

Public Correspondence

Item 1

Jacumba Community Sponsor Group

August 3, 2021

To: San Diego County Planning Commission via: Ann.Jimenez@sdcounty.ca.gov; cc: Joel.anderson@sdcounty.ca.gov

From: Cherry Diefenbach, Chair, Jacumba Community Sponsor Group (JCSG); 619-743-5224, csdiefenbach@sbcglobal.net

RE: August 6, 2021, Agenda item #1: Socially Equitable Cannabis Program; PDS2021-POD-21-001

At the in-person special Jacumba Community Sponsor Group (JCSG) meeting held on August 3, 2021, our group voted to have the JCSG Chair send the following comments regarding development and implementation of the Socially Equitable Cannabis (SEC) Program.

1. Require the siting of all cannabis related activities: growing operations, retail shops, and medical dispensaries to be at least 1,000 feet away from community and recreation centers, schools, libraries, child care businesses, and bus stops. (Community planning groups must be given a strong voice with regards to their actual location BEFORE any new cannabis businesses are permitted within their planning areas. They should also have the ability to request a site waiver as appropriate for their community.)

2. Regulate the age of the employees of legal cannabis activities (retail shops, growing operations, and dispensaries). All cannabis employees must be at least 21 years of age which is a similar requirement for employees of liquor lounges and retail stores.

3. Allow community planning groups and their associated design review boards to have a vote on the naming of local cannabis businesses and the external appearance of retail shops to reduce their appeal to local youth. The local planning group should also be consulted if a new owner wants to change the name and appearance of the business.

4. Ban all billboard cannabis advertising on County roadways. Alcohol and tobacco products are prohibited from advertising in this fashion, and cannabis operations should not get any preferential treatment.

5. Require MUP, EIR, and CEQA review for all large outdoor cannabis and hemp cultivation operations in excess of 20,000 square feet in rural groundwater-dependent communities due to their excessive groundwater consumption and noxious odors.

6. Prohibit the on-site consumption of any amount of cannabis including free samples at all retail shops, dispensaries, and cultivation operations UNTIL an effective and immediate field sobriety test for cannabis is available for law enforcement to use. States and other counties that have wide-spread recreational cannabis sales operations are seeing higher vehicular accident rates, injuries and even deaths. Having less and not more impaired drivers of any type (drugs or

alcohol) on San Diego's winding and narrow rural roadways should be an important consideration under the SEC.

7. Legal cannabis permits in the unincorporated areas should be issued with a preference toward smaller businesses owned by local residents. There is nothing socially equitable about rewarding former drug abusers/dealers who were lawfully prosecuted with "head-of-the-line" privileges in the cannabis industry.

8. Ensure sufficient County funds have been allocated not only to shut down illegal and unpermitted cannabis shops and cultivation sites, but to enforce restrictions on the sale of cannabis products to the underage population in legal shops using sting operations/undercover agents. (Studies show that youths are up to seven times more likely to develop a cannabis addiction than adults. Prolonged cannabis use by young people will negatively impact their brain development.) Enforcement should like required product testing and labeling.


9. Require all flavored edible or drinkable cannabis products be clearly labeled to show their individual levels of THC and a recommended serving size based on those levels. Recreational marijuana consumers should be given the information to know that one brownie contains enough THC to give them a "buzz." After all, food containers are required to have labels to show their calories, and alcoholic beverage containers are required to have labels that show their alcohol content.

10. Branded merchandizing will certainly have a strong, almost irresistible appeal to youth. The SEC should require a warning about the hazards of excessive cannabis use on product containers (like those required by cigarettes packages) and even on T-shirts and coffee mugs, etc. Additionally, the commercial cannabis industry should be prohibited from obtaining the naming rights to schools, community parks, and sports centers. Likewise, cannabis businesses must not be allowed to publicly sponsor youth sports teams (little league, soccer), tournaments, races and community festivals because this would normalize/promote the use of cannabis by underage youth.

The JCSG makes no formal recommendations regarding the physical expansion, recreational sale of edible and drinkable cannabis products, and the licensing extension of the five legally operating cannabis dispensaries beyond April 14, 2022, that were identified in the August 6th planning commission report. Each of those cannabis dispensaries should be individually evaluated for conformance and their expanded operations should not be "grandfathered in" under a blanket approval by the County.

The JSCG believes that County leadership must not take a one-size-fits-all approach to the growth of the cannabis industry within the unincorporated areas. Not every small backcountry community needs to have their own cannabis shop, as some residents already grow cannabis plants for their own personal use. California's Proposition 64 was designed to decriminalize the recreational use of cannabis, not mandate statewide commercialization of cannabis. It is for the reasons stated above, that our sponsor group requests all future licensing and permitting of legal

cannabis retail storefronts and cultivation operations in the backcountry should only proceed with appropriate local community group siting guidance and approval. After all, it is our residents who will have to live with the proliferation of cannabis shops and their negative impacts to young people in our community.

A handwritten signature in cursive script that reads "Cherry Diefenbach".

Cherry Diefenbach
Chair, Jacumba Community Sponsor Group

From: [Jimenez, Ann](#)
To: [Jack Fox](#)
Subject: RE: [External] August 6 hearing
Date: Tuesday, August 3, 2021 7:53:27 AM
Attachments: [Call Information Instructions 8.6.2021.pdf](#)

Good morning Jack,

Thank you for your email. I will forward to the Commission on your behalf, and this is your confirmation of receipt. I received two copies of this email so I will submit this one as your correspondence.

Regarding your other email and your question on how to view the hearing online I have attached the participation information for you. The link to watch the hearing will be available on the [Planning Commission website](#).

The link will be available on Friday at 9:00 A.M. when we open the system link. It will be listed next to the Agenda and eComment links on the page. If you don't see the link at the start of the hearing, please refresh your browser and it should help to bring the link up.

Thank you,

Ann Jimenez | She-Her-Hers
Planning Commission Secretary
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 310 San Diego, CA 92123
C: (619) 517-4193

Please note: I will be teleworking M/Tu/Th and in-office on W/F.
I am accessible by e-mail, cell phone. In-person, and MS Teams.
My work hours are 7am-3:30pm M-F.

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From: Jack Fox <fordtrk56@gmail.com>
Sent: Monday, August 2, 2021 3:57 PM
To: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Subject: Re: [External] August 6 hearing

Submitted by John and Kathleen Fox

On Mon, Aug 2, 2021 at 3:53 PM Jack Fox <fordtrk56@gmail.com> wrote:

Members of the Planning Commission.....It is with great concern that I write to you to oppose ALL of the proposed amendments as put forth by Mr Fletcher and Ms Vargas...If they want changes to

be made let them do so to facilities in their own Districts..I don't want to be impacted anymore than I am with amendments from Supervisors of other districts who have no idea what's happening in mine.

1...I would be quite happy if these 5 locations were closed on April 14,2022..They have served their purpose for supplying members with medical Marijuana for many years.Now it is time for them to close..2 years ago a illegal dispensary was busted on Nelson Way by the Sheriff.Dept after operating illegally for 6 months or more,on Father's day there was a head on crash on Nelson Way sending one person to the hospital plus there was a bust of another illegal facility in Valley Center about 3 weeks ago

2..The increase in traffic to our single lane road on Nelson Way would be increased even more due to people coming to buy the added recreational products and merchandise..Nelson Way is already greatly impacted by traffic created by the RAMCO asphalt recycling plant,Romero heavy equipment repair facility,Joseph trucking company and a trucking storage yard not to mention Avocado trucks transporting fruit..We have our share of traffic and DON'T need more..

3..NO to expanding existing facilities to 10,000sf. via special exemptions for building permits and B and S Special Area Designators..Design review requirements are a vital necessity in keeping our neighborhoods looking respectable and conforming with the way they are now...My property value has already diminished because of the commercial operations taking place on Nelson Way and I don't need them to go lower.Environmental issues need to be researched to determine how a large addition would impact water use,rain run off,privacy issues for neighbors,security,delivery vehicles and others,The transport of products by motorists and the use while driving is of concern also..

4.NO on transferring of certificates to others..The amendment doesn't state who these others might be..They could be to large firms from out of state looking to cash in on California wealth,independents who wish to get into the business,if they can afford the \$50000 fee..Transferring could lead to more problems for the Sheriff Dept in regulating

Respectfully submitted,
John and Katheen Fox

On Mon, Aug 2, 2021 at 3:35 PM Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov> wrote:

Hello, you can email me your comment and I'll forward it to the Commission on your behalf and save it for the public record.

Thank you,

Ann Jimenez
(619) 517- 4193

From: Jack Fox <fordtrk56@gmail.com>
Sent: Monday, August 2, 2021 3:32:09 PM
To: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Subject: Re: [External] August 6 hearing

What can I do if my comments exceed the limit allowed in the comment section?

On Mon, Aug 2, 2021 at 12:17 PM Jack Fox <fordtrk56@gmail.com> wrote:

Ok, thank you.

On Mon, Aug 2, 2021 at 11:47 AM Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov> wrote:

Hello Jack,

You're welcome. All eComments and Public Correspondence is distributed to all Commissioners. If they are submitted by 4:00 p.m. Wednesday, August 8, I can guarantee they will receive and review them before the hearing. Any correspondence received after that is considered late and although I will forward it to the Commission, I can't guarantee they will have the time to review it before the hearing.

Thank you,

Ann Jimenez | She-Her-Hers

Planning Commission Secretary

County of San Diego, Planning & Development Services

5510 Overland Avenue, Suite 310 San Diego, CA 92123

C: (619) 517-4193

Please note: I will be teleworking M/Tu/Th and in-office on W/F.

I am accessible by e-mail, cell phone. In-person, and MS Teams.

My work hours are 7am-3:30pm M-F.

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From: Jack Fox <fordtrk56@gmail.com>
Sent: Monday, August 2, 2021 11:33 AM
To: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Subject: Re: [External] August 6 hearing

Thanks Ann..Now my next question is do my comments get distributed to each member or just to the chair?

On Mon, Aug 2, 2021 at 9:24 AM Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov> wrote:

Good morning,

Thank you for your email. you can leave an eComment [here](#). You can comment either under *Item C – Public Communication* or *Item 1 – Socially Equitable Cannabis Program*.

Thank you,

Ann Jimenez | She-Her-Hers

Planning Commission Secretary

County of San Diego, Planning & Development Services

5510 Overland Avenue, Suite 310 San Diego, CA 92123

C: (619) 517-4193

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From: Jack Fox <fordtrk56@gmail.com>
Sent: Saturday, July 31, 2021 5:59 PM
To: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Subject: [External] August 6 hearing

Can I file an eComment for this hearing?

From: [Kathleen Lippitt](#)
To: [Cherry Diefenbach](#); [Jimenez, Ann](#)
Cc: [Anderson, Joel](#); [Jeffrey Osborne](#); [GREG CURRAN](#); [Katrina Westley](#); [jacari cousins](#)
Subject: [External] RE: Jacumba Sponsor group comments on Agenda item 1: Socially Equitable Cannabis Program
PDS2021-POD-21-001
Date: Wednesday, August 4, 2021 1:41:10 PM

Hi Cherry,

You did a remarkable job on your letter to the County re the Socially Equitable Cannabis Ordinance especially considering all the other items on your plate. Many of your group concerns and recommendations are shared by other County Planning Groups and your mutual support of each other seems more important now than ever.

I hope Supervisor Anderson will stand behind his recommendation to retain 1,000 ft sensitive use setbacks apply not just to schools, but daycares, residences, and churches in recognition of the importance of these sensitive uses to unincorporated communities is welcome news.

Respectfully,

Kathy

Kathleen Lippitt, MPH
Public Health Practitioner and Public Policy Advocate
Coastal Communities Drug Free Coalition
Email: Kathleen.lippitt@gmail.com
Cell: 760.522.4592

From: [Cherry Diefenbach](#)
Sent: Wednesday, August 4, 2021 9:44 AM
To: [Ann Jimenez](#)
Cc: [Supervisor Joel Anderson](#); [Jeffrey Osborne](#); [GREG CURRAN](#); [Katrina Westley](#); [jacari cousins](#)
Subject: Jacumba Sponsor group comments on Agenda item 1: Socially Equitable Cannabis Program
PDS2021-POD-21-001

Hi Ann,

Please ensure the planning commissioners are given a copy of the attached letter from the Jacumba Sponsor Group regarding the Socially Equitable Cannabis Program, Item #1 on the PC Hearing for August 6th.

Thank you for your assistance.

Cherry Diefenbach
Chair, Jacumba Sponsor Group
619-743-5224

From: [Jimenez, Ann](#)
To: [Jimenez, Ann](#)
Subject: RE: [External] Notice of amendments to cannabis ordinances
Date: Monday, July 26, 2021 3:56:51 PM
Attachments: [image002.png](#)
[image003.png](#)

From: Benedito, Aleena <Aleena.Benedito@sdcounty.ca.gov>
Sent: Monday, July 26, 2021 12:16 PM
To: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Cc: Tessitore, Lynnette <Lynnette.Tessitore@sdcounty.ca.gov>; Christman, Scott <Scott.Christman@sdcounty.ca.gov>
Subject: RE: [External] Notice of amendments to cannabis ordinances

Hi Ann,

I have contacted Jack to discuss his questions.

Thank you.

Best Regards,
Aleena Benedito, Land Use/Environmental Planner
County of San Diego
Planning & Development Services (PDS), Code Compliance Division
5510 Overland Avenue | San Diego, CA 92123
📞 Mobile 619-806-7282 | ✉ Aleena.Benedito@sdcounty.ca.gov

For local information and daily updates on COVID-19, please visit www.coronavirus-sd.com. To receive updates via text, send COSD COVID19 to 468-311.



From: Christman, Scott <Scott.Christman@sdcounty.ca.gov>
Sent: Monday, July 26, 2021 8:50 AM
To: Benedito, Aleena <Aleena.Benedito@sdcounty.ca.gov>
Cc: Tessitore, Lynnette <Lynnette.Tessitore@sdcounty.ca.gov>; Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Subject: FW: [External] Notice of amendments to cannabis ordinances

Hi Aleena,

Please contact Jack Fox to discuss his questions. Thank you!

Regards,
Scott Christman | He – Him – His

Group Program Manager
Planning & Development Services
5510 Overland Ave. Ste 310
San Diego, CA 92123
(619) 613-5197
Scott.Christman@sdcounty.ca.gov

For local information and daily updates on COVID-19, please visit www.sandiegocounty.gov/coronavirus.html. To receive updates via text, send **COSD COVID19** to **468-311**.

Coronavirus Disease 2019
COVID-19

From: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Sent: Monday, July 26, 2021 8:47 AM
To: Tessitore, Lynnette <Lynnette.Tessitore@sdcounty.ca.gov>; Christman, Scott <Scott.Christman@sdcounty.ca.gov>
Cc: Flannery, Kathleen <Kathleen.Flannery@sdcounty.ca.gov>; Veal, Edmund (Ed) <Edmund.Veal@sdcounty.ca.gov>
Subject: FW: [External] Notice of amendments to cannabis ordinances

Hello Scott and Lynnette,

I received the below request from Jack Fox requesting a call to discuss amendments 3 and 4 of the Cannabis Program. Can you please have staff call and speak to him regarding his questions. He can be reached at [REDACTED]. Also, can you please respond to this email when this is complete so I can add it to the public record as completed.

Thank you,

Ann Jimenez | She-Her-Hers
Planning Commission Secretary
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 310 San Diego, CA 92123
C: (619) 517-4193

Please note: I will be teleworking M/Tu/Th and in-office on W/F.
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From: Jack Fox <fordtrk56@gmail.com>
Sent: Monday, July 26, 2021 8:18 AM

To: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>

Subject: [External] Notice of amendments to cannabis ordinances

Good morning..

I received a notice regarding amendments to be considered by the Planning Commission on August 6.

I would like to speak with someone regarding amendments 3 and 4.

Please have someone familiar with these contact me by phone at [REDACTED]

Thank you,

Jack Fox

8612 Nelson Way

Escondido

From: [Benedito, Aleena](#)
To: vipselfstorage@att.net
Cc: [Christman, Scott](#); [Tessitore, Lynnette](#); [Jimenez, Ann](#); [Benedito, Aleena](#)
Subject: RE: [External] Public Hearing
Date: Tuesday, July 27, 2021 8:40:19 AM
Attachments: [image001.png](#)

Hi Sheryll,

Thank you for your email. The ordinance amendments scheduled to be presented to the Planning Commission on August 6, if adopted by the Board of Supervisors, will apply only to the existing dispensaries located at the following addresses and we do not foresee the proposed ordinance having a direct impact to your business:

1. Outliers Collective; 8157 Wing Ave, El Cajon; APN 387-150-21-00
2. Ramona Cannabis Company; 736 Montecito Way, Ramona; APN 281-521-13-00
3. Releaf Meds; 618 Pine St, Ramona; APN 281-065-26-00
4. Olive Tree Wellness Center/JAXX Cannabis; 1210 Olive St, Ramona; APN 281-121-12-00
5. San Diego Natural/OutCo; 8530 Nelson Way, Escondido; APN 127-222-19-00

Thank you.

Best Regards,
Aleena Benedito, Land Use/Environmental Planner
County of San Diego
Planning & Development Services (PDS), Code Compliance Division
5510 Overland Avenue | San Diego, CA 92123
☎ Mobile 619-806-7282 | ✉ Aleena.Benedito@sdcounty.ca.gov

For local information and daily updates on COVID-19, please visit www.coronavirus-sd.com. To receive updates via text, send COSD COVID19 to 468-311.



From: Sheryll Batts <vipselfstorage@att.net>
Sent: Monday, July 26, 2021 12:45 PM
To: Jimenez, Ann <Ann.Jimenez@sdcounty.ca.gov>
Subject: [External] Public Hearing

I received the notice of Public Hearing in the mail for August 6. My address is 1636 N. Magnolia Ave., El Cajon, CA 92020. I'm wondering how this affects my business. It didn't say which parts of the zoning laws were going to change so I'm curious what the possible items could be. I would appreciate a list of possible items that could affect my business. Thank you Sheryll Batts, CSSM VIP Self Storage

MORGAN REED LAW, P.C.

August 4, 2021

Via E-mail: (ann.jimenez@sdcounty.ca.gov)

Chair Edwards and San Diego County Planning Commission
County Conference Center
5520 Overland Avenue
San Diego, CA 92123

RE: AUGUST 6 PLANNING COMMISSION: ITEM PDS2021-POD-21-001 ORDINANCE UPDATES TO ENABLE ONGOING OPERATION OF EXISTING MEDICAL MARIJUANA COLLECTIVE FACILITIES

Dear Chair Edwards and Planning Commissioners,

I am a land use attorney representing the cannabis operators operating legally in the County of San Diego as Medical Marijuana Collective Facilities ("Operators"). They agree with many of the proposed ordinance changes and support the County allowing the Operators to continue. However, there are three issues the Operators ask you to direct staff to change. First, they urge you to include CEQA Exemption 15304. Second, they do not support capping the total expansion allowed under the exemptions at 10,000 square feet. Third, do not restrict water usage to municipal water.

I. CEQA Exemptions Apply and Should Include Section 15304

We support the County's determination that CEQA exemptions apply to the Operators under CEQA Guidelines Section 15301, Existing Facilities and CEQA Guidelines 15303, New Construction or Conversion of Small Structures. We believe there is substantial evidence to support these exemptions. We also urge the County to adopt CEQA Guidelines Section 15304, Minor Alterations to Land.

A. Existing Facilities

The exemption for Existing Facilities includes the operation, permitting, and licensing of existing structures, facilities, mechanical equipment, or topographical features involving a negligible or no expansion of use. The evidence to support this is that the Operators currently exist and have existed for many years. When the Operators transition to Commercial Cannabis Retail, it will not change the location, the type of product sold, or how the Operators are permitted and licensed. The County will allow amendment of the existing Operators Certificate issued by the Sheriff's Department. There will not be new or more stringent conditions to operate as a Commercial Cannabis Retail. And it will only negligibly change operations.

Changing to Commercial Cannabis Retail will not disrupt or significantly change the general business operations of the Operators. Changing from medical to adult use may slightly change the internal tracking process and bookkeeping, but such changes would be a negligible expansion of use. Changing to adult use is also unlikely to increase traffic, noise, or air pollution because illegal facilities that sell adult use already exist, are plentiful, cheaper, and have a significant customer base. Even if the Operators' sales increased because of adult use, it does not mean it will lead to an increase in

traffic, noise, or air pollution. Existing Operators' customer base may choose to purchase adult use rather than medical. If some customers from illegal facilities now choose to buy from an Operator's regulated legal facility, there is no net increase in customers and no change to environmental factors like traffic and air pollution.

Furthermore, it is unlikely that Operators' client base will substantially expand. Due to stigma and social norms, a small percentage of the population uses cannabis. Providing legal adult use sales in the County is unlikely to correlate with more people using cannabis. Because Commercial Cannabis Retailers are in the same location, and operating, permitting, and being licensed the same way, section 15301's exemption applies.

Additionally, section 15301(e) allows expansion of existing facilities up to 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. All Operators qualify for expansion because they are not on environmentally sensitive lands and their properties are serviced by public services and facilities for maximum development. At the time the Operators original permits were issued, numerous public services and facilities were required over and above what would normally be required for the size of the structures on Operators permits due to the cannabis use. Large amounts of monies were invested in these improvements.

Furthermore, many of the Operators attempted to expand their locations prior to the County's moratorium and had completed preliminary work to ensure their expansion would be appropriate. The underlying zoning of each Operator supports the existing facilities and expansion: all Operators are on land zoned M52 or M54. All Operators' parcels are large and have room to expand. Furthermore, the Operators' desire to expand their existing facilities once they are Commercial Cannabis Retail. Section 15301(e) provides guidance as to how large an expansion can occur before additional CEQA review may be triggered.

B. New Construction or Conversion of Small Structures

The County will also allow for expansion of the Commercial Cannabis Retail under the New Construction exemption. CEQA Guidelines § 15303(c):

A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The Operators' proposed expansion of the Commercial Cannabis Retail would not involve a significant amount of hazardous substances and would support the existing facilities. Many Operators were already in process of expanding prior to March 2017 and have the necessary infrastructure in place for their desired improvements. The properties are all zoned to allow for additional improvements and have the land area to support improvements.

C. Minor Alterations to Land

Furthermore, only minor alterations to land may be necessary for some of the Operators to expand their facilities. Therefore, the County should also adopt CEQA Guidelines Section 15304, Minor Alterations to Land as a third exemption that is applicable to Commercial Cannabis Retail facilities.

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to . . . grading with a slope of less than 10 percent . . . , landscaping, . . .

Ideally the County would adopt this exemption to ensure that minor grading and other alterations can be performed when adding to an existing facility or constructing a new, small structure that will support Operators' Commercial Cannabis Retail facilities. Operators' properties are all zoned to allow for additional improvements and have the land area to support improvements. None of the properties are in environmentally sensitive areas. All alterations will be directly related to the Commercial Cannabis Retail and will be minor in nature.

II. No 10,000 square feet Cap

Revised County ordinance 6861 seeks to limit the building expansion allowed under CEQA Exemption 15301 and 15303 to a total of 10,000 square feet. This limitation is not part of either CEQA Exemption. The 15301 Exception allows up to 10,000 square feet onto an existing structure and Exemption 15303 allows up to 2,500 square feet for a new structure in non-urban areas for a total of 12,500 square feet. The County wants to cap that to a total of 10,000 square feet.

The County justifies the cap by stating the 10,000 square feet cap will ensure no cumulative impacts under one of the CEQA Exceptions to the Exemption. However, this would mean that by simply using both CEQA Exemption 15301 and 15303, a cumulative impact automatically occurs. This is certainly not what the legislatures intended when the Exemptions were drafted. More than one CEQA Exemption is commonly used together to achieve desired outcomes on CEQA projects. If the legislature believed that using 15301 and 15303 together would automatically create a cumulative impact, then they would have included language so limiting the use of the Exemptions together. They did not do so. And there is no other reason given by the County that can justify the 10,000 square feet cap.

As stated above, there is substantial evidence to support the use of both Exemptions on the Operators properties. Using them together for a total of 12,500 square feet is supported by the Operators' properties zoning. Also, the Exemptions by their nature, and as detailed above under Exemption 15301, provide support for no cap. The Operators already invested substantial money into public improvements and facilities, and the properties are large with more than sufficient room to accommodate the expansion.

III. No Restriction on only Using Municipal Water for Farm Cultivation

Revised County ordinance 6861(i) prohibits the use of groundwater for farm cultivation. This is an unprecedented restriction that is unnecessary. The County justifies the restriction under the General Plan by stating that LU-8.3 "Discourage development that would significantly draw down the groundwater table to the detriment of groundwater-dependent habitat." However, there is no evidence to support that

cannabis cultivation, as opposed to any other farm crop that does not have such restrictions, would “significantly draw down the groundwater table.” All Operators municipal water and some also have groundwater on their properties. They, like any other farm crop cultivator, should have the option of using one or both sources of water for their cultivations. This action is unprecedented for farm crops and would set an example that could hinder future farm crop cultivation in the County.

IV. Conclusion

The Operators urge you to include CEQA Exemption 15304 as an additional exemption to allow for their limited expansion. That expansion should be limited to a total of 12,500 square feet and should not be capped at a total of 10,000 square feet. The restriction on groundwater would set a dangerous precedent for farm crops in the County. We urge you to direct staff to make these changes.

Sincerely,

A handwritten signature in cursive script, reading "Cynthia Morgan-Reed". The signature is written in dark ink and is positioned above the printed name.

CYNTHIA MORGAN-REED

San Diego County Planning Commission
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123



August 6, 2021

RE: Socially Equitable Cannabis Program; PDS2021-POD-21-001 (Summary Ordinance Updates to Enable Ongoing Operation of Existing Medical Marijuana Collective Facilities)

Dear Chairman Edwards,

Blue Water Government Affairs represents the interests of the five current cannabis license holders in the unincorporated areas of San Diego County. We thank you for your continued work and attention on developing a new cannabis ordinance and on addressing many of the regulatory problems that have been plaguing our current licensed operators.

The five current operators were all granted cannabis licenses by the County prior to the previous Board's decision to rescind licensed commercial cannabis in the unincorporated County in March of 2017. Operators were given five years to continue their operations in hopes they would be able to recoup some of the significant investments each had made in obtaining their licenses and opening their businesses. Unfortunately, local regulations still in place have made this impossible, which is why we ask for your support so that our Operators are able to provide safe, tested, and legal cannabis products to patients and consumers in the unincorporated areas of the County.

We greatly appreciate the time and effort Staff has put into developing their recommendations. While we agree with and support some of the Staff recommendations, we believe more can be done to provide relief to current operators.

Please see below for our comments and requests:

1. Please support the following recommendations from PDS Staff:

- Removing the sunset date
- Allowing for Adult-Use (Recreational) Cannabis Sales
- Allowing the transfer of the Sheriff's Operating Certificate / Business Licenses
- Allowing Sales of Edibles and Branded Merchandise

Since the moratorium was enacted in 2017, the current license holders have been operating at a tremendous disadvantage when compared to the illicit market operators of the unincorporated areas of the County. Not only do the illegal and unlicensed operators not pay any taxes to the County, but they sell untested and potentially unsafe products to anyone. We need our current license holders to succeed in order to combat the illicit market and provide a safe alternative for patients and consumers.

The above changes are necessary in order for current license holders to continue providing legal, safe, tested, and taxable cannabis products to the unincorporated areas of San Diego County, and we ask for the Commissioners' support and recommendation.

2. Remove cap on 10,000 sq. ft. cumulative expansion - SEC. 6861(c)-(d),(g)

CEQA Sections 15301 and 15303 allow for expansions of up to 10,000 sq. ft. and 2,500 sq. ft. respectively and current license holders should be able to utilize both exemptions to the fullest in order to continue their build outs that were put on hold in 2017. Section 15301(e)(2) specifically allows for additions of 10,000 sq. ft. provided the area is not environmentally sensitive and there are public services and facilities available. The Operators' locations qualify under both those criteria.

Section 15303(c) specifically allows for 2,500 sq. ft. when significant amounts of hazardous materials are not involved, wherein the operator's locations also qualify. There is no legal reason why the County should not allow cumulative expansions over to 10,000 sq. ft. at their current licensed locations. We understand that any single expansion larger than 10,000 sq. ft. would be subject to a discretionary permit.

Additionally, the commentary from Supervisors at the June 9th, 2021, County Board of Supervisors meeting makes clear that they were not seeking to cap all expansions at a cumulative 10,000 sq. ft., but that they desired the current license holders the allowance of single expansions of up to 10,000 sq. ft. as cited in CEQA Section 15301(e) above. There was never any indication that 10,000 sq. ft. should be a cumulative amount and or that multiple CEQA exemptions could not be applied.

We ask that the Commission recommend to the Board of Supervisors that the previously stated CEQA exemptions be applied to their fullest extent and that the cumulative cap of 10,000 sq. ft. be removed.

3. Adopt CEQA Guidelines Section 15304, Minor Alterations to Land Exemption

When the Moratorium was adopted in March of 2017, all current license holders were either developing plans to expand their facilities, had begun the plan submission and approval process, or had plans already approved. These businesses, all of whom had been operating for less than three years and were completely blindsided by the previous Board of Supervisors' decision, were forced to abandon all expansion and were left with properties that could never recoup their initial investments.

Additionally, multiple large-scale improvements necessary for any expansions have already been completed by these license holders. Minor alterations might still be preferred by both the current operators and local communities and will be further supported by the County adding CEQA Exemption 15304 to these ordinance amendments.

We ask that the Commission recommend to the Board of Supervisors that Staff adopt CEQA Guidelines Section 15304 as a third applicable exemption.

4. Eliminate the prohibition on groundwater use for Cultivation - Strike SEC. 6861(i)

This restriction is unwarranted, overburdensome, and unprecedented and we are not aware of any other agricultural crop in San Diego County that is subject to this same restriction. Groundwater use is heavily regulated by various government agencies and legislation, such as the San Diego Regional Water Quality

Control Board and the San Diego County Groundwater Ordinance, and to limit the current license holder's access to one water source or another and will only serve to handicap the current license holders.

For example, per SEC. 6861 (h) all cultivation by the current license holders will have to take place indoors. Indoor cultivation requires less water usage than does outdoor cultivation, since environmental factors such as heat and humidity are easier to control for and water recapture and recycling is easier to accomplish. And because of the contained nature of indoor cultivation, less pesticides and fertilizers are also used which further decreases the risk of any potential groundwater contamination. All of these factors dramatically decrease any impact on the quantity and quality of groundwater.

As a comparison, there are 51 licensed industrial hemp grows in San Diego County. Industrial hemp is the exact same genus and species of plant as cannabis, with the only difference being the legal definition pertaining to the amount of THC contained in each. Yet, industrial hemp is able to be grown outdoors, which necessitates additional water usage versus indoor cultivation, operates with looser regulations around pesticide and fertilizer use, is able to be grown on plots much larger than 10,000 sq. ft., and is not subject to the restriction on groundwater use. In other words, this restriction would be similar to a prohibition on the groundwater use of a specific kind of tomato simply because its seeds are purple, even though it is identical in every other way.

Lastly, PDS Staff does not provide any substantial reason for including this prohibition. No data or analysis is provided that would indicate that this restriction is needed to protect the quantity and or quality of groundwater in any area of San Diego County. All that is mentioned is that concerns were expressed from Community Planning Groups (CPG) about water usage, but a complete prohibition on groundwater usage was never proposed by any of the CPGs. In fact, the letter from the Chair of the Campo Lake Morena Community Planning Group specifically states, "While CLMPG does NOT advocate for metering private wells, there are other ways to ensure that crops don't use more water than necessary."

The current five Operators are simply looking for the same opportunities provided to other farmers and growers in the unincorporated areas of the County and need equal access to the same resources. Please eliminate the prohibition on groundwater use for cannabis cultivation.

In conclusion, staff's recommendations help provide much needed relief but more can be done in order to help the existing license holders repair the damage that was done when the moratorium was put in place and to help provide safe, tested, and legal products to patients and consumers in the unincorporated areas of the County. We would like to again thank County Staff and the Planning Commission for their efforts in developing a cannabis industry that is beneficial for all, and we look forward to our continued work together.

Please let us know if you have any questions.

Blue Water Government Affairs

A handwritten signature in black ink, appearing to read 'Dallin Young', with a horizontal line extending to the right.

By: Dallin Young, President

On behalf of:

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cc: Chair Michael Edwards
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