

To: Board of Supervisors Santa Cruz County, California
From: Citizens for a Responsible Cannabis Cultivation Ordinance
Subject: Cannabis Ordinance (written January 15, 2015)

The county residents listed at the conclusion of this document are homeowners from throughout Bonny Doon who have come together to inform the Board of Supervisors and citizens at large about the wide-ranging potential impact of the cannabis cultivation ordinance for medical marijuana being considered by the Board.

Historically, marijuana has been grown in isolated areas, often forests, to avoid detection. With the legalization of marijuana for medical use, and perhaps for general use in the future, it is time to think in new ways about growing marijuana. As our research has made clear, growing marijuana in the mountains has a profound negative ecological impact. More appropriate locations for marijuana cultivation should be found for commercial grows.

We have researched many aspects of commercial cannabis cultivation, gathered information from Bonny Doon and other rural county residents, firefighters across the state, conservation societies, government, volunteer workers who have cleaned up illegal cannabis grows, and professionals with extensive knowledge about District 3's forests, in order to compile factual data and create recommendations that represent this rural community's concerns.

We hope our findings will receive careful consideration by the Santa Cruz County Board of Supervisors as they work to create a sound cannabis cultivation ordinance for medical marijuana that is legal, and not disruptive or degrading to the environment or quality of life of people living in Bonny Doon in particular, and Santa Cruz County in general.

Below is a "SUMMARY OF FINDINGS" followed by "RECOMMENDATIONS" and "ADDITIONAL INFORMATION". Representatives of our group are available to meet with the Santa Cruz County Board of Supervisors and any other governmental body involved in this process. We feel that the cultivation of cannabis ordinance is extremely important to our community and, if done properly, will meet the medical needs of Santa Cruz County, but not detract from the social fabric and natural environment we enjoy. If done incorrectly we see a high probability of undesirable scenarios that will degrade our lives, the environment around us, and our property values.

SUMMARY OF FINDINGS

1. The ordinance “relating to cultivation of medical cannabis” in its present version (February 2014) does not adequately address the concerns of rural home owners, assure the protection of the watersheds that supply the City of Santa Cruz, Davenport and the San Lorenzo Valley Water District, and does not address a long list of environmental and social concerns that have been raised about large cannabis grows in or near residential neighborhoods, throughout California.
2. In studying the impact of cannabis farming already underway in Santa Cruz County and throughout California a host of environmental concerns present themselves with commercial grows. In Bonny Doon, concerns that need to be addressed are:
 - a) Identification of rural neighborhoods and where applicable make use of existing zoning for limited immunity for commercial medical grows.
 - b) Degradation of the forest environment, due to illegal grading to clear forest lands for grows, and the destructive influences of the heavy use of pesticides, poisons, chemical fertilizers, etc.
 - c) Threat to the Santa Cruz City water supply. These streams originate in Bonny Doon. (See Additional Information)
 - d) Increased threat to conservation efforts to restore breeding grounds for salmon and steelhead in local streams.
 - e) Poisoning of wildlife & pets due to growers’ frequent use of poisons, and pesticides.
3. Inside grows increase the risk of forest fires from faulty wiring, wiring installed without proper permitting or inspection, unattended or faulty generators, and the use of dangerous chemicals and flammable liquids used in the onsite manufacturing of marijuana derivative drugs and drugs that will remain illegal, regardless of the eventual legal status of cannabis.
4. The proliferation of grows that are not connected to medical marijuana dispensaries and operate outside of rules governing grows and dispensaries.

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6. Cannabis cultivation for personal use under state law allows 6 mature, and 6 immature plants per cardholder. This amount poses little threat to the social fabric and environmental concerns in Bonny Doon.
7. Widespread outdoor commercial cannabis grows without sufficient setbacks from adjoining property boundaries, and roads (both private and public) throughout Bonny Doon will result in security issues and disputes between neighbors, that will negatively alter the cooperative social fabric that has characterized most of Bonny Doon for decades.
8. Illegal cannabis grows in Bonny Doon that have been disruptive to our neighborhoods, have too often been undertaken by people who don't own the land and are transitory figures, with no stake in the community, other than making a profit at the expense of the social and physical environment of Bonny Doon. (Patrick Road was the site of the most recent incident illustrating this.)

RECOMMENDATIONS

From these findings we recommend the following:

1. **Rethink where to grow cannabis commercially.** Marijuana has been grown in forest areas because it could be most easily concealed from authorities. However, wooded areas are usually not optimal for growing this plant or for conforming to the regulations imposed on other forms of legal commercial agriculture. For forested areas to work as grow sites they must be modified in ways that damage wildlife habitat. These harmful modifications include wholesale removal of trees and chaparral, excessive use of groundwater and surface water, stealing water from streams, application of fertilizers, use of poisons and traps, illegal grading without regard to sedimentation of streams, lack of erosion control best management practices, etc. (See Additional Information.)
2. **Exclude parcels of 5 or less acres, and RA and/or RR parcels from commercial grows.** Create commercial no-grow zones around all RR and

RA zoned rural neighborhoods, to prevent noxious skunk-like odors from permeating neighborhoods and from exposing the children to marijuana cultivation, the impacts of grow operations, and non-resident visitors. (We can supply a list of District 3 neighborhoods.)

3. **Designate commercial grows to areas zoned CA, C or A, which are generally open land in the south county and coastal areas or commercial structures in a commercial zone.** They offer transparency that is difficult to achieve where there is steep terrain and dense vegetation i.e., accurate monitoring of water use, regulation of the use of rodenticides, regulation of the use of fertilizers and pesticides, regulation of the size of a grow, and visualization of its impact. The well known social conflicts surrounding cannabis can be better handled between neighborhoods and commercial grows because they will be far enough apart to avoid friction caused by noxious odors, fear of fire, crime, and intimidation. CA and A zoning is established where the environment (forest setting) is not plundered by illegal grading, threats to primary sources of drinking water for urbanized areas, damaging fish runs, and indiscriminate poisoning of wildlife.
4. **Require that commercial grows in enclosed agricultural structures conform to code requirements.** That includes the following: cannabis commercial grower certification, and County approved and inspected electrical permits (faulty electrical systems are reported as the source of many fires in pot operations by fire districts throughout Santa Cruz County and elsewhere), fire road access, approved sanitation for workers, declaration of storage of flammable products and dangerous chemicals.
5. **Establish a dispensary/grower connection.** Dispensaries must identify the growers supplying the cannabis they sell, or the dispensary grows its own cannabis and is responsible for cultivation and marketing within the County rules.
6. **Don't become a mecca for growers from other parts of the U.S.** Currently growers who are not supplying a dispensary have no legal status. Until the State of California legalizes recreational use of cannabis through the legislative process or a referendum, growers who are not supplying a dispensary are operating illegally. It is very important that the County state this, so the Santa Cruz County ordinance does not become a cover and contribute to the proliferation of growing that is not connected

to medical dispensaries. Recent Google Earth imagery (February 2014) shows over 130 easily discernable grows in Santa Cruz County.

7. **Reduce the risk of forest fires.** With global warming underway and two significant forest fires in Bonny Doon since 2008 (Martin and Lockheed) suspected to be of human origin, we urge the Board of Supervisors to make reducing the risks of forest fire an over-arching priority in rural land use issues. We contacted members of CAL-FIRE, the Zayante Fire Department, Bonny Doon Fire and Rescue, Inc., Boulder Creek Fire Department, and volunteers who have cleaned up large “grows” around the state. Cannabis growers have substantially increased the risk of a major forest fire in Santa Cruz County and elsewhere. Though the data is not centralized and easily retrievable, a county-wide snapshot includes a list of horror stories: five house/structure fires within a five mile radius within District 2, rented houses trashed by inside grows in which the electrical systems are altered and made unsafe, unpermitted and uninspected electrical systems (often using light-gauge automotive wire to run high amperage devices, for example \$10,000 air filters which attempt to neutralize “skunk air” before it is released into a neighborhood), clearing and burning slash during the fire season, impeding access by fire fighting vehicles, impeding progress on community fire breaks, chemical fires and explosions from processing cannabis to a more concentrated form, fires caused from campfires and camping stoves of people camped out while guarding grows, etc. CAL-FIRE, which has the best view of the statewide picture, reports that “drying house” pose the greatest fire risk. This is almost exclusively due to bad wiring. In greenhouses, where there is such intensive use of electric heating, fires are at least as often caused by faulty, unattended generators. On February 23, 2014, when the latest Google Earth imagery was acquired, there were more than 130 clearings with pot farms in timberlands in Santa Cruz County. All of these sites should be inspected for fire safety. Fire safety must be a societal priority, regardless of the activity in question.
8. **Protect water sources.** Often overlooked in discussions about creating a medical cannabis cultivation ordinance is the fact that Bonny Doon’s surface water provides the city of Santa Cruz and surrounding areas with drinking water. It is very important to protect these water supply watersheds from human activities that can harm water quality. Logging, home construction, and road construction are all regulated in the Santa

Cruz Mountains. What has not been regulated effectively is the removal of trees, illegal grading, importing soil and fertilizer, and taking surface water from streams. Cal-Fire reports that 50% of cannabis grows put chemicals into watercourses. (See Additional Information.)

9. **Stop poisoning wildlife.** There is ample documentation by conservation groups that point to the devastating impacts to wildlife due to the use of poisons employed by cannabis farms to kill the ubiquitous Dusky footed-wood rat (*Neotoma fuscipes*, and some local sub-species of which are federally listed as endangered) and other animals that eat marijuana. Common predators such as raccoons, ringtails, badgers, bobcats, coyotes, weasels, domestic cats, common predatory birds and even pet dogs are also victimized.

Indiscriminant poisoning is yet another reason to require commercial Cannabis growing operations to locate in CA, C or A zoning, on flat to gently sloping open areas, where plants will flourish and activities with pesticides and other poisons can be precisely monitored, as occurs with other types of commercial agriculture. Before the County of Santa Cruz allows large commercial operation throughout the County, a thorough study involving the appropriate County officials and academic professionals should take place to assess the risk to wildlife in areas where commercial marijuana is being grown. (See Additional Information.)

10. **Define personal grow by number of plants.** Abandon the definition of “personal grows” as a 10’x 10’ area and instead adopt a specific number of plants per person. The State of California law for Medical Marijuana card holders defines six immature and six adult plants as sufficient for a patient’s needs. A 10’x10’ space can easily contain 100 plants or more.

11. **Respect the existing reality of Residential Agriculture (RA) zoning.** Many people living in RA zoning are in neighborhood clusters that have a home on 5, or fewer, acres. The “agricultural” designation usually means maintaining the natural environment and may include livestock and/or family gardens. We’ve observed that pushback is from “commercial growers” who ignore, or are unaware of the predominantly residential application of RA in Bonny Doon. We wish to remind the Board of Supervisors that Bonny Doon residents have consistently resisted commercial development. This has included anything that might disrupt the quiet natural environment; even the convenience of a grocery/general

store has been rejected in the past. The majority of homeowners want to preserve our rural setting. Commercial cannabis cultivation is *clearly* not conducive to the community that homeowners desire. Given a choice, we believe that most prospective homeowners do not wish to buy homes and property adjacent to commercial cannabis farms. The cannabis farms now are arriving long after the homeowners have created residential neighborhoods, which were based on the land use regulations in effect at the time they bought land and legally built homes. Allowing commercial cannabis cultivation in RA zoning reduces existing property values.

12. **Address safety issues.** When we talked with longtime North Coast residents Lud McCrary and his daughter Janet McCrary, owners of Big Creek Lumber and conservationists, they explained two reoccurring problems they run into with illegal cannabis growers in the forests: safety concerns for foresters and other workers who stumble onto illegal grows guarded by armed people, and siphoning of water from streams which could impact fisheries.
13. **Enforce the ordinance.** For a new ordinance to work, and illegal operations halted, law enforcement will be necessary. The “cultivation ordinance” will fail if it isn’t vigorously enforced.

Lack of funds has often been cited as the reason law enforcement has not moved on marijuana grows in the past. Proposition K (to tax the medical cannabis dispensaries) was passed overwhelmingly by voters. While this revenue was not earmarked specifically for enforcement, it was designated to the general fund, we feel strongly that specific and significant funding for inspection and enforcement is vital.

ADDITIONAL INFORMATION

Water supply. It is important to a large population (City of Santa Cruz) that the Board of Supervisors protect Bonny Doon (Ben Lomond Mountain) streams and watersheds from illegal grading, increased siltation, increased turbidity from sediment, and pollution from fertilizer and pesticide run off.

The watersheds that supply water to the City of Santa Cruz and the town of Davenport originate in Bonny Doon. The City of Santa Cruz obtains its drinking water from Reggiardo Creek, Majors Creek, Laguna Creek, and Liddell Spring. The community of Davenport obtains its drinking water from San Vicente Creek,

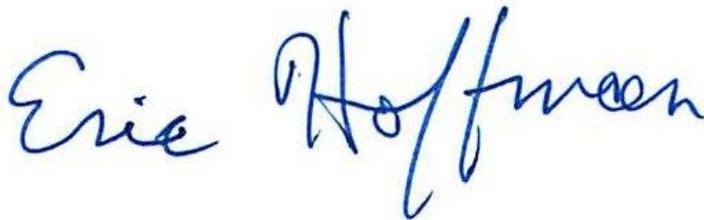
into which Mill Creek flows. The San Lorenzo Valley Water District obtains some of its water from Bull Creek, Bennet Springs/Creek, Fall Creek, Peavine Creek, Sweetwater Creek, Clear Creek, Foreman Creek and Silver Creek.

All of these public water supply streams start and flow from Bonny Doon (Ben Lomond Mountain) watersheds. The streams used by the San Lorenzo Valley Water District all ultimately drain into the San Lorenzo River, which is also used by the City of Santa Cruz as its main water supply.

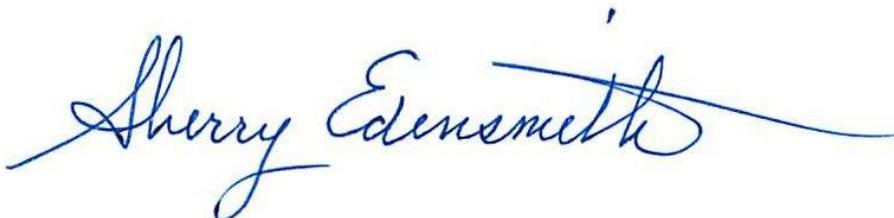
Poisons. The disappearance of the Fisher (*Mustela Canadensis*), the second largest weasel in North America, from its southern Oregon and northern California range has been attributed to eating poisoned rats. The Spotted owl (*Strix occidentalis*) has also been impacted in northern California because it preys on the same rat and other rodents who ingest poisons. Besides these rare species (studied because their endangered/vulnerable status receives funding) CAL-FIRE officials report widespread use of poisons in outdoor cannabis grow sites. Volunteers who cleaned up grow sites in Los Padres National Forests also found poisons were prevalent at these sites.

Citizens for a Responsible Cannabis Cultivation Ordinance

Eric Hoffman, Former Bonny Doon Elementary School Board
Trustee/President 7 years, Santa Cruz Board of Supervisors appointee to
North Coast Beaches

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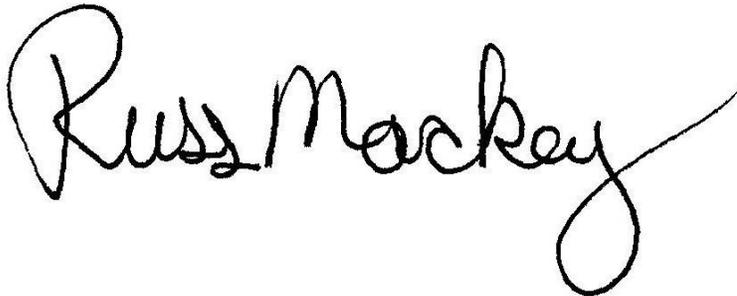
Sherry Edensmith, Bonny Doon Homeowner

A handwritten signature in blue ink that reads "Sherry Edensmith". The signature is written in a cursive style with a long, sweeping underline.

Stephen D. Homan, Former trustee, Bonny Doon Union Elementary School District; Registered Environmental Health Specialist No. 3784, Bonny Doon Resident since 1976



Russ Mackey, Former Firefighter and Director, Bonny Doon Fire Team



Joe Christy, Former Board Member, 2008 through 2013, and Chair, 2009 through 2012, Rural Bonny Doon Association



Phyllis Strickland, Former Bonny Doon Union Elementary School trustee, 7 years



Bob Strickland, Bonny Doon Homeowner since 1981



Donita Springmeyer, Former County Fire Department Advisory
Commissioner, 10 years, Former Board Member Bonny Doon Volunteer
Fire/Rescue Inc.

A handwritten signature in black ink that reads "Donita Springmeyer". The script is fluid and cursive, with the first letter of each word being capitalized and larger than the others.

Morgan Rankin, Editor and Publisher *Battle Mountain News*

A handwritten signature in black ink that reads "Morgan Rankin". The script is fluid and cursive, with the first letter of each word being capitalized and larger than the others.