

Community Prevention Partners Cannabis Cultivation and Manufacturing Environmental Impact Review Comments- October 2017

In order to meet our shared objectives to:

4. Prevent impacts of cannabis cultivation and manufacturing sites on children and sensitive populations;
7. Ensure compatibility of commercial cannabis cultivation and manufacturing sites with surrounding land uses, including residential neighborhoods, educational facilities, agriculture operations, and timber production;
9. Regulate sites and premises used for commercial cannabis cultivation and manufacturing to avoid the risks of criminal activity, degradation of the visual setting and neighborhood character, obnoxious odors, hazardous materials, and fire hazards;
10. Ensure cannabis is cultivated and manufactured into products in a manner that supports public health and safety;

CPP would like to commend:

- **MM AV-1.1. Fencing Requirements,**
 - Requiring fencing, including natural (plant) fences or other barriers where appropriate, as a deterrent to unlawfully accessing cannabis or drawing attention to its location.
- **MM AT-1.3a. Sustained Enforcement Program and MM AT-1.3b. Annual Survey and Monitoring Report,**
 - COMMENT: to provide enforcement and ensure ongoing compliance of requirements and best practices. Compliance checks help to prevent diversion, sales to minors, and other negative consequences with the alcohol and tobacco industry.
- **MM AQ-1.2. Greenhouse Odors.** -revised prior to adoption to require greenhouses that cultivate cannabis to install and utilize a commercial air scrubbing or filtration system sufficient to prevent the odors associated with cannabis production from escaping the structure
- **MM AQ-1.4. Consistency of Pesticide Use Setbacks.** proposed SCCC Chapter 7.128 shall be revised to clarify that the County shall not issue a cultivation license to any site that would apply pesticides using aircraft, airblast sprayers, sprinklers, dust, powder, or fumigants located within 0.25 mile from a school.
- **MM AQ-1.5. Open Air Extraction Area Setbacks.** To reduce air pollutant and objectionable odor impacts associated with open air extraction areas under the Program, proposed SCCC Chapter 7.132 shall be revised prior to adoption to clarify that setbacks from open air extraction areas shall be maintained from schools, libraries, alcohol and

drug treatment facilities, parks, and other sensitive receptors in addition to residence receptors to mitigate impacts from objectionable odors.

- **MM LU-1.1.2. SU Eligibility.**- to clarify that if a parcel is within the SU zoning district, it is only eligible for licensing under the Program if it has an eligible land use designation.

CPP would like to reinforce the importance of maintaining of the following features in the existing draft ordinance/proposed program, in order to meet the above program objectives:

Cultivation, CHAPTER 7.128:

- Set-backs from libraries, schools, parks, youth centers and AOD treatment centers, of a minimum of 600 ft, with 1000 ft preferred.
- Include monitoring and enforcement minimum protocols in Santa Cruz County cultivation and manufacturing ordinances, in order to contribute to youth diversion prevention, and public and environmental health and safety. This information can be paired with data on youth use and perception of harm, when tracking trends in Santa Cruz County.
- No lighting for cultivation purposes, except that necessary for security, shall be visible at cultivation sites from sunset to sunrise.
- Maintaining a comprehensive application process with inspections and system of suspending or revoking licenses if out of compliance.
- No license may be issued to cultivate cannabis in solely residential zoned districts, including home based cultivation for commercial purposes.
- If cannabis cultivation occurs outdoors, the growing area must be fully secured and enclosed...to prevent unauthorized entry.
- Cannabis shall not be cultivated indoors unless the cultivation site has a commercial air scrubbing or filtration system sufficient to prevent the odors associated with cannabis production from escaping the structure...
- Licensees are required to maintain an adequate security plan approved by the Licensing Official, which is intended to protect crops from unauthorized diversion and to protect the health, safety, and welfare of cultivation workers and the general public.
- Grounds for revocation to include: Failure to conduct cultivation operations in a manner that ensures the security of the crop and safeguards against diversion for nonmedical purposes; Allowance of any person younger than 18 years of age to enter the cultivation site without a parent or legal guardian; Failure to allow unannounced inspections of the premises by the Licensing Official or law enforcement at any time, without notice.
- That: Whenever the Licensing Official determines that a public nuisance as defined in this Chapter exists at any parcel within the unincorporated area of Santa Cruz County, he or she is authorized to issue a Notice of Violation pursuant to section 1.12.070 of this

Code, except that the violator shall be provided with seven (7) calendar days from notice of the violation to correct the violation before the imposition of civil penalties under section 1.12.070(D)(2)(a) of this Code.

- No on-site advertising is allowed at cultivation sites, other than one business identification sign that complies with all existing rules and restrictions regarding signs.
- Direct sales to the public from cultivation sites are prohibited, unless otherwise authorized as part of a licensed dispensary.
- Designing a system to facilitate access to medical cannabis for very low and low-income residents.

Manufacturing, CHAPTER 7.132

- License renewal to include “any law enforcement or license enforcement activity related to the licensee’s operations during the last year.”
- Set-backs from schools, daycares, youth centers of at least 600, preferably 1000 ft.
- Class 4 licenses forbidden in all residential zone districts.
- With class 4 extraction and Co2 extractions, only closed-loop systems may be permitted in the County for cannabis extraction, subject to all Fire and Building and Safety regulations, other fire safety measures.
- No cannabis used in manufacture may be sourced from an unlicensed cultivator or operator..facilities must maintain complete and accurate records of all raw and/or cannabis extract source material used in manufacture processing with all source identification information.
- All items...shall be individually wrapped at the original point of preparation.
- Equipped with a mechanical source capture system for odors.
- No minor may enter the facility unless accompanied by a parent or legal guardian.
- The facility shall provide adequate security precautions at all times.
- The facility shall not print, publish, advertise, or disseminate in any way or by any means of communication, or causing to be printed, published, advertised, or disseminated in any way or by any means of communication, other than by way of a dedicated business Internet website accessible only through an age gate portal, any notice or advertisement that includes the following information: pricing of products, details regarding specific cannabis products, or cannabis photography or graphics related to the cannabis plant or cannabis products. Notwithstanding the limitations imposed by this subsection, a facility may provide the following: an entry in the telephone directory with the name, location, and phone number of the facility; or signage as permitted by this section. Such directory entry or signage may identify the business as a “cannabis product manufacturing facility,” but shall not include pricing of cannabis, details regarding specific cannabis products, or cannabis photography or graphics related to the cannabis plant or cannabis products.

- The facility shall not post any signage for the facility other than one identifying sign stating the facility name, address, and hours of operation. Any sign posted under this section shall not exceed six square feet in area, shall not be directly illuminated, shall not contain graphics identifying cannabis, and must comply with all existing County regulations and restrictions regarding signs. a. No signage is permitted in residential zone districts.
- The facility shall not receive more than one citation for violation of Santa Cruz County Code, Chapter 8.30 (Noise) within a single year.

Setbacks have been shown to be an important protective factor influencing youth access and norms in alcohol and tobacco control, and it is advisable to use those lessons to put those setbacks in place for Santa Cruz County Cannabis. It is also much more difficult to add them retroactively.

The More Permissive Project “generally reduces required parcel or growing area separations and setbacks, which would increase the potential area available for cultivation within a site. Under the Project, required setbacks range from 50 feet up to 600 feet. Under the More Permissive Project, required setbacks range from 50 feet to 300 feet.” The halving of some of these setbacks is a significant shift from previous recommendations. As the Draft EIR notes, “Maintaining distance between cultivation and adjacent uses and resources is intended to minimize land use conflicts and potential hazards to public health and safety and the environment.” Minimizing conflict and creating a balance between different community interests, should continue to be a priority. It is understandably important to provide opportunities for regulations, and carefully consider barriers to regulations, but preventing saturation and maintaining neighborhood character and compatibility are also important.

CPP would therefore, like to reiterate the importance of maintaining the proposed setbacks and minimum parcel size in order to balance different community interests, as well as having strong regulations against advertising and products that target youth.

For the Cannabis that is produced in our County, there is ongoing need for some of it to be used medicinally, including by those who don’t have the financial means. WAMM estimates that 34-40% of their patients need economic assistance to access the right types and amounts of medicinal cannabis. The draft ordinance mandates, “designing a system to facilitate access to medical cannabis for very low and low income residents” which could include making cannabis accessible to this population through tax funding, or required donations, in the final ordinance.

Questions:

- Will neighbors be able to have any input in the granting of licenses?
- How will disputes over odor be resolved? Is there an opportunity to use olfactometers?

- Why does it look like cultivation is allowed inside the Forest of Nisene Marks on the map in Chapter 2, p. 59, when there is no cultivation or manufacturing on public land?
- Is there any regulation against combining multiple small acre parcels into one larger one in RA neighborhoods?