



P.O. Box 935, San Andreas, CA 95249 • (209) 772-1463 • www.calaverascap.com

AN EIR IS NEEDED ON COMMERCIAL CANNABIS CULTIVATION AND ASSOCIATED ACTIVITIES

Calaveras Planning Coalition Position Paper

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The Calaveras Planning Coalition (CPC) supports the Calaveras County Board of Supervisors' efforts to complete an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) for the county's proposed Medical Cannabis Cultivation and Commerce Ordinance Project, which would permit and regulate cannabis cultivation and other commercial activities associated with medical cannabis including manufacture, transport, and distribution. A thorough EIR will provide the factual basis for an informed public discussion and a rational decision on this complex issue prior to adopting a permanent ordinance to replace the county's current interim urgency ordinance.

Measure D, the cannabis control initiative that will appear on the November ballot, is similar to the permanent ordinance proposed by the county, but, as an initiative of the people, Measure D is not considered a "project" as defined by CEQA and, therefore, is not subject to the CEQA review process. If Measure D passes it would replace the county's proposed permanent ordinance, but it would not require an EIR.

The Calaveras Planning Coalition is united behind eleven Land Use and Development Principles. Our support for an EIR is in keeping with our principles. For example, we believe that environmental mitigation measures should adequately address local and community-wide impacts. By preparing an EIR prior to making a decision to ban, to manage, and/or to tax commercial cannabis operations, the Calaveras County Board of Supervisors is taking steps to follow this land use principle and others.

First, an EIR will evaluate the impacts of the proposed permanent ordinance. An effective EIR will evaluate potential impacts that affect the built environment including impacts to public safety, aesthetics, noise levels, housing, public service, and land use. Other impacts evaluated in an EIR include those related to the natural environment such as water supply, agriculture and forestry, air quality, energy use, soil erosion, open space, and biological resources.

Second, an EIR will identify feasible measures to mitigate the impacts of commercial cannabis activities. For example, the EIR may identify limits on the hours of activity for commercial cannabis operations to reduce noise impacts. By law, the County must adopt feasible mitigation measures to reduce the significant environmental impacts of its discretionary actions. Thus, the final ordinance or ban by the County would incorporate any feasible measures to reduce its impacts.

Third, an EIR can and should evaluate the financial feasibility of the mitigation measures. This is critical for any ban or management option. If the County mechanism for managing commercial cannabis to avoid harm to the community and the environment is going to work, the County revenue from commercial cannabis taxes and fees or from other sources needs to be sufficient to cover those management costs. Similarly, if a ban on commercial cannabis is going to work, a source of County revenues must be available to safely and effectively enforce the ban.

Fourth, an EIR will evaluate the cumulative impacts of commercial cannabis. While efforts have been made in the draft ordinance to reduce the impacts of *individual* commercial cannabis grows, there has yet to be any evaluation of the cumulative impacts of having so many commercial cannabis grows in the county. When considering a program that could transform such a large amount of the physical landscape, it is prudent to look at the big picture.

Fifth, an EIR must comparatively evaluate a reasonable range of alternatives to the proposed project that can reduce the impacts of the project. When feasible, the comparison of impacts must include accurate measurements, numerical estimates, and reliable forecasts. The EIR must also consider the impacts of the County taking no action. The purpose of the comparison of alternatives is to inform the public discourse and to educate the decision makers. With regard to commercial cannabis in Calaveras County, an EIR should evaluate the impacts of at least five options: taking no action, adopting the proposed ordinance, adopting an ordinance like Measure D, taxing commercial cannabis, or banning commercial cannabis grows. These are the commercial cannabis options that have been, and will be, the focus of public discourse and local government decision making.

Sixth, in preparing an EIR and an ordinance, the County must provide for extensive public involvement in the process. The CPC promotes public participation in the County's land use decision making process. An EIR includes public participation during the scoping phase and during the review of the draft EIR. The County must respond in writing to relevant written comments made by the public on the draft EIR. This provides for a very high level of accountability to the public. Also, in preparing a land use ordinance, the County will provide public hearings before the Planning Commission and the Board of Supervisors. These public participation processes allow for the public to influence both the choice among commercial cannabis options and the drafting of the specific terms of the chosen commercial cannabis option.

Finally, when the Board of Supervisors makes a decision following the preparation of an EIR, the Board is required to adopt findings of fact. These *findings must disclose* the rational course between the evidence before the Board and their ultimate decision. This provides for a high level of government accountability to the people.

When it comes to the issues associated with commercial cannabis operations, reasonable minds may disagree. Nevertheless, those in the CPC have agreed that it would be best if the County prepared a thorough study of the options via an EIR, provided opportunities for informed public discussion, and made a rational, well considered final decision.