Substances Act, Santa Barbara County Code, California Constitution, and State Senate Bill 643, Assembly Bill 266, Assembly Bill 243 and California Environmental Quality Act.
- 2) The United States Bureau of Reclamation to expect no new water from Lake Cachuma which provides 85% of the South Coasts water. (Goleta Water District - Lake Cachuma Water, 2016)
- 3) Santa Barbara County is allocated 6,823 AF in 2015 from State Water Project (Carl A. Torgersen , 2015). According to Montecito Water District this allocation for 2016 is ZERO.
- 4) Our water deficits approximated in AFY from the 4 measured water districts will be approximately **18, 585 AFY deficit** over just those the four(4) measured water districts alone. At minimum estimated water use levels this is approximately adding an **additional approximately 8% to 22% deficit to our already crippled water supply.**
- 5) The welfare of the community members that will lose access should be of the upmost concern including but not limited to those who seek access as well as those who are affected by environmental impacts, traffic, and watershed disturbances or otherwise.

I have included my findings hereunder is my reasoning for opposing the Medical Marijuana Ordinance 15ORD-00000-00018.

Warm Regards,

JP

Medical Cannabis Software Compliance Provider

Comments to Resolution

- A) County Planning Staff's argument that severely restricting access to medical marijuana is in the best "public health, safety and welfare" will be proven inaccurate in the text that follows.
- B) The counties policing powers do not supersede state law both Health & Safety Code and California Constitution.
 - a. The Ordinance resolution admits there is risk in growing plants from theft and attendant (patient and or primary caregiver under your ordinance) however you only allow growing plants. That is counter-intuitive.
 - b. You are increasing the amount of plants growing into unincorporated areas as a whole because patients now must grow many plants in order to be assured against failure, disease, theft and other risks that they have medicine. In short, they must overgrow their actual consumption especially if they grow out door and can only get in one grow per year. This overall increase in plants will increase the "potential for strong-smelling fumes to be emitted from mature plants which can interfere with the use and enjoyment of neighboring properties by their occupants".
 - c. Many patients' residences are 600 feet or closer to a school, that is the idea behind school districting is that they are centralized around the population they serve. By forcing plants in a patient's back yard you are pushing it closer to school, and pushing it closer to their children and other children's faces and view. Worst of all you are bringing thieves into Montecito seeking Marijuana because they know it absolutely has to exist now because there is no other way but then to grow it.
- C) It is not in the general community welfare to make people suffer because 75 days is not enough time to fit time to discuss a feasible plan during the few hours of floor time this issue is allocated. Between these three meetings, the closed-door process of drafting, modifying or otherwise developing a more effective Ordinance has been non-existent. If community members were allowed to meet and develop and draft we could have been more responsive to the actual welfare of the community.
- D) I do not believe that the "preservation of the health, safety and general welfare of the residents of the County" will be upheld by the Ordinance as currently written and herein I have expressed some of the several reasons to my beliefs.
- E) Planning staff spent a majority of the Ordinance doing harm to your community through almost 2 pages of discretionary, repetitive and or ambiguous civil and criminal fines and penalties outlined in Section 35-1004. Staff could have spent the same amount of time drafting a reasonable Ordinance.

Ordinance 15ORD-00000-00018 Violations of Law

1. The provisions of Cal. Const., art. XI, § 7
 - a. A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.
2. Health and Safety Code - 11362.83
 - a. Nothing in this article shall prevent a city or other local governing body from adopting and enforcing any of the following:
 - i. (a) Adopting local ordinances that regulate the location, operation, or establishment of medical marijuana cooperative or collective.
 - ii. (b) The civil and criminal enforcement of local ordinances described in subdivision (a).
 - iii. (c) Enacting other laws consistent with this article.
 - b. **Notes:**
 - i. This allows you to regulate walk-in locations or commercial meeting spaces for commercial cannabis activity.
 - ii. This does not allow you to regulate Primary caregivers and how they service the needs of their patients whether that is home based growing or delivery based where the Primary Caregiver grows or obtains medicine and brings it to the patient at their home.
3. Health and Safety Code - 11362.71
 - a. (e) No person or designated primary caregiver in possession of a valid identification card shall be subject to arrest for possession, transportation, delivery, or cultivation of medical marijuana in an amount established pursuant to this article, unless there is reasonable cause to believe that the information contained in the card is false or falsified, the card has been obtained by means of fraud, or the person is otherwise in violation of the provisions of this article.
 - b. (f) It shall not be necessary for a person to obtain an identification card in order to claim the protections of Section 11362.5.
 - c. **Notes:**
 - i. Dispensaries, Delivery Services, and others act as Primary Caregivers.
 - ii. Patients and Primary Caregivers are not subject to arrest or prosecution specifically for possession, transportation, delivery, or cultivation and they are not required by law to have the identification to claim these protections.
4. Health and Safety Code - 11362.765
 - a. (a) Subject to the requirements of this article, the individuals specified in subdivision (b) shall not be subject, on that sole basis, to criminal liability under Section 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570. However, nothing in this section shall authorize the individual to smoke or otherwise consume marijuana unless otherwise authorized by this article, nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit.

- b. (b) Subdivision (a) shall apply to all of the following:
 - i. (1) A qualified patient or a person with an identification card who transports or processes marijuana for his or her own personal medical use.
 - ii. (2) A designated primary caregiver who transports, processes, administers, delivers, or gives away marijuana for medical purposes, in amounts not exceeding those established in subdivision (a) of Section 11362.77, only to the qualified patient of the primary caregiver, or to the person with an identification card who has designated the individual as a primary caregiver.

c. **Notes:**

- i. The law specifically allowing delivery and transfer of processed marijuana products to the patient or person with identification card for medical use.
- ii. The law explicitly allows the transfer of cannabis from one party to another which is disallowed in your ordinance.

5. Health and Safety Code - 11362.768

- a. (a) This section shall apply to individuals specified in subdivision (b) of Section 11362.765.
- b. (b) No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600-foot radius of a school.
- c. (e) This section shall apply only to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or distribute medical marijuana and that has a storefront or mobile retail outlet which ordinarily requires a local business license.
- d. (f) Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.
- e. (g) Nothing in this section shall preempt local ordinances, adopted prior to January 1, 2011, that regulate the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.
- f. **Notes:**
 - i. Your ordinance does not discuss schools or being close to schools except in saying under Resolution Section B that you are concerned about theft and use by minors especially near schools.
 - ii. According to Harry E. Hagens, Treasurer and Tax Collector's office, any work that is done at your customers location more than 50% of the time in the unincorporated part of Santa Barbara County Requires a business license.

1. You are purchasing retail and products & services from the Primary Caregiver allowable under state law of reasonable compensation. (H & S 11362.765 (c)) therefore being a mobile retail outlet requiring a business license. The Primary caregiver would provide you work on your crop and chemical additives, and tools and consultative advice throughout the process.
 2. Therefore, growing done by Primary Caregivers is not allowed within 600 feet of a school.
 3. Countless properties are within 600 feet of a school in the unincorporated parts of the County which further limits access.
 - iii. Subsection (f) applies to physical walk-in locations or public commercial meeting places in which you already control through zoning ordinances.
 - iv. No delivery service Ordinances were established rules prior to Jan 1, 2011 under subsection (g) so the County of Santa Barbara has no preemptive recourse.
6. Health and Safety Code - 11362.5
- a. (B) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.
 - b. **Notes:**
 - i. State allowable transfer of cannabis from Primary Caregivers to patients is not subject to criminal prosecution or sanction.
7. AB 266 – Section 19316.
- a. (a) Pursuant to Section 7 of Article XI of the California Constitution, a city, county, or city and county may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, security, and worker protections established by the state shall be the minimum standards for all licensees statewide.
 - b. (c) Nothing in this chapter, or any regulations promulgated thereunder, shall be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.
 - c. **Notes:**
 - i. This only applies to commercial cannabis activity, which means you are unable to restrict Primary Caregivers who grow for their patient's needs.
 - ii. You can add additional commercial activity standards and requirements however it does not explicitly permit you to prohibit them.

- iii. Subsection (c) only applies to the Business and Professions code regarding licensing requirements. You are allowed to modify their license requirements especially those under Zoning restrictions such as walk-in dispensaries but you cannot limit the delivery of cannabis by a qualified primary caregiver which is not bound by zoning restriction.

8. AB 643 – Section 19319

- a. (a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this chapter.
- b. (b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this chapter.
- c. **Notes:**
 - i. There is no licensing requirement, therefore no local or state license required to be a qualified primary caregiver or patient.
 - ii. Therefore the restriction for Dispensaries, Collective, or other Primary Caregivers from delivering medicine to unincorporated areas as long as they are the assigned Primary Caregiver and they meet the legal requirements to be classified as such.

9. Double Jeopardy / Cal. Const. XI Sect 7 Violation

- a. **Notes:**
 - i. Your ordinance creates a “double jeopardy” scenario because State Law and County Law are repetitive.
 - ii. The violations for violating many of your Ordinance rules are already properly spelled out in the Uniform Controlled Substances Act, and able to be acted upon by law enforcement currently.
 - iii. Not only is a double jeopardy scenario against citizen’s rights/illegal, it is further adding to the immense duty the Santa Barbara Sheriffs have of enforcing laws already unnecessarily.

10. Growing on land where you reside requires you to expose protected Medical information.

11. The District Attorney, at their discretion, should not turn an infraction into a misdemeanor.

12. Santa Barbara County: Chapter 3 Article V Sec. 3-23. – Right to Farm - Agricultural nuisances and consumer information. (Santa Barbara County)

a. Notes:

- i. The County Board of Supervisors has already set forth guidelines prioritizing local sustainable agriculture.

Issues with Logic Created By Ordinance

1) “Seriously ill” patients as explicitly written in the law must:

a. Grow medicine on the property on which they reside.

- i. The property is unable to be within 600 feet of a school if the property is managed by a Primary Caregiver.
- ii. It potentially unnecessarily exposes children or other sensitive populations.
- iii. Be lucky enough to avoid animals, insects, mold, or diseases killing plants.
- iv. If renting, be able to find a landlord willing to allow you to grow your medicine on their property.
 - 1. Where will patients in Condos, residential care facilities, home bound or respite care, or the host of other situations where location and lack of delivery or transportation will be an issue obtaining their medication.
 - 2.
- v. Location should be protected from rain or heavy dew to avoid mold especially during the flowering stage.
- vi. Must expose themselves as a medical patient which violates their right to Medical Privacy to obtain medicine.
- vii. Marijuana is an annual which means it grows and dies within one year. There is a single season for outdoor in Santa Barbara county which if they do not grow during that time frame they are without an entire year.
- viii. Must have a single cultivation zone which means the advantage of indoor vegetative and outdoor flowering to help mitigate loss due to fragile young plants and bad weather is lost. You are also unable have a vegetative and a flower area indoors (that require different indoor light cycles) so you are unable to have constant access to fresh medicine as you have to wait for 4 month minimum from previous harvest until you next harvest is ready.
- ix. Be lucky enough for their location to not be found by a thief from all the “strong smelling fumes” and the knowledge that county residents in unincorporated areas must grow their own medicine.

- x. Must make them violate your Ordinance to have the Primary caregiver or potentially themselves transport Cannabis or “delivery” cannabis to their location including but not limited to plant “clones” or “seeds”.
 - xi.
 - b. Grow their own medicine and must:
 - i. Have the health to do gardening work
 - 1. Counter-intuitive for the “seriously ill” residents.
 - ii. Be able to tolerate working all weather: cold, hot or raining the cold
 - 1. Some patients with conditions such as but not limited to: lupus and skin cancer are climate sensitive due to conditions.
 - iii. Must have the time even for only 100 square feet or less it can take the equivalent of a part time job.
 - iv. Meet all building codes which can be expensive especially if growing indoors.
 - v. Must have the skillset and knowledge to grow a marijuana plant to medical grade quality.
 - vi. Must have the knowledge to process, dry, and store the marijuana once it is ready for harvest.
 - vii. Must have the money required for all of the water(drought allocation may be exceeded as plants require water), nutrients, soil and supplies that are needed to produce medical grade cannabis.
 - viii. Must make them possess large amounts of cannabis for the entire year, protecting it from sun, moisture and theft and degradation to air exposure requiring air sealing equipment.
 - c. Pay a Primary Caregiver to grow for them if they unable to grow their own.
 - d. Suffer without medicine until their Primary Caregiver or themselves can grow medicine on the property in which they reside under the herein conditions.
 - i. The only other options available under your ordinance:
 - 1. Dispensaries in LA and they under state law are unable to service their other patients if they service 1 single patient from outside of their county. (Non-option)
 - 2. Two dispensaries open in Goleta with an unknown license status.
 - a. Limited selection – limited availability in market leads to increased costs of medicine to patients.
- 2) When a Patient (person with identification) or Primary Caregiver are able to seek out legal avenues for help, or when crimes can be reported such as theft or vandalism due to medical marijuana and when people can feel safe reporting suspicious activity

without the needs to feel they may get in trouble or risk the housing, health or welfare of their kids and family to do so then that is when general welfare increase. Because the percentage of reported crimes compared to total crimes goes up, more actual criminals are put behind bars versus out creating a “black market” for stolen marijuana, cartel/gang source marijuana and a host of other potential real problems.

- 3) 40+ Primary Caregivers, who provide at home delivery of medicine and are reviewed online, currently service some portion of the unincorporated areas of the county. If you license and regulate them, then you can easily identify those who are following the law.
- 4) Your ordinance does not provide access that patients don't already have, you only restrict access and increase crime. Patients have been able to cultivate their own medicine since 1996 in they have the interest and locational, physical and financial capacity to do so. However for those that are unable to grow for themselves, there is still a demand for delivery services, the three (3) allowable dispensaries in Santa Barbara if they ever open, side of the road just inside city limits, or the black market.
- 5) You have approximately 75 days to draft documents and approve a real Ordinance providing fair access to medicine. Other jurisdictions have put time into research to provide fair access to the law-abiding ill patients who seek refuge in alternative therapies where a broken public health system limits their covered health benefits.
- 6) You are discriminating once more unless you disallow every medicine delivery company including local pharmacies from delivery from their dispensing locations.
- 7) This law violates our constitutional rights to life, liberty and pursuit of happiness. I am not harming you by having my primary caregiver deliver my medicine to me so that I may not be forced to drive and potentially arrested for Driving under the Influence (DUI), or charged with possession and have to go to court to advocate for myself because I do not have the state identification card.
- 8) You are discriminating against mostly disabled people in violation of Federal discrimination, disability, and medical rights laws with this Ordinance. Patients who have their Primary Caregivers delivery medicine are 1) Law abiding citizens 2) That are either medicated to the point that is medically helpful but may impair their ability to drive 3) Those that even without being medicated are unable to safely operate a motor vehicle due to disability 4) Those in the deep unincorporated areas without access to BUS (bus is limited in Montecito and other county areas if you have even ridden it) or who do not own a car. Denying delivery makes potentially medicated, un-medicated or partially medicated patients to drive to seek their medicine.
- 9) Patients get access to a selection of medicine from a provider who can be a Primary caregiver of medicines for a patient. The patient gets fresh, in some cases lab tested medicine, to aide a variety of their medicinal needs. Also, tolerance to a particular medicine can develop so being able to move onto a different strain or type of cannabis

or cannabis product allows a patient better overall access to acutely attack their medicinal condition(s). Not all marijuana is the same, and state law under the laboratory section conveys this accurately with the various types of cannabinoids listed.

Waster Issues

Goleta Water

“Lake Cachuma provides about 85 percent of the water for the 250,000 residents and 12,000 acres of agriculture along the South Coast of Santa Barbara County.” (Goleta Water District - Lake Cachuma Water, 2016)

“The District is entitled to 36 percent, or 9,322 AFY, of the Lake yield, which provides for approximately three-quarters of District customer demand in normal years.” (Goleta Water District - Lake Cachuma Water, 2016)

“Due to the drought, beginning October 1, 2015 the District has been told by the United States Bureau of Reclamation to expect no new water from the lake. Instead, the District will carefully conserve stored water left in the lake from previous years, and offset reductions through use of the drought buffer stored in the Goleta Groundwater Basin. Currently the District has seven wells online, which are capable of producing 5.5 MGD.” (Goleta Water District - Lake Cachuma Water, 2016)

“The District has a court-determined right to pump and treat 2,350 AFY of the court-defined annual safe yield of the Basin” (Goleta Water District - Groundwater, 2016)

“The District is currently utilizing all of its seven active wells, which presently have the capability of producing between 5,000 AF and 6,000 AF per year in drought conditions.” (Goleta Water District - Groundwater, 2016)

“As of 2015, the District has approximately 48,000 AF of water stored in the Basin. “ (Goleta Water District - Groundwater, 2016)

“While an average of 3,800 AFY of State Water is available to the District, the District is able to meet customer demands with less than 1,000 AF of State Water under normal conditions. ” (Goleta Water District - Imported Water, 2016)

Recycled Water: “The District’s largest recycled water customers are UCSB, and several golf courses in the area. Using recycled water for irrigation and other non-potable uses helps to conserve and stretch the District’s potable water supplies, improving supply reliability and keeping costs lower for customers.” (Goleta Water District - Recycled Water, 2016)

1. Goleta uses Approximately 12, 429 AFY. (Derived from 9322AFY being approximately ¾ of use).
2. Goleta from ground water sources can provide 5,000 to 6,000 AFY, however the courts ruled they can only put 2,350 AFY.
3. Goleta is entitled to 3,800 AFY of state water. However according to Montecito Water for WY 2016 there are no state allocations. (Montecito Water District, 2016)
4. Goleta can no longer rely on the 9,322 AFY from Lake Cachuma
5. Goleta has approximately 48,000 AF stored.
6. Goleta has access to a guaranteed minimum of 2,350 AFY.
7. Goleta therefore has a **shortage of over 80%** of their current water consumption, or a **10,079 AFY deficit** which will be met from stored district resources until depleted.

Santa Barbara Water

1. Figure 4 shows approximate demand of 14,500 AFY with 25% of this total marked as *Extraordinary Conservation*. According to Table A-2 the projection for water is 11,286 AF in WY 2016 as required by the Stage Three Drought condition. Of the 11,286 AF for WY 2016 projected usage, 3,646 AF was planned to come from Lake Cachuma. “In 2015 and 2016, Cachuma allocations were reduced to 45% and 0% of normal entitlement, respectively. Due to these historic low allocations, all of the City’s remaining Cachuma water currently available was carried over from previous years.” According to table A-2 the State Water Program for WY2016 was allocated to supply 3,303 AF of water which according to Montecito Water District is no longer available. (Montecito Water District, 2016) According to table A-2 Santa Barbara District WY 2015 had potable water demands of 9,535 AF. If this continues there will still be a **deficit** of (11,286(Projected WY 2016 Supply) – 3646(Cachuma Supply Loss) – 3,303 (State Water Project Loss) – 9,535(Demand WY2015)) **5198 AF**. (Water Resources Division, Public Works Department, 2015)

Montecito Water


1. Spoke with Tom Mosby on 01/18/2016 at approximately 4:30pm to acquire Figure 1.
2. Consumption 3,620 AFY budgeted for Fiscal Year 15/16. (Montecito Water District Board of Directors, 2015)
3. The four years of below seasonal rainfall has adversely affected annual water supply including only 20% of normal Jameson Lake deliveries, no allocation of Cachuma Project water in the 15/16 Water Year (the first time in the Cachuma Project history), no State Water Project allocations in 2016, and no supplemental water supply purchase opportunities. (Montecito Water District Board of Directors, 2015)

4. As groundwater levels decline, private wells are becoming unusable and many property owners are turning to District water. (Montecito Water District, 2016)
5. With few wells, we are almost completely reliant on surface water supplies. (Montecito Water District, 2016)
6. Sources are tough to find for supply break downs on district website, however State water sources are drying up, 2016 has no allocations. Lake Cachuma is drying up and other districts have been told to not expect water. Desalination is about 2 years away if they partner with the city of Santa Barbara.
7. According to General Manager Tom Mosby's Report (part of which seen in Figure 1 from 01/18/2015) Montecito has found sources for its water outside of its normal sources through Carryovers from previous years for the Water Year 15/16. However this does include continual supply and I estimate based on reading for there to be a **2500 AFY deficit** in the continual on-going sources for the Montecito Water district as Cachuma and Supplemental Water resources are not on-going.

Estimated Water Supply

Source	2015 (Actual)	2016 (Available)
Cachuma Supply	1,160	2,798 ¹
State Water	0	0
Jameson Lake	351	280 ²
Doulton Tunnel	161	155
Groundwater Basin	637	520 ³
2015 Supplemental Water	1,616	2,175 ⁴
Total Available	3,926	5,928 ⁵

1. Cachuma supply is carryover with no USBR 15/16 Water Year allocation and no evaporation estimate.
 2. The 2016 annual diversion is estimated at 260 AF, based on the Jameson Lake diversion rule curve.
 3. Assumes the Office Well is restored to active production.
 4. MWD San Luis Reservoir Supply includes supplemental carryover and 2016 330 AF 10% allocation.
 5. Assumes no new water supplies (Desal) or supplemental water supply purchases.



14

Figure 1 - Provided by General Manager - Tom Mosby - 01/18/2016

Carpinteria Water

1. "Landscape irrigation is limited to no more than two (2) days per week." (Carpinteria Valley Water District Board of Directors, 2016)
 - a. You are unable to grow medicinal grade Cannabis without watering more regularly than 2 days per week.
2. Total Projected Demand for 2015 was at 4,268 AF. (MILNER-VILLA CONSULTING, 2011)

3. Cachuma Lake Source: 2,813 AF (MILNER-VILLA CONSULTING, 2011)
4. State Water Program: 2,000 AF + 200 AF for drought buffer. (MILNER-VILLA CONSULTING, 2011)
However according to Montecito Water District there are no state allocations for 2016.
(Montecito Water District, 2016)
5. Ground Water: is currently at 1,500 AF use but can go up to 3,500 AF and still fall within the basis safe yield. (MILNER-VILLA CONSULTING, 2011)
6. Carpinteria Valley Water District without Cachuma has a maximum capacity of 5,700 AF with drought buffer and safe maximum basin harvesting providing an maximum approximately **768 AFY deficit**.

Cannabis Plant Growing Requirements

1. Due to hard, chlorine containing, mineral rich water, Santa Barbara County water must be filtered through Reverse Osmosis (RO). (How to water marijuana plants in soil, 2016) This leads **waste of up to 75%** of all input water. (New Hampshire Department of Environmental Services, 2009) This means that **for every 4 gallons of input water only 1 gallon of pure water usable** to water Cannabis plants is outputted. The other 3 gallons is considered waste and will most likely go down the drains (Waste Management Districts Appreciate extra flow to help processing) however this is a significant environmental concern due to Stages 2 and 3 Drought Emergencies at some of the districts identified in this document.
2. Plant size depends on how much water is consumed, among other factors. (How to water marijuana plants in soil, 2016)
3. Each outdoor plant in ground needs approximately 6 gallons of pure water per day. (Philpott, 2014) Plants in pots need approximately $\frac{1}{4}$ of the container size of water. (How to water marijuana plants in soil, 2016)
4. This watering extends over the 150 day growing cycle. (Philpott, 2014)
5. This means that each outdoor in ground needs approximately 800 gallons of water over its lifetime.
6. Santa Barbara County is commonly known to have the opportunity during some years to produce Cannabis crops year round. If this is the case then each representative plant would consume approximately 2,180 gallons per year.
7. If each 100 square foot plot is able accommodate approximately 25 plants reasonably this would lead to 20,000 gallons of water per patient for a single crop per year grow. If the patient grew all year long outdoors in soil this use would increase to approximately 54,500 gallons per year per patient.
8. Santa Barbara County is estimated to **have conservatively 6,250 medical marijuana patients** that have at one point been under or are currently under the care of a physician and under California law still considered to be active Medical Marijuana Patients.
9. Given these aforementioned facts, and knowledge from 13 years of expertise gained consulting in the industry the water usage by requiring all Santa Barbara County Patients to grown their own medicine will result in approximately yearly consumption of between **500 million/1,534 AF**

(1 outdoor in ground crop per year per patient per 100squarefoot used) to **1.362 billion/4,179 AF** gallons (continual in ground crop per patient per 100 square feet used).

CEQA Violations

1. 15064.7: Significance thresholds are encouraged and should be adopted under public review. There has been no citation why the County Planners feel this project is not subject to CEQA.
2. 15064(c): As a members of the public I encourage you to do your due diligence prior to wasting our limited environmental resources and subjecting the members of the community to undue fertilizers and pesticide exposure because patients are required to grow their own medicine but not required to use organic fertilizers and pesticides, etc.
3. 15064(d)1: The direct environmental impacts will be air quality, severe water wasting during a drought, cross-pollination factors with local species, and an severe increase in chemical pollutants and fertilizers that may affect overall ground water supply.
4. 15064(d)2: The indirect impacts to the environment would be an increase in population due to being one of the few counties that explicitly allow growing for personal use. Another would be the indirect causes by waste water produced from RO filters used to clean the minerals, additives, and other contaminants out of drinking water. Another impact would be wildlife and people who would be affected by fertilizers and chemicals odors, and contact when sprayed.
5. **Violates:** 15065(a) 2: The impact of water usage required by every patient to grow their own medication will have the “disadvantage of long-term environmental goals” (Article 5. Preliminary Review of Projects and Conduct of Initial Study, 2016) including by not limited to water.
6. **Violates:** 15065(a) 3: There is *cumulatively considerable* effects produced by forcing the usage of water in the amounts needed to produce patient’s medicine on an individual basis. There is also several other effects such as ground water pollution being added onto, as well as air quality problems from pesticides being sprayed and off gassing.
7. **Violates:** 15065(a) 1: We already have an issue with insect species including bees being at risk of extinction and many qualified professionals believe it is the overuse of pesticides and the harsh potency of some that exist on the market. There is also effects on possibly other species such deers, rabbits, and other ground dwelling creatures where poisons used to curb access to vermon may hinder the delicate populations. (Philpott, 2014)The abundance of additional usage of these chemicals will have a significant effect on our population given the large number of patients therefore growers that would exist under this proposed ordinance.

Recommendations

1. Allow Primary Caregivers to deliver their patients medicine to supplement grows.
2. Allow Primary Caregivers to grow up to 500 square feet for their 5 patients as allowable under state law.
3. Allow person to person / primary caregiver to patient transfer
 - a. It is not in the community's best interest to have a patient watch a fellow patient community member suffer because they are unable to even gift them medicine if that patients grow fails or is not ready for harvest.
4. Remove the discretionary, repetitive and or ambiguous civil and criminal fines and penalties outlined in Section 35-1004 that are overly ambiguous. Especially remove the part where the district attorney at their discretion can turn an infraction into a misdemeanor.
5. Provide an exclusion to protect patients and primary caregivers from 11362.768 so they can work within 600 feet of a school to provide growing.
6. Patients of Santa Barbara County do not need to lose access under the guise of "limited time" so you can push through this appalling Ordinance. Seventy-five (75) days is plenty of time to hold extra meetings of the Montecito Planning Commission, or create a subcommittee that can meet and hash our details and take public comment. You could also hire a private firm to draft the plan that has experience in Medical Marijuana Policy.

Works Cited

- Article 5. Preliminary Review of Projects and Conduct of Initial Study.* (2016, January 6th). Retrieved January 6th, 2016, from The California Environmental Quality Act: <http://resources.ca.gov/ceqa/guidelines/art5.html>
- Carl A. Torgersen . (2015, January 15th). Department of Water Resources. *Notice to State Water Contractors*. California, United States: State of California - California Natural Resources Agency.
- Carpinteria Valley Water District Board of Directors. (2016, January 6th). *DROUGHT EMERGENCY!* Retrieved January 6th, 2016, from Carpinteria Valley Water District: http://www.cvwd.net/water_conservation/drought.htm
- Goleta Water District - Groundwater.* (2016, January 6th). Retrieved January 6th, 2016, from Goleta Water District: <http://www.goletawater.com/water-supply/groundwater/>
- Goleta Water District - Imported Water.* (2016, January 6th). Retrieved January 6th, 2016, from Goleta Water District: <http://www.goletawater.com/water-supply/imported-water/>
- Goleta Water District - Lake Cachuma Water.* (2016, January 6th). Retrieved January 6th, 2016, from Lake Cachuma Water: <http://www.goletawater.com/water-supply/lake-cachuma-water/>
- Goleta Water District - Recycled Water.* (2016, January 6th). Retrieved January 6th, 2016, from Goleta Water District: <http://www.goletawater.com/water-supply/recycled-water/>
- How to water marijuana plants in soil.* (2016, January 6th). Retrieved January 6th, 2016, from Alchimia Blog: News about marijuana and growing guide : <https://www.alchimiaweb.com/blogen/water-marijuana-plants-soil/>
- MILNER-VILLA CONSULTING. (2011). *FINAL 2010 URBAN WATER MANAGEMENT PLAN UPDATE JUNE 2011*. Carpinteria: Carpinteria Valley Water District.
- Montecito Water District. (2016, January 6th). *Montecito Drought Emeryg Pages*. Retrieved January 6th, 2016, from Montecito Water District: <http://www.montecitowater.com/drought-program.htm>
- Montecito Water District Board of Directors. (2015). *2015/16 BUDGET*. Montecito: Montecito Water District.
- New Hampshire Department of Environmental Services. (2009). *New Hampshire Department of Environmental Services*. Retrieved January 6th, 2016, from New Hampshire Department of Environmental Services: <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/documents/dwgb-2-11.pdf>
- Philpott, T. (2014, April 16th). *A Single Pot Plant Uses HOW Much Water?!* Retrieved January 6th, 2016, from MotherJones.com: <http://www.motherjones.com/tom-philpott/2014/04/your-pot-habit-sucks-salmon>

Water Resources Division, Public Works Department. (2015). *City of Santa Barbara Water Supply Management Report 2014-2015 Water Year*. Santa Barbara: City of Santa Barbara.