



**Political Strategy, Public Policy Research**

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May 21, 2018

The Contra Costa County Planning Commission  
(Sent electronically via Hiliana Li)

Hon. Duane Steele, Chair

Hon. Rand Swenson, Vice Chair

Commissioners: Hon. Richard Clark, Hon. Marvin Terrell, Hon. Jeffrey Wright, Hon. Donna Allen,  
Hon. Kevin Van Buskirk

**RE: Contra Costa County Planning Commission Meeting -- May 23, 2018 --Staff Report on  
County Cannabis Ordinance.**

**Request for Amendment to Proposed Cannabis Regulation Ordinance to Preserve Low Water  
Use Cultivation**

Dear Chair Steele and Members of the Contra Costa County Planning Commission:

Jim Gonzalez and Associates (JGA) is a political strategy and public policy research firm that represents cannabis business clients throughout California.<sup>[1]</sup>

### Introduction

We are writing to respectfully request an amendment to the proposed cannabis ordinance to expressly preserve the option of permitting cannabis cultivation in greenhouses located on sites with existing groundwater wells.

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<sup>[1]</sup> Our comments are confined to general public policy analysis and recommendations, and are not referenced for any particular clients.

We are concerned that the draft cannabis ordinance contains language which, if adopted in the final ordinance, would create a de-facto prohibition against cannabis cultivation in existing greenhouses in agricultural zoning districts. This is because many greenhouses in agricultural zoning districts have historically employed drip irrigation from on-site groundwater wells for year-round growing, as opposed to flood irrigation supplied by irrigation districts for seasonal outdoor growing. The draft ordinance could also favor water-intensive flood irrigation over cultivation using water conservation techniques.

### Background

The draft cannabis ordinance, as currently drafted, contains the following language which appears to favor water-intensive flood irrigation.

The language in Permit Application Requirements 88-28.408 (c)(2), located on page 11 of 26 of the draft ordinance states: *"Proof of water service availability from a retail water supplier, as defined in Water Code section 13575."*

The language in Standards Applicable to Commercial Cultivation, 88-28.414(d), located on page 17 of 26 of the draft ordinance, states: *"Water. Where feasible, water conservation measures, water capture systems, or gray water systems must be incorporated in cannabis cultivation operations in order to minimize use of water. Water service for a commercial cannabis business must be provided by a retail water supplier, as defined in Water Code section 13575."*

"Retail water supplier," as defined in Water Code section 13575(b)(6), means any local entity, including a public agency, city, county, or private water company, that provides retail water service.

The chart located on page 9 of 12 of the Staff Report further clarifies the intent of the ordinance. That chart contains a footnote noting the additional requirements of the draft ordinance to include cultivation sites in agricultural districts that are "served by a public water agency or irrigation district."

### The Problem: Favoring of Flood Irrigation Used in Outdoor Cultivation Over Drip Irrigation Used in Greenhouses

Although language of the draft ordinance clearly provides that water conservation measures are desired, the draft ordinance appears to exclude the sustainable use of water obtained from existing groundwater wells located on cultivation sites.

By limiting cultivation in agriculture zoning districts to properties served by a public water agency, the County effectively would exclude most greenhouses, and favor more water-intensive outdoor cultivation of cannabis. This is because greenhouses can employ water conservation techniques by growing cannabis in raised beds with drip irrigation; whereas

outdoor cultivation would likely employ more water-intensive techniques including flood irrigation.

Also, the irrigation district which serves farms in agricultural zoning districts in eastern Contra Costa County supplies water only 7 months out of the year, and does not supply water during the other five months. This means that cannabis grown in greenhouses, which can have multiple growths per year, would be excluded from cultivation for almost half of the potential growing season, thereby making a cultivation business not commercially viable.

### The Solution

The County can support water conservation through the use of sustainable groundwater from existing wells located on cannabis cultivation sites. This is particularly true for cultivation operations employing greenhouses using raised beds and water conserving drip irrigation.

The use of sustainable groundwater drawn from existing wells would have a negligible impact on the groundwater table. Indeed, allowing existing groundwater wells to be used for greenhouse operations would allow the County to consider the impact and the desirability of minimal water use operations such as drip irrigation, as opposed to water-intensive flood irrigation. This could be weighed when deciding whether or not to permit a particular cultivation site.

### Requested Amendment to the Draft Ordinance

To allow the use of sustainable groundwater wells for cannabis cultivation in agricultural zoning area, we respectfully suggest the following amendments to the draft ordinance:

First, amend Permit Application Requirements 88-28.408 (c)(2) to read: "**Evidence of an existing sustainable groundwater supply on site** or proof of water service availability from a retail water supplier, as defined in Water Code section 13575."

Second, amend Standards Applicable to Commercial Cultivation, 88-28.414(d) to read: "Water. Where feasible, water conservation measures, water capture systems, or gray water systems must be incorporated in cannabis cultivation operations in order to minimize use of water. **If a sustainable groundwater supply does not exist on a cultivation site**, water service for a commercial cannabis business must be provided by a retail water supplier, as defined in Water Code section 13575."

## Summary

We are concerned that the draft ordinance would, in effect, exclude the cultivation of cannabis in greenhouses.

This is because greenhouses, using strict water conservation techniques, would employ drip irrigation from existing on-site groundwater wells, as opposed to flood irrigation supplied by irrigation districts.

Also, the intermittent supply of water by irrigation districts excludes many months out of the year-round growing season. Without a continuous water supply, cultivation of cannabis in greenhouses would not be commercially viable.

Consistent with the intention of the draft ordinance to support water conservation measures, we respectfully request the ordinance be amended to allow the use of sustainable groundwater from existing wells located on cannabis cultivation sites in agricultural zoning areas.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Gonzalez", with a long horizontal flourish extending to the right.

Jim Gonzalez  
President, JG & Associates, LLC

A handwritten signature in blue ink, appearing to read "John A. Thiella", with a long horizontal flourish extending to the right.

John A. Thiella  
Attorney at Law, Counsel to the Firm

Cc: Ruben Hernandez, Principal Planner, Community Development Division  
Hon. Diane Burgis, Supervisor, Third District  
Mark Goodwin, Chief of Staff, Supervisor Diane Burgis