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Spencer, Craig x5233

From: Steve Craig [stevecraig.turtlecreek@gmail.com]
Sent: Tuesday, July 05, 2016 8:15 PM
To: Fred Kenyon; Adam Kirchner
Cc: Quinn Brady; John & Margaret Hontos; Charles Rowley; Glen Jonas; Erin McKenna; Onciano, Jacqueline x5193; Spencer, Craig x5233
Subject: Re: Taylor/ Access & #FRPOA Gate Combo (and road and legal issues)

July 5, PM

Fred and Adam:

If there is an increasing big access paranoia issue own Forest Rover, for the record:

1. we control dedicated conservation radmnyd on several parcels which we are supposed to inspect twice a year; County code on private roads requires all persons with access requirements are to be informed when gate control is changed. This includes us. This was not done.
2. Sapaque Valley Road is shown on old subdivision maps dating to the early 1880s and on repeated USGS Quads as a dedicated access to the river. Access is deemed prescriptive and the Forest River and Boswell Easements over this old road do not expunge this prescriptive easement, which terminated at the river, with a turnout at a large old homesteaders canyon, described in the CEQA document prepared when both subdivisions were approved. The existing gate interferes with prescriptive rights.
3. Nacimiento River is a federally delineated jurisdictional wetland and there is clear and decisive caselaw that states that access to federal wetlands for recreation cannot be prohibited by a private landowner.
4. The County owns a strip of land along all river parcels, for various purposes and thus has an underlying and permanent land based right of access all the way to the river, and on both sides of the River.
5. The Board has closed certain subdivision roads, allowed the destruction of the homesteaders chimney on the Minney property without a Code Complaint or any enforcement or mitigation plan, which is contrary to the POAs CC and Rs and it is the Board's responsibility to comply with basic state law and terms of the Final Map concerning easement protection.
6. The Board has amended the public access to the common area and closed roads shown as open access for members of the subdivision without going through the required map amendment process to make such changes.
7. Our Boswell Subdivision property is within the Forest River Boundary; the existing gate is not the boundary of the subdivision, Aquiti Nature Preserve is. The prior gate was located at the narrows adjacent to our front entrance but was moved when it was pulled down by Brent Holmes (now deceased).

Although the entire road from the mailboxes to the Shut-ins are in easement benefitting Forest River Members, for the past 10 years or so, a once routine contribution has been suspended and no contribution has been made by the Board to the restoration, maintenance or improvement of this access, between the existing gate and mailboxes, as is required by the subdivision map, despite the fact that its members routinely import water in the range of 2500 to 3600 gallons, in such quantities that it is not logically for domestic use.

I hope this provides some clarity for you Adam as your friends were shut out today by an unannounced change of combination, so we provided access by other means, and this is improper, though we were happy to help Taylor and Celeste gain entrance. They will walk up the hill if they become locked in and we will let them out.

I will request that Code Enforcement take an action on this issue to have our combination easement access reinstated for Forest River, and have Forest River's pro-rata contribution reinstated. At such time the County or Forest River agrees to take responsibility for these easements, an access requirement for us will remain.

By the way, the Marvin Amory pulled up right behind us and gained access without constraint, though he is not a parcel owner and had no guest slip on his dashboard.

He was rude and tried in his way to be intimidating. Reported to the Sheriff as Case 2 in the last 10 days.

If we can't handle these access and contribution matters in an honorable way, Subdivision to Subdivision, the County and Code Enforcement Department will receive a formal complaint briefly.

Please feel free to pass this to the Board.

Steve Craig

On Jul 5, 2016, at 6:49 PM, charles rowley <charlesrowley.turtlecreek@yahoo.com> wrote:

Adam & Quinn:

Hey there. Your friends, Taylor & Cassiday just arrived up to our place seeking help on gaining admittance to FRPOA. Apparently, quite recently, the combo has been changed from 1492 to ... to what, we have not yet heard.

As we like to consider ourselves all friends, could you please call in to us the new gate combination? We have many friends, but given we outreached to yours it would be great if you could provide the info. via phone. 805.472.2750

For our trouble, going down to help these nice folks to get in and to deliver a surf board, we got harrassed by Marvin Amery (also not a member of the HOA). Sigh... the trouble seems to continue to mount. Interesting that these changes have all surfaced in recent weeks as the issue of Cannabis grows is being discussed, along with recent annual Board meetings.

We expect they may well get locked in. They are assuming they can reach you via cell/text from your place.

I let them know they can hike up to our place if they do get locked in behind Marvin Amery who drove up behind us.

If you would please give us a quick call in 805 472.2750— to let us know if Taylor & Cassidy are o.k. with access, and also provide current combo. info., that would be great.

We lucked out on helping them get in. I just want to know (I intuitively trust Taylor— met him before), that this is all above board. When we met Taylor on the road we told him recently that

he was welcome anytime he had trouble, if our gate was open— and to come on up and check in.
Which is what they did.

Staying on course with the good neighbor thing, ~C

Charles Rowley Creative, M.L.A
South Monterey County, California

<A_Chez-Chi_red-chop_Logo_20.gif>

Spencer, Craig x5233

From: Fred Kenyon [fred.tintent@gmail.com]
Sent: Tuesday, July 05, 2016 9:22 AM
To: Onciano, Jacqueline x5193; Spencer, Craig x5233
Cc: 100-District 3 (831) 385-8333; Lopez, Christopher M. x5729; Paul G
Subject: Commercial marijuana districting

July 5. 2016

Dear Craig Spencer,

As residents of the Bryson-Hysperia area, it concerns us that, to our knowledge, only Supervisor Salinas and Planning Commissioner Getzelman have actually visited this South Monterey County area. Yet major decisions are being made that will have huge effects on its future. To be specific, many think that because our mailing address is Bradley, we are located East of highway 101 near San Miguel. We are actually located over 20-miles West.

The Bryson-Hysperia area is very rural and remote, nested between the Southern border of Fort Hunter-Liggett, the Los Padres National Forest and the headwaters of the Nacimiento River. We are referred to as the Serengeti Plains of California because of the pristine qualities and wildlife found here. This is a peaceful, one could deem it innocent, location.

Originally settled by Native Americans resulted in a land so archeologically sensitive that the County requires archeological reports before any grading is allowed. Most of our dirt roads are single lane, with no shoulders and dead end. A majority of our residents live off-grid. Our nearest fire department, when manned, is an hour's drive away and there are no law enforcement personnel located nearby. This area was zoned PG for a good reason. Its topography is suitable for grazing; not commercial agriculture.

As Consultant on this project, we are requesting you and any other interested Supervisors visit Bryson-Hysperia before recommending the area for commercial activity. This is not a NIMBT request. Personal farming of any sort is suitable - it fits. Commercial ag will forever negatively effect this area .

As long-time residents, we will be pleased to escort your visit(s) here.

Grateful for your attention,

Carol Kenyon - LUAC; member SMCRC; Fine Art Conservator, ret.
& Fred Kenyon - Hysperia Hall Board; Capt USAF and Continental Airlines, ret; member SMCRC

75529 Deer Pass Road
Bradley, CA 93426

805-729-0490

Chris, please place this letter into the record.

Spencer, Craig x5233

From: Fred Kenyon [fred.tintent@gmail.com]
Sent: Wednesday, June 29, 2016 6:45 PM
To: Steve Craig
Subject: Fwd: Medical Marijuana Regulations in Monterey County -State Sanctioned Grow Locations

June 30th

Members of the Board of Supervisors:

Attached is the State Sanctioned Medical Marijuana Commercial Growing Zoning Map.

If you open this map, and zoom into south County, you will note that no portions of Monterey County's Permanent Grazing Zone, and nearly all land in Rural Grazing Zones, are not designated for cultivation of commercial medical marijuana. Areas specifically excluded include: Forest River POA, Copperhead POA, Bryson Hesperia, Hesperia and Smith Roads, and nearly all lands of rough terrain up to the Fort and National Forest.

The only south County grow site is along the G14, in a large, quite barren open Savannah which would not require grading of any consequence for Greenhouse Construction. This area is served by power and is closer to the San Antonio watershed which could be a source of replenishment to any local wells used for Commercial Growing, if this is how you want to see our very limited water supply used.. While there may not at this time be adequate water to initiate sustained successful growing in this one zoned property, due to the drought, it should be clear what type of landforms and vegetation types are deemed suitable for Commercial Growing in south County by the State, under new regulations. All basic requirements of civil infrastructure must be in place, obviously, for inclusion by the state as suitable zones for Commercial Grows.

Please consider the State's careful analysis of this issue.

Mountainous zones not served by a basic utility power, water and sewer grid, and not readily adjacent to major transportation corridors, and areas not within reasonably immediate proximity to fire and police services, have been excluded on the State's Commercial Marijuana Growing Zone maps.

Please respect this analysis and do not permit Commercial Grows even under Land Use Permits; some areas should be excluded that we know, from the experience of wildcat growing by Cartels in the past, and local syndicates in the present (such as the recent syndicate arrest in Copperhead Canyon POA), cannot sustain water supplies necessary for such grows, and are deeply incompatible with the local rural culture, which does not, based on the permanent resident population's inputs, favor such grows. We all understand small personal grows and small coops may be reasonable, but outside of Individual 100 square foot canopy growing by individual residents, any Cooperative Grows in this zone should be subject to Land Use Permit.

Thank you for your consideration.

Steve Craig
Sapaque Valley Ranch
Bryson

Member: South County Citizen Planning Alliance

Additionally, here is the link to the interactive medical marijuana zoning
map: <http://montereyco.maps.arcgis.com/apps/webappviewer/index.html?id=7e547350530340bdaaa5458039adb9d0>

Spencer, Craig x5233

From: Erin McKenna [ehmckenna@yahoo.com]
Sent: Wednesday, June 29, 2016 8:46 AM
To: 100-District 3 (831) 385-8333; onciano@co.monterey.ca.us
Cc: 100-District 1 (831) 647-7991; Spencer, Craig x5233; 100-District 2 (831) 755-5022; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Ramirez, Tanya x5036
Subject: Rural Grazing Zone Restrictions

Dear Simon Salinas,

My husband, Edward McKenna, and I own the 200 acre property located at 48750 Sapaque Valley Road in Bradley, California. Since this parcel is in your district, we are looking to you to vote against commercial use of grazing and agricultural land for commercial marijuana growing.

We have owned the property for over ten years and consider it our slice of heaven. People have historically maintained their properties (barring the select few) and respected their neighbors, however this influx of marijuana growers is looking to upset that balance. Since our roads are not county maintained, and we get no help from the county to rectify this issue, we come together to clean and maintain the roads ourselves. With the immense needs these new crops require, we are seeing multiple truck loads, per week, of water and fertilizer that tear up our roads and create fire hazards when they pull over and sit idling in the tall dead grass. As we just experienced with the Frazier Fire, this is a combustible combination. They run generators non-stop to power their operations which is another extreme fire hazard. Recently, neighbors, who have long hiked in the area, have received threats and acts of intimidation from the new growers about supposed trespassing. These have not been friendly encounters. If this growing is allowed to continue unchecked, the area is going to turn into the Wild, Wild West.

Our fear is that without the restrictions on commercial growing, tensions will escalate. We get little to no law enforcement in our area as it is, and by allowing these growers to continue in such a remote area, you are just inviting trouble. Our area is stressed from years of drought...dead trees and little water, please do not add to these issues. Let the land recover and require the growing be done in urban settings where there is more readily available water and nearby fire stations.

At the upcoming meetings, we urge you to continue to support the restrictions of the current zoning. My husband works in the natural gas industry and has seen first hand the results of unchecked tearing up of our precious lands. ...please do not let this happen, there will be no turning back.

Regards,

Erin McKenna

Edward McKenna
CEO/CFO Applied LNG

Spencer, Craig x5233

From: Blake Tastad [btastad@gmail.com]
Sent: Tuesday, June 28, 2016 5:21 PM
To: Spencer, Craig x5233
Subject: Resident's Comment on Proposed Marijuana Regulation

Mr. Spencer,

Thank you for your diligence in pursuing input from members of the community regarding marijuana regulation.

As a property owner in South County, I believe that commercial cultivation in all farming areas (ex/ rural grazing/ permanent grazing) is fair. If greenhouses are a permissible use in this zone, and marijuana cultivation is legal in California and tolerated by the federal government (see Cole Memo), then it seems growing such plant in an agricultural based county would be acceptable.

While some growers have given neighbors a bad impression, it is not the plant that is the problem. There is no need to "throw the baby out with the bathwater".

I also think it is unfair to only allow pre-existing greenhouses to operate. I don't think the fear that traditional farming is going to be replaced is realistic, especially considering the permits being issued place a relatively modest square footage allotment for each permit.

Individuals such as Steve Craig have been sending mass e-mails trying to steer individuals into believing that commercial cultivation would substantially alter our region. Although extremely active, he does not represent the vast majority of individuals in South County. Please be aware that many of the statements he has made to gain support are inaccurate and appear to be made to serve his personal agenda.

Thank you,

Blake Tastad

47935 Sapaque Valley Road
Bradley, CA 93426

Spencer, Craig x5233

From: Steve Craig [stevecraig.turtlecreek@gmail.com]
Sent: Tuesday, June 28, 2016 3:50 PM
To: Blake Tastad
Cc: Charles Rowley
Subject: Re: Cease and Desist - response

Blake:

The issues we are discussing are in the public domain; the allocation of zoning designations for Commercial Growing versus Individual and Cooperative Growing is a public issue and for many years now, intimidation lawsuits by developers of many kinds have been proscribed as not permitted by the California Supreme Court and various appellate courts. As an individual with an interest in this issue, it is illegal to harass, intimidate, threaten or file lawsuits against opponents to development projects, or harass people regarding any issues relevant to participation in land use decision processes. Any defense costs are borne ultimately by an accuser, so I think it is silly to go down this road on an issue of public planning in the year 2016. Intimidation of this kind is not legal.

I would be careful with threats intended to intimidate people from participating in a land use process. In the mean while, your water trucks are still damaging our roads and there is no structure for contributions to or remediation of impacts to rural roads and necessary annual repairs which we, as residence, end up funding, in the year 2015, to the tune of 8,000 dollars for culverts and repairs. Last year, I believe Jay Brown personally funded a major 12,000 dollar gravel drop because we could not get anyone in Forest River to agree to sit down to fund heavy truck traffic or general vehicle impacts. Your own water delivery persons are reporting on the destination, quantities, and use of the water on your lands; that is the source of information we have about what is occurring on various properties in Forest River, and perhaps this information is correct entirely or partially, and for this reason we only mentioned water deliveries as a general issue. There are at least three properties with extensive water delivery schedules presently in Forest River. As all this traffic passes our gate, it is nearly impossible for us to remain ignorant of the matter. Perhaps they are lying, perhaps they exaggerate, but we live here, and experience nearly daily water deliveries from various grow operations.

This entire issue is not a private or personal issue; I have never even met you, not even had a phone conversation of any consequence and would not recognize you if we passed on the road into Forest River. You have apparently discussed various matters with my partner Charles, but that has nothing to do with my appeal of the PC decision to expand Commercial Growing into the Grazing Lands designation. If they want to do this, and the Board agrees, they must study the land use impacts and CEQA effects of their actions. This, they have not done. If they do not do so, our only remedy is litigation, which I am sure we will be able to get various public interest groups to join.

Read the proposed ordinances; they are on line under Monterey County Planning Commission, posted today. Many of us living out here for many years oppose commercial marijuana growing operations for good reason, and the County has not studied the issue with any degree of authenticity. Personal grows, coops and other types of small growing operations we believe should be permitted in this zone and we would encourage anyone legally able to do so, to proceed ahead, subject to getting state and County permits for grading roads, pads, and installing residences, and growing for compassionate use in both individual and cooperative formats. That is pretty clear from my letter. This issue will continue on to the Board shortly (July 19th). Come and participate, if you think that large scale growing operations are suitable for this zone and let us see what the decision-makers decide. Whatever the outcome, as we live under the rule of law (still) in this country, we will all have to abide

the consequences of the Board's decision. But don't try to suppress participation; that is illegal.

I sent my email to you to be sure that you understand the decision about how marijuana grow land use is allocated is a public issue, not a private one. I also sent you my intent to appeal because I thought it may be of interest to you, as you perhaps disagree with our position on large scale commercial grows in this zone, and a rigorous public debate on the issue will be of benefit to the decision-makers. Also, I did not know if you were aware of the current hearings on the proposed ordinances. I could have obviously not sent the email to you, and you would not have seen the contents of our intent to appeal; however, this is not good democracy, and not good public policy. We need a debate with all sides represented. That was why I sent you a copy of our appeal of the County Commission's intent to override the Staff Recommendation to limit Commercial Growing to selected zones, not all zones.

This is not about you and your partner, or whatever you may or may not be doing on your property. Of that I am ignorant in the details and to which I really am indifferent. We believe it is important to govern our land use under the rule of law. This involves debate and the disclosure of what is currently going on out here as a framework for what the County intends to change in terms of what is permitted. There are many grow areas under cultivation for marijuana in this region; nothing in my comments focussed on you, named you or your partner, or was intended to prevent your from speaking out, defending your actions, whatever they might or might not be, regarding your property and how you use grazing lands for agriculture. All I know about your activities has been shared by your water delivery truck men, as they speed along and honk their horns to get gates open. They are or appear to be quite forthright about the sources of water they import daily, their destinations, and land uses at these destinations. However, I would not rely on this as a matter of fact; the County should determine for itself what the state of grow operations are out here before expanding their use legally.

I did not mention your land in any of the comments made on the draft ordinance, nor your name. You may have recognized your land use patterns but believe me, you are only one of many groups of recent buyers of land in this area that are using procedures for grading, temporary residence, and water use that may evade County permits or review. That is your decision, apparently, as when I checked the various APN parcels that are or may be presently under cultivation based on indirect evidence from various water supply trucks, gossip, observations of behavior patterns and other sources of evidence, and therefore under evidence that is entirely indirect, it appeared that not a single operation of a grow type had obtained any permits, not a single permit, except well permits from the County.

The decisions you may have made to grade without permits, install a trailer, conduct a grow of some type, are all your responsibility. We want to see a legally responsible procedure in place before growing fields start appearing in our area en mass.

I have been shot at twice thus far and so now travel armed as needed. I realize that I am not dealing with the best quality person in regard to marijuana grows.

I think you should restrain yourself, participate in the process, and make your arguments for proceeding with what you have or have not done on your property without County permits, or obtain permits, influence the process, and influence the County Board accordingly.

All I know is that the only permit you have obtained is one for a well. Land use is a public domain issue, not a private or secret matter. Land use is part of the commons and as such is an entirely public process and the effects of land use decisions are not limited to parcel boundaries. Participating in this process is legal and encouraged. It is up to the County to follow up on what you are or are not doing, not me. Because they lack the staff or will to do so, they should delete this area from Commercial Grows, is my point.

As to allowing Commercial Grows in this zoning district, it is broadly opposed by major public groups including the general charters of Forest Watch, Ventana Wilderness Alliance, and many intimidated long term residents, who are afraid of growers as a matter of course.

I don't think there is any reason to continue a direct discussion of the matter with you as this is a land use debate best heard before the County Board of Supervisors and Planning Commission. Our issue is with the County not doing it's proper job on Code Enforcement, Fire Code Enforcement, permits for habitable structures, and the legality of importing water from a compromised basin under strict drought management. It is up to the state to enforce and check on coops, their documentation, and the genetics of plants grown for medical marijuana. None of this is my job. I am just asking: is this being done?

I think threatening suits to suppress discussion is in the end a fruitless endeavor. For all I know, you are growing pears or apricots; our issue is with the County not enforcing its own regulations and changes to the water supply in our region, an very lax Code Enforcement in the Permanent Grazing zone and its jurisdictional waterways. Some of us actually live here and depend on the resources in the ground for our living and home life.

I have not circulated this email (except to an attorney and the County as you are threatening a lawsuit which could involve the County as any cease and desist would involve them) and I will consider it was sent in haste, and when angry. Please come out and participate in the upcoming Board hearings; they need to hear from everyone who has an interest in the issue of Marijuana Grows of a commercial scale in this district, which apparently is an issue for you based on your response to my email. I have no idea if this is really the case. As you can see, my comments to the Planning Commission were widely distributed to engender as much participation as possible and concern an entirely public and not private or personal issue, to which cease and desist orders apply. I have no animosity towards you and am sorry as neighbors, we cannot maturely disagree about land us before a decision-making body.

Regards,

Steve

> On Jun 28, 2016, at 2:01 PM, Blake Tastad <btastad@gmail.com> wrote:

>

> Steve,

>

> If you continue to misinform others about our land in large e-mails I plan on filing a lawsuit of my own. I believe that a court would find many of your statements to constitute defamation. Your harassment through misguiding others is not appreciated.

>

> Consider this the end of any potential friendship.

>

>

> Blake

>

Spencer, Craig x5233

From: Linda Plumb [ljplumb@gmail.com]
Sent: Tuesday, June 28, 2016 1:40 PM
To: 100-District 3 (831) 385-8333
Cc: Lopez, Christopher M. x5729; Spencer, Craig x5233; paul@tregattivineyards.com
Subject: Commercial Marijuana Growers

Dear Supervisor Salinas,

I am a member of the Bryson-Hesperia Community and have been for 20 years and my husband, moved here in 1978. He was extremely proud of this community and its rural nature and lifestyle, and had faith that the Williamson Act, the rural grazing designation of our area, and our government officials, would maintain the nature of the area and protect our all too scarce natural resources - particularly drinking water. My goal in writing is to share with you what I've observed and experienced with the recent influx of Commercial Marijuana growers into Bryson-Hesperia - and to state that I have no issue with marijuana growing. What I do have is concern regarding what appears to be a lack of long-term thinking regarding granting permits for what is an industrial business - not a rural activity.

I can share from personal experience the reportedly illegal growers who have already set up business in the Bryson-Hesperia/Copperhead area have changed the rural nature of our area as I am located near the intersection of Bryson-Hesperia and Interlake Rd. I have observed a noticeable increase in traffic - trucks carrying everything from lumber, heavy equipment, gravel etc. There have been and continue to be many unfamiliar fast moving cars on the road.

This alone makes me ask - how are roads going to be maintained and kept safe? I'm well aware that it is hard for the County to get to this road for repair as it is - now it will have even more usage and how will the county accommodate the increased need for maintenance?

And you may or may not be aware, this is a one way in, one way out road - fire danger is not only high it is deadly because of the single escape route. Is this a location where you wish to promote this high level of activity and therefore added risk during fire season?

In the last year there appears to be more garbage along the road, dead animals that have been hit by cars, and other activities that could warrant at least some police presence. As I understand it there is only one sheriff on patrol for all of the southern part of Monterey. Can you the Supervisor and the members of the Planning Commission, in good conscience subject an area - knowingly - to a more dangerous atmosphere and not be prepared to address that danger?

You may also be aware that one of the things people enjoy in the country is seeing stars. That too is being compromised by light pollution from some of the greenhouses already built in this area as is the peace and quiet most of us love because of more traffic on the road and generators being used by these growers.

Water - as I understand it is one of the reasons our lots are mostly set as 40-acre minimum parcels. I find it hard to think that our County government is willing to put citizens water supply at risk with an open-ended permission slip of establishment of a water hungry industry in a water short area.

I heard you speak at the Lockwood Community Center and what I remember most is the concern you

shared about increased costs for insurance etc. for your employees- not concern about additional public servants who would serve the people (sorry about the roads, police protection, San Antonio closing –). So I'm forced to wonder, if the County cannot serve the citizens already here who came here with a specific set of rules in place, how can it serve the increased demand that will result from these commercial industries - in an already underserved area?

I have heard the large agriculture producers are ready, able, and willing to set up growing in facilities in existence in the Salinas Valley. Is there a reason why County officials are not supporting that route for better regulated and more accessibly located commercial growing?

To date, because I cannot find adequate answers to the above questions, I do not support the idea of granting commercial medical marijuana permits in Bryson-Hesperia or any of our already underserved rural areas.

Sincerely,

Linda F. Plumb

Bryson-Hesperia Rd.

Spencer, Craig x5233

From: Steve Craig [stevecraig.turtlecreek@gmail.com]
Sent: Tuesday, June 28, 2016 1:14 PM
To: Fred Kenyon; Charles Rowley; Linda Plumb; Jeff Kuyper; Tom Hopkins; Mike Splain; Glen Jonas; Charles Rowley; Timothy Bottoms; Hesperia Hall; Charles W. Ewing; Charles Rowley; Blake Tastad; Wild Big Sur; Fred & Carol Kenyon; Patricia Ashe; Ann Brown; Jay Brown; Bart Bartosh; Cheryl Bryantbruce; Mike Dolny; Erin Rowley Cooley; Todd T. Cardiff, Esq.; Ruben Flores; Sam Farr; Paula Getzelman; Matthew@Wildlife Gil; John & Margaret Hontos; John Hontos; David Hobstetter; Douglas W CPT RES USA IMCOM Hales; Wanda x5285 Hickman; Parker, Jane; Fred Kenyon; Kassie Siegel; Adam Kirchner; Kassie Siegel; Ken Bauer; Linda Plumb; Santa Lucia Chapter of the Sierra Club Andrew Christie; Lopez, Christopher M. x5729; Patricia Matejcek; Kathleen Novoa; N46 Padgett Lisa M CIV USFF; Margie Whitnah; Mary Hsia-Coron
Cc: Onciano, Jacqueline x5193; Patricia Matejcek; Nikki Nedeff; Pelican Network; N00P Larson Melinda L CIV NAS Lemoore; QunTan Shup; Patricia Ashe; Quinn Brady; Ramirez, Tanya x5036; Carolynne Potts; Susan Raycraft; Spencer, Craig x5233; spencerc@monterey.co.us; Burns, Tim O. x6770; Donald Ukkestad; Douglas W CPT RES USA IMCOM Hales; Tom Hopkins; Cody Patterson; Richard Gilett; Bart Bartosh; bethwinters@earthlink.net Winters
Subject: Re: PC Resolution on the Revised Medical Marijuana Regulations -additional emails for this topic - supporting emails?

Friends and Enemies:

I blind cc'd some of you on this appeal of the PC decision on commercial pot growing in our region up against the Monterey Forest District in Permanent and Rural Grazing.

Any short emails supporting this email, using this reference would be appreciated: the reference is: Steve Craig email of June 28, from the South Monterey County Citizen Planning Alliance to the Planning Commission appealing the PC decision on Commercial grows in grazing districts.

This will not effect personal grows or valid state compliant coops. Just large scale commercial grows.

Please distribute to your friends and ask them to send things in to Jacqueline Onciano at the address above, so we have a record for a legal appeal for not expanding commercial pot growing into the Grazing Districts. My letter is adequate for filing a suit. If you have a different opinion, that never hurts, as this has been sent to growers and non-growers alike.

Glen: would you like to file this for us? I assume it will be a \$4000 appeal in local Superior Court. We would then enter a mandatory negotiation process before process to evidence and trial. The goal is really to get the PC to recommend the staff decision, which is that commercial grows should not occur in the Grazing Districts.

The Commission missed on this one and we need to be sure the system responds correctly.

A legal fund will be set up in the next few days to file a CEQA suit on the PC action. Anyone that can contribute \$500 dollars to the appeal would be appreciated, but the commitment is real and should be authentic, not wishful thinking. If Glen is able to handle the appeal, great, if not, we will contact Land Watch and get their attorney on board.

I think we can file a suit for about \$3,000 or \$ 4,000 on the CEQA issues only, on expanding the scope of the growing area for Commercial Pot Growing to Grazing Districts as a recommendation to the Board without a revised CEQA analysis. We all know what is going on out here and it is not a favorable development.

Please forward to your friends.

Thanks,

Steve

On Jun 28, 2016, at 11:35 AM, Steve Craig <stevecraig.turtlecreek@gmail.com> wrote:

June 28th

Members of the Planning Commission

The addition of marijuana ‘cottage industries’ (including the possible production of hashish, oil extracts and other secondary products), and the addition of zoning districts not previously contemplated to be included in commercial growing areas, constitutes a significant change in the project description and therefore this revision should have undergone a new circulation of the CEQA document. The consequences of allowing commercial growing in Permanent Grazing and Rural Grazing Districts introduces a number of new CEQA issues including:

1. much of this area is not served by PGE (and water demand for commercial scale marijuana growing is too great for reasonable solar solutions) and most active growers in this region, at this time, use generators to pump water and for other purposes because electric service simply does not exist in thousands of acres of rural south County outside of the Salinas River Valley. Three of four fires in the Bryson-Hesperia and Smith Road area of south County over the last 10 years were caused by use of generators and one was caused by a delivery trunk scraping a shallow (not built to private road code standards) Arizona-type crossing in Forest River POA in the vicinity of the “Shut-Ins” adjacent to Fort Hunter Liggett. The probability of increased fire risk, and paying for fire suppression, include the availability of fire suppression water, financial impacts to service agencies (and ultimately the public which must fund their activities) and home damage risks in the Grazing Districts are not addressed in the existing CEQA document.
2. Many properties in these “outlier” districts do not have CDF compliant steel tanks, many have non-fire storage code (or safe) plastic tanks, and many occupied recreational properties in the grazing districts do not have any fire storage at all. Many of the common land uses, particularly in Permanent Grazing districts include weekend recreational uses, marijuana cultivation, code compliant home residential use, non-code compliant temporary or permanent residential use (the dominant type of land use), as well as hunting and fishing and equestrian trail use. Ironically, there is very little grazing actually done in such Grazing Districts, due to poor forage and cover, the long term drought, climate change which has increase average summer temperatures by 10 degrees in 30 years, and industry grazing changes.
3. The County does not have the police and fire or Code Enforcement resources at this time to conduct Code Enforcement in these rural zones; we will bring photographic documentation of this fact to the Board hearing, or to the revised hearing for the Planning Commission resolution if a new CEQA document is deemed needed to be circulated according to County Counsel.

4. Of our last five Code Enforcement complaints over the past year on illegal grading, non-permitted grading, construction of non-permitted homes, construction of "guard quarters" for marijuana grows, that have not gone through the County permit process, despite complaint, have not been acted upon by the department. One of these complaints was made in the last three months over a major ridgeline grade for a well (drilled out to 600 feet but a dry hole) and setting up of residential structures without grading permits and on site guard residence without a sewage system. The Grazing District ordinances are clear that a temporary trailer is legal IF one is building a new home; they are not permitted as guard residences for non-permitted major grow sites, and they are not permitted as permanent residences unless on footings and properly served by water and sewer facilities.

5. Marijuana is a riparian plant and thus has a very high water demand. The existing CEQA document does not address a much expanded base for Commercial growing in new zoning districts not previously considered, so the water impacts of this project, are now not correctly estimated or discussed in the CEQA document. At this time, of the four large on-going grow operations in both the Forest River POA area and Copperhead POA, nearly all water is being trucked in, at the rate of about 6,000 gallons a week for two of four separate grow properties. These truck impacts on rural private roads are not mitigated at this time by contributions to private road maintenance for such heavy loads, and there is no discussion of the matter anywhere in the CEQA document. There is also no discussion of the transfer of water from agricultural properties in the Salinas Valley to existing (let alone) future potential large commercial grow sites outside the Salinas watershed. This is not speculative; this is what many growers are doing now.

6. The County, CDF and the Department of Fish and Game do not have the staff to cover tagging and forcing the remediation of existing non-compliant grow sites, temporary residential structures used for guarding grow sites, residential debris sites (numerous in Bryson), non-permitted mobile homes using porte-potties as septic systems; major dumping of debris in jurisdictional waters and other violations (perhaps the largest of these dumps in just north of Forest River adjacent to the Shut-Ins. All three agencies we contacted indicated that staff and time shortages, small budgets, and non-collectible fees were causing them to lift code enforcement from their work loads. Permitting Commercial growing in grazing districts where violation sites are more numerous than permitted buildings, together with easement, Code and CC and R violations ignored by local POAs, makes this expansion of Commercial growing use absurd, an unsolved problem on top of an already unsolved problem. It was for this reason the County staff limited the zoning districts where large commercial grows could occur. We strongly support this limitation.

7. With the exception of the large recent bust of a 2,000 plant growing site recently in Copperhead (this was a local 8 or 9 person share proceed syndicate), by our informal count which was contributed to by various neighbors in Bryson-Hesperia, there are three active grow sites along Bryson-Hesperia Road between the G-14 and Hesperia-Smith Road, there are at least two grow sites reported in the Smith Road drainage, there are at least 8 grow sites reported in either the Forest River POA and the Copperhead POA. Even if each of these growers is fully compliant with state law (they have records supporting collective requirements, multiple prescriptions, copies of Driver's Licenses and meet all other requirements, including genetic testing and a valid transport licensing arrangement with the City of Oakland, likely the only City fully up to speed on the regulatory aspects of Commercial grows that are legitimated by government), none of these local grow sites according to phone research with the County staff, have developed through any County process for permits for residence, sewage, site placement or

grading issues according to calls to the Planner of the Day and checking on the street files for various properties. The only permits obtained were well permits, not use permits.

Also, I would like the Commission to realize all these revisions to the coastal and inland versions of the ordinance were released to the public just two days before the hearing, which is not enough time to compare the original and revised resolutions redlined versions, scan for the implications for expanded CEQA analysis, and there is not a clear statement as to what districts in rural or permanent grazing will be permitted to be used for commercial growing activities.

The County Counsel summary appears not to be a redline revision to the original version of this document even though it appears to introduce new zoning district coverage. Coverage areas zoned for Commercial growing were summarized by County Counsel in the revised document as follows:

"These zoning districts include the Light Commercial, Heavy Commercial, Agricultural Industrial, Light Industrial, Heavy Industrial, and Farmland non-coastal zoning districts, with allowance of the particular use within each zoning district dependent on factors specified by the ordinance".

It was unclear exactly what this meant in terms of increase in acreage covered by the ordinance for Commercial operations. So I wrote the relevant planner, Craig Spencer, who did an excellent job with the original ordinance, and he clarified for me as follows:

Hello Mr. Craig,

The Planning Commission continued the public hearing to June 29 and provided direction for staff to prepare a new resolution for consideration.

The new resolution would recommend the Board of Supervisors NOT adopt the ordinance as drafted but instead consider making revisions to the ordinances before it is adopted.

One of the recommended revisions to the ordinance is to allow anyone located in a farmland zone (including permanent grazing, rural grazing, and watershed and scenic conservation zones) to apply for a Use Permit for medical marijuana cultivation.

The updated report and resolution should be made public tomorrow.

Thank you

Craig W. Spencer
RMA - Planning Department
County of Monterey
phone: (831) 755-5233
e-mail: spencerc@co.monterey.ca.us

There were many good reasons staff recommended a narrow scope for Commercial Growing and it is very unfortunate that the Commission directed the many changes it did. The most legally influential change was the inclusion of ALL agricultural districts as eligible for commercial grows. We support Marijuana Law revision; but the Commission will show ample compassion by letting proceed personal grows of small scale and coops (serving 5 or fewer individuals) with all paper work filed with the County and state only in all districts; any Commercial growing should be confined to areas with public services, power, sewage disposal and police and code

enforcement ready availability. Commercial growing is not about medical compassion, it is about money.

The marijuana growing industry in south County has ample opportunity to serve the public's interest under the Individual Cultivation sections of the ordinance with limitation of Commercial Grows only in zones that are close to urban areas (if not in urban areas), to proper industrial zones or large scale agricultural properties that are proximal to services of all kinds, including power, water availability, testing labs for genetics of medical plants (which are different from recreational grade marijuana). Permitting such large Commercial grows in the back country, adjacent to very rough terrain, the National Forest, and both the Silver Peak and Ventana Wilderness areas, as well as Fort Hunter Liggett (and its many acres of buffer zone property), is not the proper place to permit Commercial Grows. Typically cartel grows in the Forest near our property have had significant impacts on the environment. The Ventana Wilderness Alliance has volunteered in the past in close cooperation with the Forest to clean up these grow sites.

We would be glad to host a tour of this area for the Commission, or the Board, with several neighbors, as clearly many new members of the Board clearly have absolutely no idea what the topography, drought, water problems, lack of service, and lack of Code Enforcement has done to our quality of life in this area in the past few years. Including these remote agricultural districts (which are much more mountainous and forested than most of the Salinas Valley) in Commercial Grow areas is truly maladaptive for the future of our rural community and will result in more water shortages, more fires, conflicts with other agricultural uses, conflicts between neighbors, and lack of adequate Code Enforcement, Policing, or CDF participation in reviewing properties for fire safety and Code Compliance.

It would be illegal for the Commission to act on such a wide scope of changes in the Project Description without significant amendment of the staff CEQA document.

We support Medical Marijuana grows and the testing, research cloning, medical use testing, changes to possession prison sentences, and development of a valid medical industry around this plant. However, what is being created with the Commissions proposed expansion of Commercial Growing to all Agricultural zoning districts, is a "gold rush" industry which will leave the remote grazing districts scarred, short of water, and un-integrated as an authentic rural culture if commercial scale growing is permitted.

We have extensive experience with the Use Permit process and the costs and time it takes to appeal them on a piecemeal basis as, together with the Center for Biological Diversity, we appealed (and won these appeals), 7 various land use permits to enable fracking along the Salinas River, in the Salinas River, and in Hames Valley and on BLM lands. These appeals have opened up a larger public process to prevent certain water-destructive types of uses in south County. Land Use Permit appeals are expensive, time consuming for the public and are not good public policy.

Please rethink your decision, listen to your planning staff, they know the areas in Grazing Districts well, and they drafted an excellent original ordinance, but expanding its provisions to Rural and Permanent Grazing was a collective mistake of judgement. People in these areas can do small compassionate grows, or larger grows by legitimate collectives meeting state provisions and County monitoring. What we don't need is the types of problems that have emerged with wildcatting large grows on borrowed water from the Paso Robles basin or Salinas River.

To make this All-District inclusive, you are creating significant problems for local residents. Not acting on what is happening out here has already created problems, so exacerbating a bad situation by being unduly permissive out of a mistaken notion of compassion is unacceptable.

Thank you for your attention,

Steve Craig
Sapaque Valley Ranch
Member: Citizen Planning, Association, South County

Spencer, Craig x5233

From: Daniel Sosa [danielmichaelsosa@gmail.com]
Sent: Tuesday, June 28, 2016 9:21 AM
To: Spencer, Craig x5233
Subject: Question about new ordinance draft

Craig,

I am concerned that the new draft of the ordinance does not include all agriculturally zoned land (particularly PG-40 land) or any outdoor cultivation. It was explicitly and unanimously resolved by the Board of Commissioners to support Commissioner Diehl's recommendations which included those provisions. Can you please tell me why this is the case?

Thank you.

-Daniel Sosa

Spencer, Craig x5233

From: Daniel Sosa [danielmichaelsosa@gmail.com]
Sent: Friday, June 24, 2016 10:35 AM
To: Spencer, Craig x5233
Subject: Medical marijuana ordinance - Monterey County

Craig Spencer,

First of all, thank you for your work on developing a medical marijuana ordinance for Monterey County. I am sure it is challenging to attempt to balance the interests of everyone.

As you know, I attended and spoke at the Planning Commission meeting on Wednesday. I own three contiguous parcels of land zoned PG-40 in the Lockwood area. I was pleased that the Commission instructed staff to come back next week with a less restrictive draft of the ordinance. I was also glad that the Commission indicated that they would like to allow for the possibility for farmers to build new greenhouses, allow outdoor cultivation applications, and allow cultivation applications on all agricultural uses, including PG lands. I also agree with their suggestion that we should use our existing use permit process to determine whether the permits should actually be issued.

I agree with the Planning Commission that agriculturally zoned land should be allowed to apply for cultivation permits. Specifically, I would like to see Type 3 Outdoor License, Type 3B Mixed-light License and Type 4 Nursery License be allowed on PG-40 zoned land.

I understand that there have been concerns in the past with cultivation on farmland and grazing lands. While I cannot speak for other operations, I can confidently say that my operation is secure, uses a legal water source, and we have never cut down one tree. Two years ago a Code Compliance Officer inspected my property and told me that nothing I was doing required a permit. This was documented in e-mail. Two years ago I even met Sheriffs at my property at their request, answered their questions, gave them copies of my legal paperwork, shook their hands, and never heard from them again.

I believe that it is the Planning Commission's intent to recommend to include PG-40 zoned property for medical marijuana cultivation. However, in the case it is not opened up completely, I believe that it should at least be opened up with certain provisions to allow people who can demonstrate that they have been operating responsibly in the past an opportunity to apply for cultivation licenses (specifically Type 3 Outdoor License, Type 3B Mixed-light License, and Type 4 Nursery License).

I had the opportunity to meet with Supervisor Salinas yesterday morning and express to him the views I am expressing to you now. I feel that he gave thoughtful consideration to my concerns, and I hope that he will be an ally in allowing those with agriculturally zoned land, particularly PG-40 land, the opportunity to apply for cultivation permits in Monterey County.

Once again, thank you for all of your efforts and for your consideration of these issues.

Sincerely, Daniel Sosa

Spencer, Craig x5233

From: Nickerson, Jacquelyn x5240
Sent: Thursday, June 23, 2016 8:05 AM
To: Spencer, Craig x5233; Onciano, Jacqueline x5193
Subject: FW: Monterey Council meeting

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

From: Michael Caragio [<mailto:caragiom@gmail.com>]
Sent: Thursday, June 23, 2016 4:35 AM
To: Nickerson, Jacquelyn x5240
Subject: Monterey Council meeting

Hello Jacquelyn,

I talked to Mr. Spencer about two months ago via email. This is the first city Council meeting I've ever been to.

I am at R&D research company specializing in CBD breeding and also testing everything used to grow and fertilize plants in all stages of growth.

I have been working closely with universities and top companies that produce everything from watering systems to lighting, greenhouses all 21st-century ideas. I am considered one of the top R & D research companies in this industry.

I can display to everyone in the room including the sheriff on new and innovative growing techniques that is of vital importance for a healthy green planet.

I could show you how to grow successfully without polluting any of the land around the grow facility. Today's technology allows you to use natural sunlight greenhouses but built with 21st-century technology.

My R&D research and CBD strains are recognized by the Israeli government and their top scientists and my team also works with one of the top Scientific labs in the United States up in Oregon where all the genetics and DNA mapping are getting done.

My team is looking to build a Campus designed around Google and Apple style campus's. My team is from Santa Cruz and the bay area I've been living in Santa Cruz and Watsonville since 1980 and believe I can bring value through my research abilities and experience.

I can Instill a wealth of information and provide insider insight on growing techniques in this ever evolving industry. I can provide information that may not be discussed or known by council. I am truly passionate in my field of expertise.

During the first break I've met a few of the public speakers. After speaking with them for about five minutes they were amazed of all my work and that I should been a guest speaker I would've clairifed much of the confusion that night at the meeting. Please allow me the opportunity to prove myself and for my team to display our passion and talents. Thank you.

Regards,
Michael Caragio
Santa Cruz Private Reserves
831-334-7669

Spencer, Craig x5233

From: Joey Espinoza [coastalgrowersassociation@gmail.com]
Sent: Tuesday, June 21, 2016 11:50 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Spencer, Craig x5233; DonlonK@co.monterey.ca.us; Mendez, Jose; Salazar, Aurelio Jr.; Padilla, Cosme; Rochester, Don; Getzelman, Paul C.; Brown, Jay; anydroberts@gmail.com; Hert, Luther; Vandevere, Keith; mvdiehl@mindspring.com
Subject: Re: Coastal Growers Association Recommendations
Attachments: CGA Letter to County #2.docx

Please see our letter regarding the 2nd draft ordinance.

Thank you all for your time and collaboration.

- Joey Espinoza

On Wed, May 4, 2016 at 12:47 PM, Joey Espinoza <coastalgrowersassociation@gmail.com> wrote:
Hello Supervisors,

Attached are a few important comments we wanted to make as you continue to work on drafting this ordinance.

We look forward to the next meeting(s) regarding this subject. Thank you once again for all of your work on this matter.

Sincerely,

Joey Espinoza, President
Coastal Growers Association



Coastal Growers Association

318 Cayuga Street
Salinas, CA 93901

Monterey County
168 West Alisal Street
Salinas, CA 93901
Board of Supervisors
Planning Commission
Craig Spencer, Associate Planner
Kelly L. Donlon, Deputy County Counsel

Dear Monterey County Staff,

I am writing on behalf of the Coastal Growers Association. We would like to thank you all for your work on this subject and recognize that certain changes were made based upon our feedback. Thank you for hearing our voices in that regard. We are writing today to speak about certain items we feel still need to be addressed based upon the 2nd draft ordinance.

Below we have compiled a list of concerns that we have read from staff reports and provide possible solutions to be discussed:

Concern: Outdoor cultivation poses higher security risks over indoor or greenhouse gardens.

Solution: Outdoor growing can be made secure with razor-wire fences, surveillance cameras, motion sensor lights, and alarm systems, according to Dan Williams, president of Canna Security America, a firm based in Colorado where outdoor cultivation is allowed. "It's absolutely doable," Williams said. Also consider that in reality, only temporary heightened security would be needed because you won't be harvesting as many times per year as you will with indoor and greenhouse operations.

Concern: Indoor cultivation can be better secured to deter theft; is less likely to result in illegal water diversion, grading, erosion, tree removal, and other environmental damages.

Solution: We must recognize that in the case of illegal water diversion, grading, erosion, tree removal and other environmental damages are separate issues. We should not bracket cannabis cultivation with these activities because regardless of anyone's intention,



Coastal Growers Association

318 Cayuga Street
Salinas, CA 93901

performing these activities is illegal, period. With or without an ordinance these activities are considered illegal and should be handled on a case-to-case basis. The folks interested in becoming compliant and getting permits will follow the correct channels to achieve their goals while others who have no intention of complying will continue to do this.

Concern: [indoor cultivation] simplifies enforcement efforts by limiting areas where cannabis can be cultivated.

Solution: The reality is that most people in this county are outdoor cultivators. If they are already cultivating in these rural areas and using outdoor methods for growing their crops why would we not make an effort to identify the good and bad actors? We shouldn't allow people doing it the wrong way to prevent others from doing it the right way. We should be drafting an ordinance based on the reality of what is going on here (and has been for decades), of course we continue to better our community by not allowing illegal water diversion, grading etc. We should not create an ordinance that will cause a majority of existing cultivators to be out of compliance. Good actors exist and currently the ones who are good are never heard of because law enforcement isn't needed, once regulated the good actors will become transparent which will help all involved.

Concern: For now staff and the ad hoc committee have recommended limiting commercial cannabis activities to zones where similar uses are already allowed, and limiting cultivation to existing greenhouses (to avoid conversion of row crops to greenhouse) or within buildings in industrial zones.

Solution: We can avoid the conversion of row crops to greenhouse by allowing outdoor cultivation. I understand there is a concern that cannabis could be another bubble and leave the county with more empty, eventually dilapidated greenhouses. We can avoid this by using the existing greenhouses and also allowing for outdoor cultivation. Aside from this, the reality is that most farmers with row crops have a set planting schedule. The idea that they will pull up vegetables to plant cannabis is not realistic when you consider a strict planting schedule, often planned for years in advance. Plus most farmers who grow row crops will not want to change their business model to the federally illegal cannabis cultivation model. We cannot even get bank accounts yet, so why would row crop farmers put their successful businesses at risk when the political climate isn't there yet?

Concern: Indoor cultivation, greenhouses and limited the zones will help law enforcement to not become over-extended with enforcement. We do not have the funds to enforce in certain areas.



Coastal Growers Association

318 Cayuga Street
Salinas, CA 93901

Solution: The more restrictive we make our ordinance the less community benefit we will have. The less tax revenue we will generate to assist the community. The more inclusive we make this ordinance the better because it will give our county more resources to better oversee these activities. Considering most of your growers are outdoor, not allowing them to participate greatly reduces the community benefit that is possible with a regulatory system.

Concern: Indoor cultivation has a large carbon footprint and we should require 50% renewable energy to counteract this.

Solution: We have to remember that these businesses can be very expensive endeavors, especially when they are being done the right way, such as paying permit fees, paying all taxes, paying for payroll etc. To add a burden of renewable energy investment from the genesis of a start-up seems counterproductive. We should want to make these businesses as successful as possible to truly provide a community benefit, such as job creation. An idea to counteract the carbon footprint of indoor cultivation is to allow for outdoor cultivation. Cannabis plants enjoy taking in CO₂, consider them a beautiful, organic way of helping the planet.

Concern: Personal Cultivation Permit will allow law enforcement to quickly identify who is legal and who is not.

Solution: This permit would seem to be logistically unenforceable when you consider the worry of enforcement for even commercial cannabis cultivation. Aside from this, it is very likely that adult use of cannabis will pass this year which would allow every citizen the ability to grow six plants, which would make this personal cultivation permit a waste of time. Plus we have to consider that medical cannabis patients already have to get their recommendation renewed once per year from a licensed physician to stay compliant with the State. Adding this permit will only make it harder for patients to get access to their medicine that they want to grow for themselves.

We appreciate your continued collaboration on this project. Thank you once again for your help and we look forward to finishing this ordinance with a great final product.

Best Regards,

Joey Espinoza, President
Coastal Growers Association.

Spencer, Craig x5233

From: Brian O'Neill [Brian.O'Neill@coastal.ca.gov]
Sent: Tuesday, June 21, 2016 2:30 PM
To: Spencer, Craig x5233
Subject: Medical Marijuana Regulations
Attachments: Medical Marijuana Regulations.pdf

Hello Craig,

I have attached CCC staff comments on the Medical Marijuana Regulations that were forwarded to our office. A hardcopy has also been mailed to you. Please let me know if you have any questions.

Thanks,
Brian

Brian O'Neill, Coastal Program Analyst
Central Coast District Office
Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
(831) 427-4864

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WWW.COASTAL.CA.GOV



June 20, 2016

Craig Spencer
Monterey County Resource Management Agency
128 West Alisal Street, Second Floor
Salinas, CA 93901

Subject: Negative Declaration for Medical Marijuana Regulations for the County of Monterey, Planning File Number REF150048

Dear Mr. Spencer:

Thank you for forwarding the Negative Declaration for Medical Marijuana Regulations for the County of Monterey to our office. The proposed ordinance would amend Title 20 of the Monterey County Code, part of the Local Coastal Program's (LCP) Implementation Plan (IP), to allow medical marijuana activities in certain zoning districts throughout the unincorporated areas of the County, including within the coastal zone, subject to the requirement to obtain a coastal development permit. As we understand it, indoor medical marijuana cultivation and manufacturing would be allowed in areas zoned Agricultural Industrial, Light Industrial, Heavy Industrial, and within existing legally permitted greenhouses in Coastal Agricultural Preserve. Medical marijuana dispensaries would be allowed within areas zoned Coastal General Commercial. The standard of review for IP amendments is that such amendments must conform with and carry out the policies of the Land Use Plan. We support the County's effort to specifically address the issue of medical marijuana activities and offer the following comments.

First, we consider medical marijuana cultivation to be an agricultural use. That said, medical marijuana cultivation and sale does not constitute a coastal-dependent industrial use and is therefore not an appropriate use for sites designated for coastal-dependent industrial uses in the North County Land Use Plan. Thus we recommend that the ordinance specifically state that medical marijuana activities are not allowed in areas designated for coastal-dependent industrial uses.

Second, the Negative Declaration states that permit applicants within the coastal zone must demonstrate that a medical marijuana project's water demand be consistent with all LCP water supply policies, and that any increased water demand will not lead to significant environmental impacts. However, the proposed ordinance language does not specifically include these required findings. We suggest adding language in the proposed ordinance to require all medical marijuana facilities to include a finding of consistency with LCP water supply policies for all coastal development permits.

Craig Spencer
Medical Marijuana Regulations
June 20, 2016
Page 2

Thank you for considering our comments. If you have any questions or would like to discuss these issues further, please contact me at (831) 427-4863 or Brian.O'Neill@coastal.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian O'Neill", written in a cursive style.

Brian O'Neill
Coastal Planner

Spencer, Craig x5233

From: Steve Craig [stevecraig.turtlecreek@gmail.com]
Sent: Tuesday, June 21, 2016 11:20 AM
To: Spencer, Craig x5233
Subject: Fwd: Response on Pot Growing in Grazing District - problems with including Grazing Zones as permitted commercial grows --ALL NAMES REDACTED.

Craig:

Please use only this version of this message, dated June 21, 11:07.

All names have been redacted that don't want to be identified.

Steve

Begin forwarded message:

From: Steve Craig <stevecraig.turtlecreek@gmail.com>
Subject: Fwd: Response on Pot Growing in Grazing District
Date: June 21, 2016 at 11:07:20 AM PDT
To: Craig x5233 Spencer <spencerc@co.monterey.ca.us>

Begin forwarded message:

From: Steve Craig <stevecraig.turtlecreek@gmail.com>
Subject: Re: Response
Date: June 17, 2016 at 7:51:13 PM PDT
To:

Redacted:

Not to make a tit for tat out of this, but I think there are a few things to keep in mind that perhaps you have not considered.

Everyone, including the County, knows where existing grow sites are—if your parcel is on an electric meter, the draw for water is a distinct profile in PGE records; if you import water, that also is a known quantity in the public record, or subject to the public record as most water draws are recorded if they come from either an adjudicated basin, surface water, or a basin in overdraft. We have all three types of water law in effect out here.

The law on growing pot is just ambiguous and the Sheriff and Health Department and Code Enforcement don't know what is permitted, what will be permitted, what is not, so, the situation is changing as current grows are often a resource extraction and cultivation process outside the law for Schedule 1, despite the differences in the Federal and State position. It is a bit odd one must admit, with a situation where people are unfairly serving long sentences in prisons all over the US for nonsense possession charges for a baggie—I hope the new generation is fighting this unreasonable situation with gusto. There is nothing secret or undisclosed about grow

sites and one of the oddities of the situation out here is that people who are doing grows think they are not known entities. Frankly, I don't think anyone cares. It is all a matter of scale, whether the scale is appropriate to individual or small collective needs, or whether it is a business form of growing, which appears to have gone from zero to four operations just in Forest River in a matter of months. Copperhead has even more sites under cultivation. This is in part what the County's interim ordinance is for: tracking what is being done where and attempting to restrict non medical grows, keeping the cultivators within the existing medical law.

The law should and will eventually be made clear, and the paranoid sense of not complying with how things are set out to be done in a lawful society will abate, I am sure. The County only moves against grows that include stashes of automatic weapons, other Schedule 1s (particularly meth or heroin), and those involved in these types of syndicates have been subject to being shut down the entire time we have lived here, more than 30 years.

Most used to be located out on FHL's ownership, along the margins, for example up WaterDog Creek, on the Fort training areas, or in areas in the Forest. I have done some clean up with the Ventana Wilderness Alliance in the past and know that these older open field grows included blood thinner or strychnine baiting stations in open containers, which have done a real number on the local carnivores (Bob Cats, Coyotes, Mountain Lions, an array of birds, including Condors who roost and fledge nearby) who have died as a result of secondary kills.

Being honest and open, dare I say "out" about changes to the social and physical environment is an essential part of protecting the quality of life and environment here. I have spent many years dealing with the military, when it attempted to install a live ordinance bombing range, and contended with an absolutely ridiculous 10 year general plan update that left our area open for just about anything. We did better with the military than with the General Plan Update, but the secretary of the Army is far more intelligent, and the rank and file is more sensitive, than a typical planning commissioner or Board member.

I don't think the County can go forward with their new ordinance without separating out personal and coop grows.

The secrecy issue is a self creating projection. Privacy is a protected constitutional right; I don't think secrecy is, at least not for issues outside "the national secret state's interest". If one chooses to live or act on the margin of the law, there is a state of risk that results. I think this is generational; I am nearly 70 years old, and we grew up and lived in an era when knowing the law, challenging it when necessary, protecting the environment, and preventing empire wars were our priorities. Your generation has other priorities. We have been here a long long time now, by standards of people who come and go, and have a pretty good idea about what the local culture can be.

Please also don't let your discomfort with me effect your interactions with Chip. We are very different people and preserve these differences, respect them, and let them stand.

The Feds helicoptered about this region for more than a half day about two weeks ago doing transects but doubtless were just checking old Cartel grows above Forest River in FHL and the Forest.

There is, or was, a distinct rural culture here for many decades; it is changing and is far more paranoid, for little reason as I think 80% of the residents out here either grow a plant or two, or use pot, as we have a high Veteran's quotient in the remaining older generation and my generation smoked regularly it is safe to say, and it seems it is definitely part of the last two generations suite of mind alterations. This region is also becoming far more militarized once the long movement to shut down FHL and make it a national park failed as a result of 9-11.

As to XXXXXXXX, I understand his desire to keep a low profile and he should. That is why I was surprised by his call last month; do you seriously think I am the type of person that would trespass? We have been shot at twice, once by XXXXXXXXXXXX, whose parcel we developed initially with fencing and wells, so I only go

through that gate on rare occasions, either to check an easement we have responsibility for still or to visit upon invitation.

I think any grows beyond Rx 6 to 12 plants are subject to risks and I think we are all aware of this. Believe me, it was much worse when I was your age, and for the three generations after. I am glad it is loosening up, and any Herb (not a drug, a very different compound) should be legal as they are essentially gifts of nature. When intensified and compounded into drugs, and when or if Cartel or Corporate money gets a hold of any of nature's herbs, it usually results in an unpleasant and often violent outcome, as we see in urban areas, and in grow intensive areas up in Mendocino and other more permissive Counties. Pot ramps up to hash and oil; coca leaves, a very astringent and helpful native plant, gets intensified into Cocaine and its many derivatives. I am sorry to see this change of land use occurring with an herb in our area, but I accept it is part of the future.

Financially, it can only help us when or if we sell before dying. In the end, I think as it is being practiced out here, pot farming is just another resource extraction from nature, and not a contribution back to quality of life, farming, peace or intelligence. But that is just my opinion; others feel differently I am sure and I have lived long enough to be very tolerant of culture change and certainly don't expect everyone to agree with me. I don't even know if you grow Medical Grade Clones or anything else actually. That is the rumor.

In Bryson, there was a culture of new parcel buyers getting introductions, visits, leaving an open gate for drop ins, amiability, participating in Hall activities and the like, and this pattern extended from Sapaque Valley to Bryson, over to Copperhead, east to the Smith Road community, and northeast to Hames and Lockwood valleys, and the paranoid spirit of what comes with the larger grows, including vicious dogs and guns and lots of imported water (production beyond a parcel's natural capacity) in my opinion, have denigrated and are modifying the local culture. Last year we had a large grow just across the canyon on a Forest River Parcel with a poor well, as that ridge tends to be water poor. Not this year I don't think, or at least it is all being done more subtly.

Others feel differently about most of these issues, including Chip, who has well articulated disagreements with me on this issue. I respect that. Nearly everyone here up to about two years ago, when the first large purchases for growing etc., came in, pushed up in price by Oak Shores Realty, and these parcels sold at seriously enhanced per acre prices after being on the market for years. You don't need a weatherman.....etc. Up to about two years ago, the local culture valued one to behave as if their lives were open and to be shared, in a shared rural culture based on periodic congregation and assembly, putting out forest fires, and other social events; that rare sensibility is disappearing, and I think the larger grows are a significant contributor to this.

Can I really do anything about this. I doubt it. It is culture change and the County is on board for letting about anything go down if they can get a revenue system approved by the voters, which might take a few tries.

The County does almost no Code Enforcement out here by the way, even on serious modifications to the environment and construction without permitting, so I would suggest both you andXXXXX = relax on the issue. However, this next few months, until November and beyond if the casual use ballot initiative passes, it will be chaotic at times. We all need to keep our heads and try to be gentlemanly. I am sorry if you think I crossed some line of secrecy relative to new ownerships. But then, when we moved here, you could walk to the river from our parcel, and fencing was not allowed except for grazing a few animals, as the CCRs for Forest River used to set forth.....who knows, maybe they still do but are not enforced. Trespass was not an issue; now you see parcels with signs every 200 feet, which I think is the code, and full enclosure. That was not Forest River was developed to be, but it is what it is becoming.. Forest River does not enforce its CC and Rs properly, has let homes be built on Salinan historic burial sites, let the only standing homesteaders chimney be torn down for use as landscape steps for a private owner, despite all being these resources being in Conservation Easements on the Final Parcel Map. We have owned and sold three different parcels in Forest River, after spending much effort cleaning them up, putting more land in easement, drilling wells, while still clearing a nice price which helped with retirement. So, whether it is appreciated or not, I speak from experience.

Anyway, here is looking forward to a more amiable future.

Steve

Spencer, Craig x5233

From: Edward Alexandre [ewardc@gmail.com]
Sent: Monday, June 20, 2016 1:46 PM
To: Spencer, Craig x5233
Subject: Fwd: Delivery Status Notification (Failure)

Craig,

Please confirm receipt by phone @ 831-223-5187 & leave message or by return e-mail

Thanks for your time,

Regards,

Ed alexandre

----- Forwarded message -----

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Mon, Jun 20, 2016 at 1:41 PM
Subject: Delivery Status Notification (Failure)
To: ewardc@gmail.com

Delivery to the following recipient failed permanently:

spencerc@monterey.co.us

Technical details of permanent failure:

DNS Error: 46280044 DNS type 'mx' lookup of monterey.co.us responded with code NXDOMAIN
Domain name not found: monterey.co.us

----- Original message -----

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=gmail.com; s=20120113;
h=mime-version:from:date:message-id:subject:to;
bh=PFvBR0D7EfaUf4jagkEaR+QMUVILR3d3YOzycX6tK84=;
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SLXA==

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=1e100.net; s=20130820;
h=x-gm-message-state:mime-version:from:date:message-id:subject:to;
bh=PFvBR0D7EfaUf4jagkEaR+QMUVILR3d3YOzycX6tK84=;
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zyVA==

X-Gm-Message-State:

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mdqXX7A==

X-Received: by 10.28.176.7 with SMTP id z7mr961634wme.17.1466455263756; Mon,
20 Jun 2016 13:41:03 -0700 (PDT)

MIME-Version: 1.0

Received: by 10.28.143.15 with HTTP; Mon, 20 Jun 2016 13:41:02 -0700 (PDT)

From: Edward Alexandre <ewardc@gmail.com>

Date: Mon, 20 Jun 2016 13:41:02 -0700

Message-ID: <CACTcQoaZ9AMh66XkS2S9X0RdYzsAwCVWRiDGqzah4TgA9VyrEg@mail.gmail.com>

Subject: SMCRC INFO 2016-13

To: spencerc@monterey.co.us, district3@co.monterey.ca.us,
district5@co.monterey.ca.us, district4@co.monterey.ca.us,
district1@co.monterey.ca.us, district2@co.monterey.ca.us,
christiana alexandre <christi.postbox@gmail.com>,
"Eric H. Sand Real Estate" <Eric.Sand@sand-realty.com>

Content-Type: multipart/alternative; boundary=001a1140dddc1349590535bbb9d1

To echo what Mr. Steve Craig and Mr. Charles Rowley of the Spaque Valley Ranch stated: I also think you folks "have done an admirable job attempting to regulate a type of activity that thus far, has been unregulated in the County."

That said, I have concerns regarding the proposed ordinance (REF150048) amending Title-21 (Non-Coastal zoning ordinance) of the Monterey County Code. The ordinance as written, establishes specified cannabis activities including cultivation within greenhouses and industrial buildings as well as manufacturing, testing, delivery and transport as a use allowed subject to a USE PERMIT and in each case within specified zoning districts (light commercial, heavy commercial, Agricultural Industrial, Light Industrial, Heavy Industrial and Farmland non-coastal zoning districts.

My concern is that only specific types of zones have been identified. My question is, How the zoning districts where cultivation will be allowed were established, any why Permanent Grazing (PG) and Rural Grazing (RG) were disallowed? The zoning regulations for RG and PG are currently allowed many of the same uses as in "Farmland zoning districts". As an example, greenhouses are allowed in both RG and PG districts as well as dry farming and other agricultural / farming uses. Why the discrepancy?

Much of the rural acreage in the San Antonio Valley and surrounding areas such as the area south of Lockwood (Interlake Road, Bryson Hisperia Road) are zoned RG and PG and *have not been included in the amendment to Title 21,* why is that?

Monterey County is a "Right to Farm County." with an ordinance enacted in

1993 and revised and approved by the Board of Supervisors on October 28, 2014. Although the interpretation of "Right to Farm" may not embrace Medical Cannabis Cultivation "per se" it is believed by many that I have spoken with that the cultivation of Medical Cannabis is in fact a compatible where growers willing abide by and embrace the forth coming

----- Message truncated -----

Spencer, Craig x5233

From: Mike Corlett [corlett@brandon-tibbs.com]
Sent: Monday, June 20, 2016 9:01 AM
To: Spencer, Craig x5233
Subject: Marijuana Ordinance Proposal

To the Monterey County Board of Supervisors:

I have read the proposed ordinance concerning the County's regulation of medical cannabis/marijuana, and am still opposed to it for the simple reason that it is putting the cart before the horse. The people may have spoken with Proposition 215, but they certainly have not spoken as to the far-reaching nature of the proposed ordinance. I believe there should be a complete moratorium on laws such as this until after the November 2016 election where the people will presumably have spoken at the ballot box on the subject of marijuana.

Until then, it appears that the County seems to be making a "money grab" for additional revenue sources. The proponents of the local Marijuana Industry most certainly have their own economic interests in mind and not much interest in the health and safety of the people of the County of Monterey. Indeed, all media focus seems to be on the economic upside of cannabis revenue. That is not normally the approach that is used in this county. For example, in February, 1990, oil and gas exploration in the newly established Monterey Bay Marine Sanctuary was proposed by the first Bush Administration. Leon Panetta, our representative at the time, held a news conference and said "I think it's nuts". Just as oil drilling puts our unique natural resources at risk, making Monterey County a distribution hub for a dangerous drug in a community with serious and unique crime problems puts lives at risk. Availability increases, and black market sales will no doubt increase, not decrease, for the young people most at risk in our community. Where is that addressed in an Environmental Impact Report? It is not.

In March, 2014, Governor Brown stated, on a national television program "If there's advertising and legitimacy, how many people can get stoned and still have a great state or nation? I think we need to stay alert, if not 24 hours a day, more than some of the potheads might be able to put together". In the February 2016 issue of The Economist, there were a series of pro-cannabis articles. One article stated that Jonathan Caulkins of Carnegie Mellon University calculated that in America more than half of all cannabis is consumed by people who are high for more than half their waking hours. This is not restricted to adults over 21. High school students and younger will become part of the "half their waking hours" statistic.

Policies affecting lives of thousands of people cannot be based a few dozen people speaking in public who have either benefited from the use of marijuana or those who are to profit from it.

Lastly, let me weigh in on one specific part of the ordinance that I support. There is an exemption for persons cultivating for his or her personal use, described in Section 21.67.090 of the ordinance, up to 100 square feet. This is in the spirit of Proposition 215. The government should not be regulating and attempting to profit from people who are cost-effectively working on treating their illnesses.

The local commercial marijuana industry is only looking out for themselves, huge profits, and controlling the public discussion for its own financial benefit. The real stakeholders in this are the citizens of Monterey County, not special interest groups. Do not attempt to socially engineer a bad industry for the benefit of a few.

Thank you,

Michael Corlett
Salinas, CA

Spencer, Craig x5233

From: Patricia Randy [patran2@gmail.com]
Sent: Wednesday, June 15, 2016 1:15 PM
To: Spencer, Craig x5233
Cc: 100-District 3 (831) 385-8333; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Lopez, Christopher M. x5729
Subject: Comments on proposed ordinance (REF150048) amending Title 21 (Non-coastal zoning ordinance) of the Monterey County Code
Attachments: Letter to Monterey County Planning Commission members.docx

Dear Craig Spencer, Monterey County Board of Supervisors and Planning Commission members:

Attached you will find a letter with my comments on the proposed ordinance (REF150048) amending Title 21 (Non-coastal zoning ordinance) of the Monterey County Code. I am asking that you consider other zoning districts in Southern Monterey County (Lockwood area) be added to the Ordinance amending Title 21, specifically Permanent Grazing (PG) and Rural Grazing (RG) zoning districts. We own 40 acres in Lockwood that is zoned PG/B-6 and we do not want any more land use limitations placed on the property. We feel that PG and RG zoning districts not being included in the proposed ordinance amending Title 21 would limit a possible lease agreement and decrease the value of our property for future sale.

Thank you in advance for considering my request

Patricia Ashe-Woodfill

patran2@gmail.com

P.O. Box 82

Lockwood, CA 93932

Craig Spencer, Associate Planner
Monterey County Resource Management Agency - Planning
168 West Alisal St, 2nd Floor, Salinas CA, 93901
Email: Craig Spencer, Associate Planner spencerc@co.monterey.ca.us

Re: REF150048 ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY CODE RELATING TO MEDICAL CANNABIS USES

Dear Craig Spencer, Monterey County Board of Supervisors and Planning Commission members:

I am writing to express my concerns about the proposed ordinance (REF150048) amending Title 21 (Non-coastal zoning ordinance) of the Monterey County Code. As you know, the ordinance establishes certain specified commercial medical cannabis activities, including cultivation within greenhouses and industrial buildings as well as manufacturing, testing, delivery, and transport, as a use allowed subject to a Use Permit in each case within specified zoning districts (*Light Commercial, Heavy Commercial, Agricultural Industrial, Light Industrial, Heavy Industrial, and Farmland non-coastal zoning districts*).

I am concerned that only specific types of zones have been identified and I question how the zoning districts where cultivation will be allowed were established and why Permanent Grazing (PG) or Rural Grazing (RG) zoned districts were not included? The zoning regulations for PG zoned districts are allowed many of the same uses as a Farmland zoning district. There are Special Regulations that allow agricultural operations, such as greenhouses, in PG zoned districts.

Much of the acreage in the San Antonio Valley and surrounding rural areas in Southern Monterey County are designated PG or RG and have been not been included in the amendment to Title 21. Why is that?

Monterey County is a "Right to Farm" county, with an ordinance enacted in 1993 to protect routine and on-going farming activities. The County's General Plan update, passed in October 2010, ensures protections for farming activities and encourages the Agricultural element of Monterey County. I consider the cultivation of Medical Cannabis a farming activity and should be allowed the same rights as growing grapes for the Wine Industry.

I am asking the Monterey County Planning Commission to consider and include other "Agriculture and Farming" zoned districts, specifically PG and RG districts to **REF150048 ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY CODE RELATING TO MEDICAL CANNABIS USES**

Thank you in advance for considering my comments.

Patricia Ashe-Woodfill

P.O. Box 82
Lockwood, CA 93932

Spencer, Craig x5233

From: Holm, Carl P. x5103
Sent: Monday, June 13, 2016 1:12 PM
To: Spencer, Craig x5233; Strimling, Wendy; Swanson, Brandon xx5334; Onciano, Jacqueline x5193
Cc: Nickerson, Jacquelyn x5240
Subject: FW: attachments for the medical cannabis packet
Attachments: Applicants from commercial agriculture zones other than Farmland may apply.pdf; Input to Supervisors for first reading.docx

FYI

Dear Ms. Pemberton,

Thank you for your call and for sharing your input with the Commission. I appreciate the specificity and clarity of your suggestions and your continued participation in the public process of developing an ordinance regulating the production of medical marijuana.

BRgds,
Martha

--

Martha Diehl
Garrapata Trout Farm
35811 Hwy 1
Monterey, CA 93940

831.625.9621 home & messages
831.915.7653 mobile

From: Jody Pemberton [<mailto:jpemberton777@gmail.com>]
Sent: Monday, June 13, 2016 12:48 PM
To: Holm, Carl P. x5103; Nickerson, Jacquelyn x5240
Cc: mvdiehl@mindspring.com
Subject: attachments for the medical cannabis packet

Good morning Mr. Holm and Ms. Nickerson,
I just spoke with Commissioner Diehl (I mistakenly thought she was still the chair) regarding some concerns with the recent ordinance for cannabis cultivation. She has encouraged me to send a written proposal to you both to attach to the packet for the meeting on June 22.

My family and I are with TRx Research Labs, a collective established in 2014. We have a 40 acre farm in South County. We have spoken to Supervisor Salinas, Supervisors Phillips and Potter, Mike Novo and Craig Spencer. We attended all of the community feedback sessions and the Planning Commission meeting. Our suggestions to the ad hoc committee were unfortunately not adopted.

I am attaching a proposal that includes a very small change to the ordinance and am hoping that the Commissioners will vote to have this small change enacted.

I thank you all for your time.

Best Regards,

Jody Pemberton, TRx Research Labs

+1 831 207 8740

jpemberton777@gmail.com

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standing with the County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 21.67.120 of the Monterey County Code.

6. The dispensary shall operate only in accordance with the operating plans reviewed and approved by the County.

21.67.050 – Regulations for Medical Cannabis Cultivation.

A. Applicability: Except as provided in Section 21.67.090 of this Chapter, medical cannabis cultivation may only be permitted in the Light Industrial (LI), Heavy Industrial (HI), Agricultural Industrial (AI), or Farmland zoning districts with a Use Permit in each case and as may be further restricted by this Section. Outdoor medical cannabis cultivation is prohibited in all zones within the unincorporated areas of Monterey County except as provided in Section 21.67.090 of this Chapter. The table below summarizes the zoning districts where cultivation may be considered with a Use Permit.

	Type 1	Type 1A	Type 1B	Type 2	Type 2A	Type 2B	Type 3	Type 3A	Type 3B	Type 4
LI		UP	UP		UP	UP				
HI		UP	UP		UP	UP		UP	UP	UP
AI		UP	UP		UP	UP		UP	UP	UP
F		UP ¹ *	UP ¹ *		UP ¹ *	UP ¹ *		UP ¹ *	UP ¹ *	UP ¹ *

UP = Use Permit pursuant to Chapter 21.74

¹ Conversion of Farmland to cannabis cultivation is not permitted. Cannabis may be cultivated only in existing greenhouses, warehouses, and agricultural processing facilities within the Farmland (F) zoning district.

*Applicants from commercial agriculture zones other than Farmland may apply for a Use Permit, provided they meet all other criteria established above.

B. Regulations: Medical cannabis cultivation shall comply with all of the following regulations:

1. It is the intent of the County to provide for the adaptive reuse of greenhouses in Monterey County and to restrict the proliferation of greenhouses or other structures on productive agricultural lands. To this end, within the Farmland (“F”) zoning district indoor and mixed-light medical cannabis cultivation and medical cannabis nurseries (Type 1A, 1B, 2A, 2B, 3A, 3B, and 4 state license types) may be permitted with a Use Permit in each case provided that within the Farmland (F) zoning district, the cultivation occurs only within a greenhouse or industrial building that was permitted or legally established prior to January 1, 2016. Greenhouses and industrial buildings may be improved for cannabis activities after January 1, 2016 provided that the footprint of the

existing greenhouse(s) or industrial building(s) does not change. This restriction does not apply in the Industrial zoning districts.

2. Within the Light Industrial ("LP"), Heavy Industrial ("HI"), and Agricultural Industrial ("AI") zoning districts, indoor or mixed-light medical cannabis cultivation or medical cannabis nurseries (Type 1A, 1B, 2A, 2B, 3A, 3B, or 4 state license types) may be permitted subject to a Use Permit in each case and subject to the requirements of this Section except that type 3A, 3B and 4 shall not be permitted in the Light Industrial ("LP") zoning district.

3. In no case shall a building intended for residential use be used for the cultivation of medical cannabis.

4. Medical cannabis cultivation shall not be located within six hundred (600) feet of a school, public park, or drug recovery facility.

5. Until a program for the identification of permitted medical marijuana plants at a cultivation site is created by the Department of Food and Agricultural, cultivators shall implement their own unique identification protocols. Unique identifiers shall be attached at the base of each plant and shall be traceable through the supply chain back to the cultivation site. Once a state program has been established, all cultivation activities permitted under this Chapter shall comply with the state requirements for unique identifiers and the trace and track program.

6. Security measures sufficient to restrict access to only those intended and to deter trespass and theft of medical cannabis or medical cannabis products shall be provided and maintained.

7. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

8. Water conservation measures, water capture systems, or grey water systems shall be incorporated in medical cannabis cultivation operations in order to minimize use of water where feasible.

9. On-site renewable energy generation shall be required for all indoor (cultivation activities using artificial lighting only including Type 1A, 2A, 3A and 4 state license types) medical cannabis cultivation activities. Renewable energy systems shall be designed to have a generation potential equal to or greater than one half (1/2) of the anticipated energy demand.

10. Cannabis plants shall not be visible from offsite. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.

11. The property owner shall ensure that the total canopy size of medical cannabis cultivated at the site does not exceed the cumulative canopy size authorized by

State law or regulation. Individual cultivators (or licensees), operating on a site permitted pursuant to this Chapter, and with a commercial medical cannabis permit required pursuant to Chapter 7.90 of the Monterey County Code, shall ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by local permits and State law. For the purposes of this Section, total canopy size shall be inclusive of all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

C. Required Findings. A Use Permit for medical cannabis cultivation shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:

1. The cultivation, as proposed, will comply with all of the requirements of the State and County for the cultivation of medical cannabis.
2. The cultivation will not be located within six hundred (600) feet from any school, public park, or drug recovery facility.
3. The cultivation, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
4. The cultivation includes adequate measures that minimize use of water for medical cannabis cultivation at the site.
5. The cultivation includes adequate measures to address the projected energy demand for medical cannabis cultivation at the site.
6. The cultivation includes adequate quality control measures to ensure medical cannabis cultivated at the site meets industry standards.
7. The cultivation includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, prohibiting use or possession of firearms at the premises, and ensuring that medical cannabis and medical cannabis products are supplied to other permitted licensed sources within the State.

D. Required Conditions: In addition to any other conditions and mitigation measures required by the Appropriate Authority, all of the following conditions shall apply to all permits for medical cannabis cultivation:

1. Cultivator shall allow access to cultivation sites and access to records if requested by the County, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.

2. The applicant, owner, and operator agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee.

3. The applicant for the cultivation and the property owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial medical cannabis activity.

4. Any person cultivating medical cannabis shall obtain a valid and fully executed commercial medical cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

5. The property owner shall be responsible for ensuring that all commercial medical cannabis activities at the site operate in good standing with permits and licenses required by the Monterey County Code and State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 21.67.120 of the Monterey County Code.

6. The cultivation activities shall be maintained in accordance with the operating plans as approved by the County.

21.67.060 – Medical Cannabis Manufacturing

A. Applicability: Non-volatile cannabis manufacturing facilities (requiring a Type 6 state license) may be permitted in the Heavy Commercial (“HC”), Light Industrial (“LI”), Heavy Industrial (“HI”), Agricultural Industrial (“AI”), or in Farmland (“F”) zoning districts when combined with a medical cannabis cultivation permit, subject to a Use Permit in each case. Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 state license) shall only be permitted in the Heavy Industrial (“HI”) zoning district with a Use Permit in each case. Except as provided in Section 21.67.090 of this Chapter, medical cannabis manufacturing shall be subject to the requirements contained in this Section.

B. Regulations: Medical cannabis manufacturing shall comply with all of the following regulations:

1. Medical cannabis manufacturing facilities shall be located only in zones that specifically provide for this use.

2. Medical cannabis manufacturing facilities shall not be located within six hundred (600) feet from any school, public park, or a drug recovery facility.

PROPOSAL: Applicants from all commercial agriculture zones in Monterey County be allowed to *apply* for a medical cannabis cultivation Use Permit, provided they meet all other criteria established for Farmland applications.

Rationale:

- 1. This proposal refers only to the ability to apply for a Use Permit.** All applicants would need to go through the application process set up by the County and be subject to all of the Regulations and Proposed Findings (pgs. 14-17) that will apply to all medical cannabis cultivation Use Permit applicants. Concerns such as security measures, water conservation measures, visibility of cannabis plants, etc. are outlined in the Regulations and Proposed Findings sections.
- 2. The zoning regulations for F and the other commercial agriculture zones are nearly identical.** All include: *“Uses allowed: all soil dependent agricultural uses, including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards”*. All County residents in commercial agriculture zones who meet the established criteria should be allowed to apply for a Use Permit. Limiting applications to those residing in Farmland creates an unfair and unnecessary advantage to certain County residents over others.
- 3. Limiting the ability to apply for a Use Permit will have far-reaching consequences to those collectives who desire to become compliant with emerging County and State regulations, as applying for a State permit is predicated on first securing a County permit.** This will essentially force these collectives “out of the game” by taking away the livelihoods of County residents, and eliminating promising opportunities for employment, growth, and community-building in South County.

We strongly encourage the Board of Supervisors to devise a process that allows current cultivators in Monterey County the opportunity to become compliant with the emerging County Regulations. At the very least, the application guidelines that are legislated for Farmland should be extended to the other commercial agriculture zones in Monterey County.

It is important to distinguish between cultivators who are committed to being compliant with County and State regulations, and the illegal cultivation activities in South County that we all want eradicated. Illegal “guerilla” grows that are purported to be stealing water, harboring weapons and illegal drugs, and wreaking havoc on the land of South County bear no similarities to medical cannabis cultivator collectives who wish to adapt to the new regulations. We all share in the serious concerns about these illegal activities, but limiting applicants to Farmland will not rid South County of these problems. It is highly unlikely that these growers will stop their illegal practices due to any eligibility criteria devised for the application process.

Monterey County has an unprecedented opportunity to work together with cannabis collectives to ensure safe, transparent, legal, and mutually beneficial operations in this emerging market.

Spencer, Craig x5233

From: cwewing3@wildblue.net
Sent: Monday, April 25, 2016 2:32 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Spencer, Craig x5233
Subject: Pending marijuana ordinance
Attachments: scan0003.jpg; scan0001.jpg; ScannedImage.jpg; ScannedImage-2.jpg

April 23, 2016

To the Monterey County Supervisors Fernando Armenta-District 1, John M Phillips-District 2,

Simon Salinas-District 3, Jane Parker-District 4, Dave Potter-District 5

From Charles Ewing and Elizabeth Cecchi-Ewing

48513 Sapaque Valley RD

Bradley, CA 93426

cwewing3@wildblue.net

We are writing to express our concerns about the implications of the pending ordinance to facilitate the medical marijuana industry in the unincorporated areas of Monterey County. We are particularly concerned about the influx of medical marijuana growers in the small, unincorporated community of Bryson-Hesperia where we live in southern Monterey County. We have read Monterey County's draft ordinance on the medical marijuana industry and have talked to neighbors who have attended public hearings on the proposed ordinance. We were told that those meetings were packed with the representatives of the medical marijuana industry, who painted an idealized picture of medical marijuana. We were told that the Board of Supervisors and the Planning Commission have a favorable opinion of the medical marijuana industry because of the tax revenue and jobs it could create. Whether national, state or local, this justification always seems to override the negative impacts to individual citizens, their communities and their land.

We know of at least eight commercial marijuana growers that are already operating in our small community. We don't know if they are legally permitted or not. This influx of growers has occurred in the last two to three years. Within the last one to two years four marijuana growers have set up operations in the subdivision where my wife and I live in Bryson-Hesperia. We and most of our neighbors believe that this influx is only the beginning of many more marijuana growers that will buy land and set up operations in our rural community. This will be especially true if the pending ordinance is approved.

These operations are already negatively impacting our community's social cohesion and ecological fabric and these impacts will only increase as more growers set up operations. Most of the growers don't live in our community and therefore do not participate in our community. They rely on caretakers or commuting to facilitate their operations. They only see the land as a commodity that they own and use in an out-of-the-way place to grow marijuana for profit and they treat the land and community from that perspective.

Each of the present operations is somewhat different, but they all have these features in common:

- Each growing area becomes a fortress of "no trespassing" signs, ugly fencing and large plastic-covered green houses.
- All operations use a prodigious amount of the areas precious water and imported inputs.
- Some growers have done extensive grading to clear their growing areas and provide access roads.
- Some growers keep guard dogs to intimidate anyone who comes close to their fortress.

I (Charles Ewing) know the following from personal experience:

- Marijuana is a powerful psychedelic drug and hallucinogen.[1]
- It distorts all sense perceptions and especially the perception of time and space. This can be very dangerous.
- It enhances fear, depression or euphoria depending on the user's mental state.
- Marijuana can be therapeutic for certain medical conditions. I.E. increasing appetite in cancer patients (the famous marijuana munchies).
- Non-psychoactive properties of marijuana have proven effective in controlling epilepsy.
- The majority of medical marijuana that is grown and distributed in California is used as a recreation drug and not for legitimate medical purposes. California's medical marijuana industry is mostly about making money and getting "high."
- California is awash in marijuana. There is far more marijuana grown and distributed than there are legitimate medical patients.

- Almost any person who wants a medical marijuana prescription can get one-- simply go on the internet and find a local doctor that is amenable to marijuana, pay the doctor's fee and you've got a prescription.

We sincerely ask you to consider the negative impacts on small unincorporated communities. Please consider that ours and other rural communities in the unincorporated areas of Monterey County are family communities that will be severely degraded as more and more marijuana growers set up operations. The vast majority of marijuana users in Monterey County live in densely populated, incorporated cities, which have banned marijuana growing. We therefore believe that small, unincorporated communities that have less political power are being used as sacrificial sheep for the marijuana industry in Monterey County. We strongly believe that such operations should be limited to areas such as the Salinas Valley where the infrastructure for intensive commercial agriculture is already in place and where regulatory oversight can readily function.

We thank you for consideration.

Charles Ewing

Elizabeth Cecchi-Ewing

1. I came of age during the cultural revolution of the 1960s and I used enough marijuana to know very well its effects on the human body and mind. I also know from personal experience that California's medical marijuana industry is mostly a money-making sham to sell a recreation drug to as many people as possible. Attached are a sampling of medical marijuana advertisements from San Luis Obispo County's "New Times," which give a clear picture of the hyped-up and lucrative world of medical marijuana.

Spencer, Craig x5233

From: Joey Espinoza [coastalgrowersassociation@gmail.com]
Sent: Thursday, April 21, 2016 12:26 AM
To: Spencer, Craig x5233; DonlonK@co.monterey.ca.us
Cc: Novo, Mike x5192
Subject: Coastal Growers Association Recommendations
Attachments: CGA Letter to County.pdf

Hello Craig and Kelly,

Attached are a few important comments we wanted to make as you continue to work on drafting this ordinance.

We look forward to the next meeting(s) regarding this subject. Thank you once again for all of your work on this matter.

Sincerely,

Joey Espinoza, President
Coastal Growers Association



Coastal Growers Association

318 Cayuga Street
Salinas, CA 93901

Monterey County
168 West Alisal Street
Salinas, CA 93901
Craig Spencer, Associate Planner
Kelly L. Donlon, Deputy County Counsel

Dear Craig and Kelly,

I am writing on behalf of the Coastal Growers Association. The Coastal Growers Association thanks you for your efforts to meet the deadlines to produce an ordinance while also including input from all parties involved in the decision. We believe that, by working with staff and the County, this process will result in one of the best medical cannabis ordinances in the entire state of California.

As the County looks to revise and finalize the ordinance, we would like to emphasize a few key points that were raised at both stakeholder meetings as well as the Planning Commission meeting on March 30, 2016:

1. **Expand the zones allowed to participate:**

The current draft ordinance will not allow a majority of current stakeholders a path towards compliance. Most of the current stakeholders do not operate in zones on the limited list of acceptable zoning proposed in the draft ordinance. One of the major goals of regulation is to fight against crime, specifically the black market. By forcing those who are currently operating safely and professionally in zones not on the narrow list to either move or become part of the black market, the County does not provide a reasonable path forward for responsible local stakeholders who cannot afford to relocate. Zones the Coastal Growers Association would like to see added to the list for cultivation include: Permanent Grazing (PG), Rural Grazing (RG), Rural Density Residential (RDR), Resource Conservation (RC) and Low Density Residential (LDR). Each one of these zones currently allows agricultural cultivation or some other similar use. Notably, Senate Bill 2516 is currently moving through legislation presently, which would add a "Type 1C" license specifically for the cottage industry. This will allow a permit for a cultivation at two thousand five hundred (2,500) square feet. This kind of permit, allowing for a cottage industry, could be a cohesive fit for some of the zones listed above, particularly residential zones that currently have uses allowed for "cottage industries". In addition, we believe manufacturing



Coastal Growers Association

318 Cayuga Street
Salinas, CA 93901

needs to be allowed in more zones to accommodate multiple licenses on one parcel which will be discussed later in this letter.

2. Allow outdoor cultivation:

The significance of outdoor cultivation cannot be understated. It is extremely important that the Ad-hoc Committee and Board of Supervisors understand that the ideas expressed on this issue at stakeholder meetings are essentially identical with points made by the planning commission on March 30, 2016. Commissioner Martha Diehl was quoted in the meeting saying, "This is an agriculture county, visual concerns, odor concerns? We have a right to farm ordinance, anyone can put manure on a field next to someone's house...because that's what we do". Citizens of this county voted in favor of Proposition 215 (the Compassionate Use Act) in 1996 as well as Proposition 19 (an effort to legalize recreational/adult-use) in 2010. Outdoor cultivation is an integral part of the cannabis industry in Monterey County and has been for decades. Security can easily be handled with proper fencing and entry procedures. If smell is such an issue and nuisance, there are ways to combat the odor by mimicking what the landfill industry has done handling odor concerns. The aforementioned notion that a narrow, restrictive ordinance would encourage the black market is applicable here as well. Outdoor cultivation is extremely different than indoor or greenhouse cultivation. Cultivators growing outdoors currently would be forced to relocate and acquire an entirely new set of skills under the current draft ordinance or become part of the black market. Outdoor cultivation in Monterey County would allow continued operations by local stakeholders, assist in combatting the black market, and preserve notable outdoor brands currently in existence. Because there is nowhere better to cultivate cannabis outdoors than here in Monterey County, the Coastal Growers Association strongly encourages the County to take a second look at allowing outdoor cultivation.

3. Multiple permits on one parcel:

One of the goals of the draft ordinance is to encourage the revitalization of dilapidated greenhouses in Monterey County. One of the best ways to achieve this is to allow for multiple permits on one parcel. By doing this the County incentivizes land owners to utilize their entire available space. For example, if a land owner has two hundred twenty thousand (220,000) square feet of greenhouses that can be utilized, but is only allowed one cultivation permit on the property (at most being able to cultivate twenty two thousand (22,000) square feet), this will not result in a revitalization of the greenhouse space on the property. The majority of that land owner's greenhouse space will remain unused and in need of a rebuild. Furthermore, in regards to security concerns, allowing multiple permits



Coastal Growers Association

318 Cayuga Street
Salinas, CA 93901

will allow more investment in security. The more products are being grown on a single property, the more security will be available to assist with the entire piece of property. If different license types are permitted on the same property, this would cut back on security concerns because of the ease of transportation. Finally, with multiple permits on one site, the County could easily save time and energy in regulating those sites, as they will be on the same parcel. Thus, allowing multiple operations at one location allows for more accountability and easier regulatory enforcement.

Again we would like to thank all of the staff involved in helping move this process forward. Your dedication to meeting deadlines and communicating with the local stakeholder community on our medical cannabis laws has not gone on unnoticed. We look forward to working with you further and participating in future meetings related to medical cannabis operations in Monterey County.

Best Regards,

Joey Espinoza, President
Coastal Growers Association.

Spencer, Craig x5233

From: Marilyn Rose [marilynrose0420@comcast.net]
Sent: Monday, March 28, 2016 4:55 PM
To: Spencer, Craig x5233
Cc: Allen, Carol x5178
Subject: Monterey County Medical Marijuana Draft Ordinance

Dear Sirs/Madams:

My name is Marilyn Rose. I am a member of the Coastal Growers Association. I have lived in Carmel Valley for 30 years. I have grown Medical Marijuana for personal use. I want to be involved in Monterey's Cannabis business. As an RN, I plan to be a provider and educator of Medical Marijuana in patient's homes. I am also interested in establishing a mobile testing service to growers.

But further, I have several concerns.

1. I object to the proposed prohibition on outdoor Cannabis cultivation. I would venture to say that most existing or past grows have been outdoor grows. We have beautiful soil and sun to grow these natural plants. They grow with the season.

Yes, one can put these plants into hot houses and force them to grow at a faster rate and perhaps ending up with 2 or 3 crop cycles per year. Limiting Marijuana only to being only grown indoors means that large businesses and wealthy stakeholders are at a huge advantage. They will buy up all existing structures, produce a lot of Marijuana and become even more wealthy. This prohibition leaves out everyone else such as small cottage industries, small farmers, and those who are not "BIG" investors. Sun grown crops are hands down more environmentally friendly. Growing outdoors eliminates the need for fossil fuels to be used to power all the lights, ventilators, dehumidifiers and CO2 production of greenhouse gases. The levels of heat and humidity provide a very nice place for pathogens, micro organisms and molds to grow. Remedies for these pathogens must be provided to growers and have stringent guidelines. All chemicals should be organic and not harmful to the patient who will later be inhaling or ingesting it. Marijuana grown in natural sunlight is less susceptible to pathogens because pathogens are killed when exposed to natural sunlight.

2. My second concern is the limiting of grow space to 100 sq. ft. A marijuana plant can be as big as a double sized bed and ten to fifteen feet high! For a cottage industry, small farmer or collective, I believe more sq footage is needed. Perhaps a 5,000 sq ft footprint would be in order.

3. My third objection is the limitation of permits set at 100. This is a business of agriculture. Does Monterey County severely limit the number of licenses for other AG growers? As I travel down the Salinas Valley, it seems that there are few places not covered with vegetables or grapes. Are there old prejudices or stigma influencing the board to tightly control and limiting permits like "Reefer Madness" or criminal activities? I hope not. All the growers in Monterey County merely desire a fair and equitable permit process to grow Medical Marijuana for their patients.

4. My fourth concern is personal and about the need for women to be involved in the Cannabis Business Market. Right now, it seems that it will mostly men with money who will be able to break into this market.

Yes, this is the "OLD" way of business, but it is 2016! How can the board help us break through yet another glass ceiling? I think it is by giving serious thought as we craft our rules and regulations to be more inclusive of women. Although we make up 50% of the population, could you consider having 25% of businesses be woman run or woman owned? Could you give 25% of your permits exclusively to women?

We all know that if given a chance, women perform and women add another way of looking at things that are beneficial to the whole.

5. My fifth concern is the testing facility placement. I would like to propose a mobile testing unit that can travel to sites all over Monterey County. This has been successful in Trinity County. It would be a boon to the San Ardo, Big Sur and Carmel Valley growers as they would not have to make those long trips if a testing site was only set up in Salinas. I would like to ask for a chance for a business license to conduct such testing and participate in the Monterey County CannaBusiness as a woman and as an investor.

Sincerely,
Marilyn Rose, RN

Spencer, Craig x5233

From: Rich Tomlinson [sachsdrive@earthlink.net]
Sent: Thursday, March 17, 2016 1:48 PM
To: Spencer, Craig x5233
Subject: in support of draft marijuana regs as proposed

Dear Mr. Spencer,

I am a South County resident that would like to go on record as supporting the draft ordinance, which addresses my concerns both environmentally and personally. I do not support large, corporate type of farming, of any product.

Thank you for noting my support. I regret that my business makes me unable to attend.

Best regards,

Rich Tomlinson

Spencer, Craig x5233

From: Jody Pemberton [jpemberton777@gmail.com]
Sent: Wednesday, March 09, 2016 3:02 PM
To: Spencer, Craig x5233
Subject: proposal for mixed-light cultivation
Attachments: Input on the draft Medical Marijuana Ordinance REF150048.docx

Craig,

Thank you for hosting the stakeholder meeting in South County on Monday and taking the time to personally meet with us after the meeting.

After attending the stakeholder meeting, we better understand that the County is proposing a pilot project to regulate medical cannabis. We believe our proposal offers a reasonable compromise to the draft proposal that will include PG zoning in a very limited manner consistent with the County's pilot approach.

I have attached our one page proposal. We also spoke with Supervisor Potter just prior to the stakeholder meeting. Supervisor Potter asked for us to send him our one page proposal, which we have done. Again, we really appreciate you taking the time to personally listen to our suggestions. Please feel free to contact us with any questions or comments.

Jody Pemberton

(831) 207-8740

Jarod Ottley

(831) 466-6313

INPUT ON MIXED-LIGHT CULTIVATION (from Medical Marijuana Ordinance REF150048)

Draft 21.65.050 for Commercial (Medical) Cannabis Cultivation includes the following allowances for mixed-light cultivation on F (Farmland). Outdoor cultivation would not be allowed on Farmland:

	Type 1	Type 1A	Type 1B	Type 2	Type 2A	Type 2B	Type 3	Type 3A	Type 3B	Type 4
Type: Canopy: (s.f.)	Outdoor <5,000	Indoor <5,000	Mixed-light <5,000	Outdoor 5,001- 10,000	Indoor 5,001- 10,000	Mixed-light 5,001- 10,000	Outdoor 10,001- 1 acre	Indoor 10,001- 22,000	Mixed-light 10,001- 22,000	Nursery
F			UP*			UP*			UP*	UP*

UP = Use Permit pursuant to Chapter 21.74

*Conversion of Farmland to cannabis cultivation is not permitted. Cannabis may be cultivated only in existing greenhouses, warehouses, and agricultural processing facilities.

C. Regulations 1. It is the intent of the County to provide for the adaptive reuse of greenhouses in Monterey County and to restrict the proliferation of greenhouses or other structures on productive agricultural lands. To this end, within the Farmland (“F”) zoning district indoor and mixed-light commercial cannabis cultivation and nurseries (Type 1B, 2B, 3B, and 4 state license types) may be permitted with a Use Permit in each case provided that the cultivation occurs only within a greenhouse or other legally permitted industrial building that legally existed prior to January 1, 2016. Greenhouses and industrial buildings may be improved after January 1, 2016 provided that the footprint of the existing greenhouse(s) or industrial building(s) does not change.

PROPOSAL: THE SAME ALLOWANCES FOR FARMLAND (MIXED-LIGHT CULTIVATION) BE EXTENDED TO PERMANENT GRAZING.

Rationale:

- 1. The regulations for F and PG zones are nearly identical. Both F and PG zoning regulations state “uses allowed: all soil dependent agricultural uses, including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards”. Because the zoning regulations are virtually identical, it stands to reason that any mixed-light cultivation allowed on F should also extend to PG.**
- 2. The draft proposal allows for “a maximum of 100 commercial cannabis cultivation sites” in the unincorporated area of Monterey County. Extending the zoning district to PG for mixed-light cultivation will not increase the number of medical marijuana cultivators in Monterey County beyond the proposed cap of 100.**
- 3. For both F and PG, essential requirements in the application process for security, proper waste disposal, odor prevention, water management, standard operating procedures, etc. will ensure that the County avoid any potential adverse impacts on the health, safety, and welfare of Monterey County citizens.**

We believe our proposal offers a reasonable compromise to the draft proposal that will include PG zoning in a very limited manner consistent with the County’s pilot approach. Thank you.

Spencer, Craig x5233

From: Heidi Park [heidipark@razzolink.com]
Sent: Monday, March 07, 2016 7:02 AM
To: Spencer, Craig x5233
Subject: Cottage Industry

Dear Craig,

I've been planning on coming to today's Stakeholders meeting in Bradley but had an unexpected meeting today that I can not get out of in Carmel and would not be there in time.

I am writing you today to voice my concerns again about the small Cannabis Industry like myself. There is nothing in the Proposed Ordinance that protects us or even allows us to continue business.

The new proposed ordinance has nothing for the small Cottage Industry. Not allowing or even addressing this makes it very difficult to get to continue getting my small amount of medicine out there by growing my own cannabis at my RDR-20 zoned home which each neighbor has 10+ acres. I've been growing at my location for over 30 years. I became a Non-profit Collective 2 years ago and have been making a salve for people suffering cancer, Parkinson's, sciatica, and ailments. I've donated most all of my product for these people. After having Oncologist asking me to get my product legal, I went to research this and have spent thousands of dollars of mine to do this. If the proposed draft passes, this will force me to do this against Monterey County's laws and regulations which I can't do. I want to be legal. I want to be able to get my product tested and out into the market.

If there was zoning added in as well as a paragraph on Cottage Industries, we still have to have to go through the permit process and use permit. But give us a chance to do legal business and not just keep it for 5 lucky patients.

Another issue is outdoor grows and allowing it to only be a grow of 100 square feet. Impossible unless it is a vertical grow. This does not sound like it is being thought about wisely.

Our area is ideal for outdoor grows and they could be done without damage to the land and allowing possibly like a 50 - 60 plant grow in a 5000 sq ft footprint.

Please let me know what your thoughts are on possibly addressing Cottage Industries too. This proposed draft ordinance looks as though it ONLY addresses Commercial grows and nothing else.

Thank you Craig.

Heidi Park
Heidromama, Inc.

Sent from my iPad

February 26, 2016

Dear Supervisors and Staff,

I'm writing in opposition to the approval of collective or cooperative cannabis cultivation in unincorporated areas of Monterey County – specifically in Big Sur which is the community and local culture I know firsthand and best. And so I'm also writing in support of amending and extending Interim Ordinance No. 5254. The recognition of the need for “the County to study and develop appropriate land use regulations” regarding this issue is *exactly* right.

Introducing myself: my wife and I are landowners in Palo Colorado Canyon, and we've had deep ties in the Big Sur community for nearly 40 years. We both serve on the prior's Advisory Council at New Camaldoli Hermitage, and I'm also on the board of directors at the Henry Miller Memorial Library and a member of the Four Winds Council (a cooperative association among Esalen Institute, New Camaldoli, Tassajara, and the Esselen people). I'm also a writer who's been engaged for these nearly forty years in a close, firsthand study of the cultural history of Big Sur.

Some of my observations/recommendations regarding collective or cooperative marijuana in unincorporated areas of Monterey County – and specifically in Big Sur which I know best...

1. Legalizing commercial cultivation of marijuana in residential neighborhoods in Big Sur won't decrease illegal marijuana cultivation, *it will increase illegal cultivation* by providing a veneer of greater legal cover. Already many growers use their “patient” identification cards or “primary caregiver” status as a front for far more substantial hidden illegal cultivation. And oftentimes growers aggregate a collection of “identification cards” to produce a much larger scale (and fully commercial) impact than the personal use provision ever intended.

Legalizing collective commercial growing in residential neighborhoods in a place like Big Sur – by extending the range or number of permissible plants – will only help assure many growers (especially in remote areas near public lands) that they can now go even more safely beyond whatever legal limits are established.

2. Historically, growers in places like Big Sur often refer to where they live during the growing-season as a “staging area” since from that place they can readily access and provision illegal hidden cultivation nearby (often, historically, in public lands). Again, legalizing collective commercial marijuana cultivation in residential neighborhoods in places like Big Sur will only make those “staging areas” more of a safe “front” and more lucrative in and of themselves.
3. I’ve read the apologia Michael Linder emailed to our Palo Colorado listserver arguing “for the right to legally cultivate medical cannabis in a small scale, sustainable and artisanal fashion.”

Wouldn’t it be pretty to think so?

While some individual growers would self-regulate and choose to follow healthy environmental guidelines, there is no evidence whatsoever that the majority of cultivation enterprises would do so. In fact, there’s dramatic ongoing historical evidence to the contrary. The marijuana industry in Big Sur overall has had a straightforwardly appalling and destructive environmental record. Rat poisons have been fed into the food chain and caused bird die-offs. Fertilizers and pesticides are left on-site to leak into watersheds. PVC pipe gets pinned under boulders in creekbeds with other plastics like remnants of doughboy pools used as water tanks. All and every form of debris gets left behind and abandoned at grow-sites and in and near water sources. I’m a member of the Ventana Wilderness Alliance, too, which among other things has staged massive volunteer clean-ups of grow-sites in the Ventana wilderness – packing out tons of debris. And volunteers like the VWA can barely scratch the surface of what’s needed to rehabilitate innumerable grow-sites in Big Sur.

It is extremely naive – if not downright intentionally misleading – to suggest that legalizing commercial cultivation in residential neighborhoods in a place like Big Sur will lead to less clearing, only responsible and community-approved water use in a watershed, and “only organic and natural forms of gardening”!

Again, wouldn’t it be pretty to think so?

If advocates of commercial marijuana were sincere and truly dedicated to environmental responsibility, they'd begin by cleaning up the extensive environmental damage that their industry has already done.

4. Another great danger, of course, lies in the commercialization of our neighborhoods. It's one thing to keep one form or another of a private garden. But it's another thing to run a commercial operation that brings into a residential neighborhood a work-force that impacts road use and conditions and that exploits for personal economic gain the common water source in a watershed.

There's a very good reason why neighborhoods are zoned "residential." And after an individual or family has moved into a zoned residential neighborhood and lived there gratefully and lovingly for years, they don't deserve to have the rug suddenly pulled out from under them and find out that now they're living instead among commercial impacts.

5. I'm currently working with Magnus Toren at the Henry Miller Memorial Library to create (over this summer and next) a writers and speakers series on the impacts of the new internet-driven "natural amenities" economy not only in Big Sur itself but all across the New West in both rural and urban communities. Everyone's aware of local issues related to this new economic wave: lack of workers' housing, short-term rentals, the commercialization of neighborhoods, traffic congestion along the Highway 1 corridor, helicopters and drones and the intrusion of other electronic devices in the backcountry and in backcountry neighborhoods.

I'll attach an overview of this program which we're calling: "Nowhere Is Our Real Home: Community and Identity in the New West." Its aim — before we realized you shared the same aim — is to generate a healthy dialogue about these issues not only within Big Sur itself but also in coordination with other communities in the West. So, again, your recognition of the need for the time "to study and develop appropriate land use regulations" is exactly the kind of "study" and discussion that our "Nowhere" program is also hoping to encourage.

And commercial cultivation of marijuana in residential neighborhoods is one more great pressure and threat to local communities. I have a neighbor who's been offered \$5,000 a month for the growing season to rent her one room off-grid cabin two miles up a dirt road – for the exact purpose of aggregating individual “identification cards” for a commercial marijuana cultivation enterprise. This isn't uncommon, and it's just the tip of the iceberg. One can already imagine where this would go, let alone if such commercial enterprises in residential neighborhoods became legal. That one-room remote cabin would otherwise rent for maybe \$500-600 a month.

Linder's wishful (or misleading) thinking that legalized commercial marijuana cultivation wouldn't spike residential rental costs and land cost is patently false on the face of it. There's another person/group in our neighborhood – not a “neighbor” and that's exactly the problem – whom, I've been told, only bought his 40 acre parcel in order to create exactly the “staging area” I mention above.

Linder mentions that “limiting the number of cultivation sites will limit the potential negative problems.”

No, it won't. It would create what Latin Americans call “invidia” – a hostile envy and acrimony and contention that ensues when one or a few members of a community receive gratuitous outside benefits that others don't. Imagine the value of my property compared to yours if I have one of those privileged commercial marijuana grow permits and you don't. And do you think that all unpermitted neighbors – and/or outside renters and property buyers – are going to refrain from their own unpermitted growing when they see the profit, road impacts, and water-use that an immediate neighbor is extracting for his or her own personal income stream out of common watershed values (water, privacy, natural beauty, Big Sur “branding”)?

6. And “artisanal” and Big Sur “branding” are already problems themselves. My wife and I have friends in Napa and Sonoma (including her brother and his wife), and as you know, the impacts of perfectly legal vineyards are themselves dramatic and extensive. The full impacts along the Napa and Russian Rivers, for example, are only now beginning to be fully

recognized. Loss of oak grassland (and so loss of predators, too), erosion, fertilizer and pesticide run-off, over-watering and depletion of aquifers.

And Napa and Sonoma aren't wilderness areas per se. A wilderness interface like Big Sur would be damaged even more grievously by commercial agriculture.

Big Sur is a place and a community. Its residential neighborhoods shouldn't be jeopardized and exploited by individuals who want to use the Big Sur "brand" as a "value-added" attempt to raise the price of their own cash-crop.

7. The insinuation that legal commercial marijuana cultivation in a place like "Salinas Valley" would necessarily be limited to "agri-business" is another misleading premise. It's clear where in Monterey County legitimate small-scale and sustainable commercial farms can and do thrive. Parts of Carmel Valley come readily to mind as do places along the Salinas and San Antonio Rivers and the Santa Lucia highlands and other traditional farming and ranching communities. Anywhere zoned and permitted for "boutique" wineries and farming would be fit zones for the application for "collective cannabis cultivation."

And in such openly agricultural zones, county oversight of cannabis farms would be as openly accessible as they are for other legitimate agricultural enterprises. And even the "artisanal" and "branding" advantages someone like Linder is pitching for are already readily available in these existing agricultural zones. One need only think of Santa Lucia highlands pinot noirs or Carmel Valley chardonnays or Earthbound Farms or any other number of legitimate small-scale and sustainable agricultural ventures in existing agricultural zones.

8. There are no good reasons to invade Big Sur residential communities with commercial cannabis cultivation. The current protocol for allowing cultivation for personal use suits Big Sur's backcountry homesteading values perfectly. In Big Sur, commercial enterprises have always been limited to the coastal zone – such as at Notley's Landing, at the limekilns at Mill Creek and Limekiln Creek, and in our current tourist economy. Wilderness values need to be preserved and respected. And equally so – and in direct connection with wilderness values – Big Sur's community

life and local cultural values need to be preserved and respected, too. And not just for Big Sur's own sake, but also because people everywhere need to feel that living such a community life is still possible. Just as Wallace Stegner said that even "the idea of wilderness" is important, so, too, is the "idea of local community" important. Big Sur has been an example of the possibility of both residents and visitors living in right relationship with a wild and beautiful coast. But that relationship is always fragile, and perhaps never more so than now. How mindfully and lovingly we attend to this relationship has never been more important. Thank you for your own thoughtful and attentive efforts – and for your attention to my own thoughts and feelings. Please let me know how I can stay connected with your future work on this and related issues.

Sincerely,

Chris Lorenc
408.623.4978

Spencer, Craig x5233

From: Philip Anderson [phil.a@greencalgrowers.com]
Sent: Monday, February 08, 2016 9:24 PM
To: 112-Clerk of the Board Everyone; "district 1"@co.monterey.ca.us; "district 2"@co.monterey.ca.us; "district 3"@co.monterey.ca.us; "district 4"@co.monterey.ca.us; "district 5"@co.monterey.ca.us; Holm, Carl P. x5103; Novo, Mike x5192; Spencer, Craig x5233; McKee, Charles J; Strimling, Wendy; Lee, Kathleen M. 647-7755; Stratton, Josh Q. x5022; Lopez, Christopher M. x5729
Subject: Monterey County Medical Cannabis Draft Ordinance

To Whom It May Concern,

I am a resident of Prunedale, CA. I am also the executive director of a legal medical cannabis business. I have been a cultivator for 15 years. I have legally cultivated cannabis for this whole time. As a member of the cannabis business community I have long hoped for regulations that will help to legitimize what I am passionate about. Let me start by telling you that I am and have been exclusively an indoor grower. That being said I appreciate the cultivation part of the ordinance in reference to indoor and greenhouse cultivation. I however think that it is a huge mistake to outlaw outdoor gardens. Outdoor cultivation, or sun grown cannabis, is not only hands down more environmentally friendly than indoor cultivation but can provide tons of extra income for the county in addition to indoor and greenhouse cultivation. Outdoor cultivation also allows the cannabis grower to be able to market their cannabis as a product of the local area, and therefore bringing a whole new tourist crowd to the area as does the winery industry. This will only grow with the passage of an adult use initiative.

I would suggest that you rethink the ban on outdoor cultivation. I would recommend that you allow up to 100 sun grown gardens of up to 22,000 square feet in addition to the 100 indoor and mixed light cultivation licenses recommended in the draft ordinance. I would also recommend that you allow new greenhouses to be built for cannabis cultivation up to the end of the year of 2016 in addition to revamping decrepit greenhouses, with perhaps a cap on the number of new greenhouses that could be built for cannabis cultivation. Thanks again for coming up with a very progressive draft ordinance for Monterey County. I believe that it's almost there and look forward to being able to help in anyway I can.

Sincerely,

Philip Anderson
Green Cal Growers
530.514.8302
phil.a@greencalgrowers

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Sent with Postbox

Spencer, Craig x5233

From: Info@bigsurcannabotanicals.com
Sent: Monday, February 08, 2016 4:54 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Novo, Mike x5192; Holm, Carl P. x5103; Spencer, Craig x5233; McKee, Charles J; Strimling, Wendy; Lee, Kathleen M. 647-7755; Stratton, Josh Q. x5022; Lopez, Christopher M. x5729; 112-Clerk of the Board Everyone
Subject: Cannabis Ordinance

Chairwoman Parker, Members of the Board of Supervisors and Monterey County staff,

My name is Aram Stoney and I am a lifelong Monterey County resident, registered voter, member of the Coastal Growers Association and co-owner of Big Sur Cannabotanicals.

First off I would like to thank Craig, Mike and all the members of the county staff for their hard work on getting the rough draft of the proposed ordinance this far.

The one thing that is noticeably missing is the input from the people in the industry that currently exists here in Monterey County.

It is clear that the language in this draft ignores this fact.

Of primary concern is the section that will prohibit all outdoor cultivation, especially since the majority of the cultivation that is taking place now is in fact done outdoors. We understand the concerns, but to prohibit it completely will not produce the outcome that you may be looking for. There would be a significant economic impact to many families and to our local communities, in the loss of jobs and the recirculation of funds to other local businesses.

The proposed zoning would essentially turn the current local industry upside down and force the small business owners, who are the primary providers for the current industry, out of business and it would be handing over the industry to those who happen to own property in the right place and happen to own greenhouses, and with far less experience.

Although I agree that rehabilitating the dilapidated greenhouses of the Salinas Valley is a great idea, it should not be the only option.

The proposed ordinance sites the importance of using green building techniques and sustainable operating practices, outdoor cultivation is the best model for this practice.

I would like there to be some consideration for the existing industry of outdoor cultivators in Big Sur, Carmel Valley (Cachagua), and Lockwood. Specifically, by adding other zones such as PG -Permanent Grazing, RG-Rural Grazing, RC- Resource Conservation, and perhaps even LDR-Low Density Residential or by having "special" areas that are outside of the zoning mentioned in the ordinance. Many County ordinances and local land use plans have areas of special consideration, outside of the normal zoning. One would hope that the Board of Supervisors and County staff could think outside the Salinas Valley box, by enacting special areas outside of the current farm zoning mentioned in the draft ordinance. Special rules and regulations could apply to these special zones, such as size of property, proximity to neighborhoods, no environmental concerns, etc. To only allow cultivation in the farming zones will force small business out and will make it a corporate farming model. The County of Monterey has a local preference ordinance and we feel that individuals who are local, who have been operating in accordance with State law without incident and who have created a successful business model should be preferred over outside entities or at least be given serious consideration.

Our own growing operations are done in accordance with strict environmental and safety controls and we take great pride in the medical cannabis that we cultivate and provide for our members. We have been operating in accordance with State law and have a perfect record. The ordinance as it is currently written will force us out of business and destroy the community relations that we have worked so hard to create over the years.

I look forward to the stakeholder meetings this month where we can work together to create a final draft that works for everyone.

I would like to ask if staff has set a date for that yet?

Thank you for your consideration on this matter.

Sincerely,
Aram Stoney
Big Sur Cannabotanicals
www.bigsurcannabotanicals.com
info@bigsurcannabotanicals.com
831-272-0100

Spencer, Craig x5233

From: Inthe Woods [ventanablacksmithing@gmail.com]
Sent: Monday, February 08, 2016 12:59 PM
To: 100-District 5 (831) 647-7755; Holm, Carl P. x5103; Novo, Mike x5192; Spencer, Craig x5233; McKee, Charles J; Strimling, Wendy; Lee, Kathleen M. 647-7755; Stratton, Josh Q. x5022; Lopez, Christopher M. x5729
Subject: Fwd: Concerns with Cannabis Draft Ordinance

----- Forwarded message -----

From: **Inthe Woods** <ventanablacksmithing@gmail.com>
Date: Mon, Feb 8, 2016 at 12:51 PM
Subject: Concerns with Cannabis Draft Ordinance
To: district1@co.monterey.ca.us, district2@co.monterey.ca.us, district3@co.monterey.ca.us, district4@co.monterey.ca.us, district5@co.monterey.ca.us

Dear Monterey County Supervisors,

As a legal cannabis cultivator in the Carmel Valley/Cachagua area I welcome the recent regulations that have been proposed in the current cannabis ordinance, but I have great concerns with strict limitations banning outdoor cultivation for commercial use. Outdoor cultivation by responsible growers should never be confused with illegal hidden gardens, such as those commonly associated with cartels in or near National Forests, where poisonous chemicals are used in excess, garbage is spread throughout the area, and little respect is given to the land or those people and animal who inhabit the area. Outdoor cannabis cultivation needs to be better understood and there a few points that I would like to address:

- Myself, and many other outdoor growers, conduct our business using environmentally friendly practices such as the use of organic fertilizers that will not harm the environment or contaminate ground water. With the abundant California sunshine, we lack the need for high powered growing lights and constant use of fans which require a lot of electricity and can be noisy.
- Many growers have organized and aesthetically pleasing gardens that are not visible to the public and have never been a nuisance to those living in the surrounding area.
- Properly placed and maintained these gardens create more wild space for beneficial insects, birds, and animals.
- Promoting outdoor cannabis cultivation will create a larger economy- more jobs and a higher income for the state- than if growing were restricted to indoors.
- Banning outdoor cultivation will encourage more people to grow illegally and an large unregulated black market will result, which becomes a detriment to all those who in the field who conduct their business legally.

My request is for the ordinance to allow at least 150 permits for outdoor cultivation with a growing space of 5,000 square feet per permit.

Thank you for your time,
Greg Deaton
Thunder Canyon Collective

Spencer, Craig x5233

From: Darin Woodfill [dgwoodfill70@gmail.com]
Sent: Monday, February 08, 2016 11:22 AM
To: Spencer, Craig x5233
Subject: Re: ORD 16-004 "Attachment A" draft amendment proposal

Hi Craig,

I would like to add something if I may? In my opinion, these proposals seem like a fair compromise for the smaller farms of unincorporated monterey county. And I dont think its asking for anything too large or unreasonable. In the past, its been said that small farmers will need to expand and scale up in order to stay competative. I disagree. And at any rate, I would like to see the market dictate that, Rather than stifling unreasonable zoning restrictions. The current draft seems to benefit only large businesses and wealthy stakeholders. Thanks again for your consideration. Please share my input at future board meetings.

Darin Woodfill

On Mon, Feb 8, 2016 at 10:13 AM, Spencer, Craig x5233 <SpencerC@co.monterey.ca.us> wrote:

Mr Woodfill,

Thank you for your comments.

We were able to open the document and we will consider your comments as we move forward.

Craig W. Spencer

RMA - Planning Department

County of Monterey

phone: [\(831\) 755-5233](tel:(831)755-5233)

e-mail: spencerc@co.monterey.ca.us

From: Darin Woodfill [mailto:dgwoodfill70@gmail.com]
Sent: Monday, February 08, 2016 8:37 AM
To: Spencer, Craig x5233
Subject: ORD 16-004 "Attachment A" draft amendment proposal

Hi Craig,

Attached are a few ideas, I'd like the county to consider including or amending in the upcoming commercial mmj ordinance. Please let me know that you have received this email, and that you were able to open the word doc. I appreciate your time and consideration on this matter.

Thank you,

Darin Woodfill

831 676 8177

Dear Mr. Craig Spencer,

As a small farmer, I'm interested in entering the "boutique or cottage" style of commercial cannabis farming in Monterey County. The current ordinance as drafted, appears to benefit only large businesses or investors. The limited zoning and locations make it impossible for the small family farm to enter the emerging legal medical cannabis market.

The inland microclimates of the Carmel Valley, Jolon, the San Antonio Valley, and Bryson-Hesperia Area, are some of the best places in California to cultivate cannabis.

First of all,

I would like the Monterey County Planning Department to consider adding the following zones to Attachment A for commercial cannabis cultivation. Please note that I have included a use permit recommendation for each parcel size :

1. Rural and Permanent Grazing

between 5-10 acres Type 1A, Type 1B, Type 4 w/ a maximum of 1,800 sq. ft.

10+ acres Type 1A, Type 1B, Type 4 up to 5,000 sq. ft.

Secondly,

I'd like to address the initial 100 commercial cannabis cultivation permit maximum.

I strongly feel that through soil recycling with organic amendments, the use of OMRI listed pesticides/fungicides, beneficial insects, and zero to minimal water run off. The small family farm has very little environmental impact.

I believe the only certifications available at this time, are "Clean Green Certified" and a "Better Practices Certification." I would ask that those farmers who are currently operating under those certifications. Or those planning to operate under either during the permit process, be exempt if the 100 permit maximum has been reached. And would ask that the county consider case by case variances.

Third,

I would like to address the inconsistency in the Non-Commercial Cannabis Cultivation proposal. A patient can cultivate 100 sq. ft. for his/her personal medical use. A primary caregiver can cultivate for the personal medical use of no more than 5 specified qualified patients. Therefore, the primary caregiver SHOULD be able to cultivate a canopy of no more than 500 sq. ft. Or 100 sq. ft. per individual specified

qualified patient, whichever is least.

In closing, I'd like to say that I understand that this is a very complex issue. With compliance and enforcement being the toughest tasks. My hope is that all of us that want to have a place in this new industry, can work together on a compromise and achieve our goals.

Sincerely,

Darin Woodfill



PATIENT FOCUSED CERTIFICATION

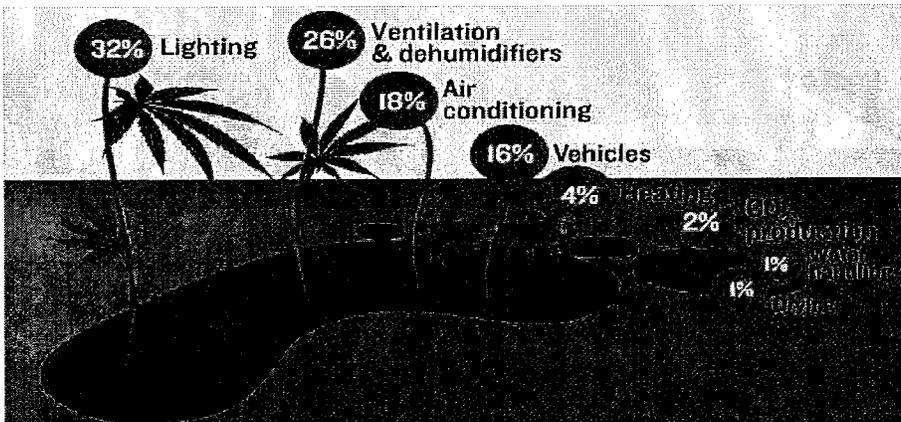
ASA a project of Americans for Safe Access Foundation

Dear Chairwoman Parker, Members of the Board of Supervisors and County Staff,

Americans for Safe Access (ASA), founded in 2002, is the nations largest organization of patients, medical professionals, scientists and concerned citizens promoting safe and legal access to medical cannabis. We write to you today to express concern regarding Monterey County's proposed ordinance which acts to prohibit all commercial outdoor cannabis cultivation. The act of prohibiting commercial outdoor cannabis cultivation raises three primary concerns for ASA: 1) the criminalization of a large portion of Monterey County's existing cannabis cultivators; 2) the potential environmental impacts associated with encouraging indoor cannabis cultivation; and 3) product safety concerns.

By prohibiting outdoor cultivation, long time medical cannabis farmers in the Big Sur, Carmel Valley (Cachagua) and Lockwood areas will be criminalized. The outdoor cannabis farming community in Monterey county represents the vast majority of the County's existing medical cannabis cultivators and patients have come to rely on these farms as a source of safe, high quality medicine that is produced in an environmentally friendly manner. While we understand the County's desire to direct commercial cannabis cultivation into agriculturally appropriate areas, such as greenhouses in the Salinas Valley and elsewhere, we respectfully request that the Supervisors acknowledge that the Big Sur, Carmel Valley and Lockwood areas are also, in many cases, zoned as appropriate for agricultural activities.

In addition, the County is proposing that indoor cultivation be permitted while outdoor cultivation become prohibited. By encouraging the indoor cultivation of cannabis, the County will inevitably increase the amount of greenhouse gas emissions produced locally. According to the 2011 study by Dr. Evan Mills, entitled Energy Up in Smoke indoor cannabis production and distribution energy is around \$5 billion dollars annually, resulting in approximately 17 million tons of green house gas emissions. The Mill's study goes on to explain that 1 kilogram of cannabis, the equivalent of 2.2 pounds, produced indoors using national-average grid power results in 2.8 tons of green house gas emissions meaning that each cannabis cigarette produced using indoor cultivation techniques results in roughly 2 pounds of green house gas emissions during production. The infographic below describes the activities associated with indoor cultivation that were considered during the Mills study.



Headquarters 1806 Vernon St. NW, Suite 300
Washington, DC 20009

Toll Free: 888-929-4367
patientfocusedcertification.org



PATIENT FOCUSED CERTIFICATION



a project of Americans for Safe Access Foundation

Based on the information provided by the Mills study, we can see that outdoor cannabis cultivation dramatically reduces the amount of greenhouse gas emissions associated with the cultivation of cannabis. When cannabis is grown outdoors, the use of lighting, ventilation & dehumidifiers, air conditioning, and CO2 production are all eliminated, reducing the amount of greenhouse gas emissions by nearly 78%.

As Patient Focused Certification auditors have inspected cultivation sites throughout the County, as well as in Europe, we have experienced notable differences in contamination issues between cultivation sites utilizing natural sunlight versus cultivation sites using 100% artificial light. Unfortunately, indoor cultivated cannabis is subject to high levels of humidity and warm temperatures that support the growth of micro-organisms. This environment is extremely vulnerable to development and spread of pathogens whereas cultivation sites that utilize natural sunlight are less susceptible to pathogenic development due to the fact that the fore mentioned pathogens are killed when exposed to direct sunlight.

We strongly recommend that the County reconsider the proposed prohibition on outdoor cannabis cultivation and welcome existing cultivators into a regulated environment while acting to limit environmental concerns and preserving product quality for patients.

Respectfully,

Kristin Nevedal
Director, Patient Focused Certification



Headquarters 1806 Vernon St. NW, Suite 300
Washington, DC 20009

Toll Free: 888-929-4367
patientfocusedcertification.org

Monterey County Planning Department
Spencerc@co.monterey.ca.us

Dear Mr. Spencer:

My understanding is that you are the lead planner for the medical marijuana initiative.

I have a question concerning medical marijuana growing in incorporated areas. I believe the pending initiative allows 100 licenses **total** for Monterey County?

I will state my question here and follow up with some background information:

I wonder if there has been an examination of exactly how many medical marijuana growers/operations (and perhaps commercial ventures, should a November initiative pass) should be allowed:

- within a particular zoning area
- within a particular square mileage area
- within a nonprofit association

before the zoning standard would have to be reexamined and/ or the number of permits/growers limited within a particular square mileage?

Below is the reason for the question:

I live in Bryson Hesperia (an unincorporated area of Bradley), zoned Rural Grazing-- PG B-6-Density 0—PG 40/Density 40 A/U.

I belong to Forest River Property Owners Association (FROPA) located within Bryson-Hesperia. This area is approximately 3 miles (2.8125) of mostly 40 acres parcels with a few 60 acre parcels + 200 acres of common land (mostly on the Nacimiento River). Property owners are mostly weekend visitors with about 5 full time families. The area is very rural /off the grid and FROPA's main duty is upkeep of the dirt/gravel roads. The FROPA is not a gated community of the rich but a more back-to-the-lander lifestyle and yes, some people grow personal marijuana here.

There are approximately 4 large marijuana operations within FROPA—perhaps one is legal and at least three of these ventures have begun within the ban-- but this email is not about legalities.

According to the article "[County extends medical marijuana rules](#) "

[Amy Wu](#), The Californian March 1, 2016

"The county will need to examine zoning issues and decide where medical marijuana can be grown. Supervisors agreed that they need to work on the specifics of regulations such as a permitting process."

Land in our area that has been for sale for literally 4—10 years is suddenly sold and the infrastructure for medical/commercial marijuana growing are in place perhaps in anticipation of legalization.

FROPA is mainly connected by dirt/gravel roads in which large vehicles must pull over to allow each other to pass. Those who live here (FRPOA) have 40—60 acre parcels but there is only one commercial venture—small scale cattle. Bryson-Hesperia has several operations—Christmas trees, olives.

Looking at the future with what I already see—increased large vehicle traffic on narrow dirt roads (with increased expense for upkeep), commercial ventures run by absentee owners with weekend visits or caretakers, increased poaching/shooting, secondary killings of wildlife due to use of rodenticide, increased litter, increased wildlife being killed by too-fast-moving vehicles, and lastly and of course most importantly... the change in the quality of life.

Of course any change is difficult. This influx of commercial growers who represent a single interest—making money, is a complete turnaround for most of us living here. **We** have to make adjustments -- the medical marijuana market and perhaps commercial growing in general are a reality and a “gold rush”. and everybody wants a piece of it. I understand the potential for jobs, local, county and state revenue etc.

Still there is a difference between living here and using the land as a commodity. There is a difference between becoming a part of the community and dropping in-and-out without any idea that there **IS** a community and then treating everyone and everything accordingly—i.e. carelessly, recklessly, unconcernedly.

Perhaps there should be some careful assessment based upon the number of permits issued within a particular acreage and/or a readjustment in zoning standard which is more specific concerning the number of commercial endeavors allowed within a specific area-- some compromise so everyone may be able to live together and maintain the quality of life they want without friction.

Thank you for your time,

Liz Cecchi-Ewing
lizcecchiewing@email.com

January 8, 2016

Dear Monterey County Board of Supervisors,

Hello my name is Heidi Park. I have a Collective, am a cultivator and manufacture as well as being on the Board of Coastal Grower's Association.

I have lived in the Unincorporated Area of Monterey County most of my life. I was born and raised in Salinas; with a family second home in Cachagua, Carmel Valley.

I have grown cannabis outdoors more than half of my life. Never selling it but making medicine for people. I, as a child, had epilepsy and had the experience with cannabis with it ending my seizures.

I've been a caregiver and volunteered to the Hospice for many years. I have had many family and friends pass away from cancer and was by their side.

I do not like most Western Medicine, but when we need it, we need it.

This leads me up to the Proposed Draft of The Monterey Ordinance for Cannabis.

I have made and gifted in donation form all of my product by making a balm that you would apply on to your feet, or body area where the pain or injured is. It soothes the pain by going deep into the bone or tissue with out any kind of side effect. The balm has sun grown cannabis, Distilled water, Organic Olive Oil, Organic Coconut Oil, Organic Beeswax and over 333 drops of essential oils. I infuse the water with healing energy and crystals. This is the magic of my product.

I also make personalized CBD, Indica, Sativa and Hybrid Tinctures to help someone that has PTSD or digestion issues, sleep issues or anxiety.

My home is located in an area that is zoned RDR-20 and is in a Cottage Industry Zoning. I have had my collective here for many years with neighborhood approval.

I think it is very important to allow cultivation in different zonings or make special circumstances.

I have ALWAYS wanted to be legal and do what is right; to get my medicine to people and to help them in anyway I could. I've spent thousands of dollars to do so.

I am crushed with your decisions to force us to stop our business to help our people that need outdoor grown medicine.

Please reconsider the zoning and the outdoor cultivation ban to allow the smaller grower and manufacture an opportunity to get their medicine out for the people too.

Thank you, Heidi Park

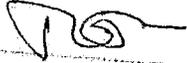
#23 for
7/28/2015

TODD BESSIRE
ATTORNEY AT LAW
510 LAURELES GRADE ROAD
CARMEL VALLEY, CA 93924
831-682-2843
BESSIRELAW@YAHOO.COM

RECEIVED
MONTEREY COUNTY

2015 JUL 27 AM 11:49

CLERK OF THE BOARD


DEPUTY

HAND DELIVERED TO CLERK OF THE BOARD

January 5, 2015

Supervisor John M. Phillips
Supervisor Dave Potter
Supervisor Simon Salinas
Supervisor Jane Parker
Supervisor Fernando Armenta

RE: **Ordinance 5253; Legistar Ordinance Number Ord.15-011**

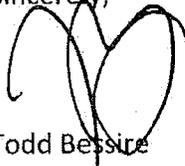
Dear Members of the Board of Supervisors,

I represent several property owners who have relied on and continue to rely on the Compassion Use Act as the legal framework for their business which is conducted in Monterey County. That is to say, the Cannabis farmers in the unincorporated areas of Monterey County that I represent use an allocation of patients from a Cooperative or Collective as a legal means of cultivating Cannabis. The proposed extension of Ordinance 5254 will make their operations illegal for the next year and require them to file bankruptcy or immediately change their profession.

I urge you to remove the prohibitions from cultivating Cannabis from your Ordinance. I believe the concern is large cultivation practices that could lead to environmental damage. This concern may be alleviated by restricting cultivation of cannabis to no more than 1,000 plants per parcel, prohibit any growing that is not organic and require growers to follow best management practices.

Thank you for your consideration of my suggestions.

Sincerely,



Todd Bessire

Cc: Mike Novo; Carl Holm

