

October 30, 2017

Matt Johnston
County of Santa Cruz, Planning Department
701 Ocean Street, 4th Floor
Sant Cruz, CA 9500

Re: Draft EIR Comments

Dear Matt,

I am very encouraged that the draft EIR has concluded the obvious. Of the five potential regulatory options considered in the report, the "Most Permissive Project Alternative is also the most "Environmentally Superior Alternative." It is heartening to learn that the success of the Program rests entirely on achieving participation, and conversely, the EIR recognizes that unregulated cannabis gardens are the greatest danger to the County's environment. Achieving a high level of participation will be the key to any regulatory program's effectiveness. It is my sincere hope that the County and the Board of Supervisors give significant consideration to these conclusions and the many important recommendations contained in the draft EIR.

I have two comments that pertain to specific language listed in the draft EIR and a few other recommendations that follow.

I commend the statement, "While it is not possible to know the number of cultivators who will be able to relocate from a site setting that is not eligible for licensing to a parcel that is eligible, because it is the County's goal to assist all 760 registrants in finding a suitable location and configuration consistent with the Program, and in order to perform a conservative environmental analysis, this EIR assumes that each of the 760 registrants locates a suitable property and cultivates under the Program."

Regarding Section 4.1.1 - Alternatives Considered and Discarded

- 1. Residential Cannabis (Garage Grow) Alternative - Would allow commercial cannabis cultivation in single family (R-1) residential zoning district per Santa Cruz County Code (SCCC). Demand for this alternative currently exists in the County, as roughly 10 percent (25 applicants) of registrants with known locations are seeking licenses in R-1 zone districts. There are likely more R-1 registrants that did not disclose a location in the License Registration data. To proactively address SCCC compliance, this alternative could build on the current Cottage Industry cultivation category to permit a limited level of residential cultivation (e.g., 500 square feet of canopy per site) while balancing environmental, public service, and quality of life concerns.**

This alternative was discarded in that it would not meet key Program objectives. This would include Program Objective, No. 4, which states: "Prevent impacts of cannabis cultivation and Manufacturing sites on children and sensitive populations." Interspersing cannabis grows within residential zones would likely expose children, seniors and other sensitive population to cannabis activities and odors.

This premise is contradictory. Residential indoor cultivation is occurring in R-1 zoning if you include the vast number of personal medical cannabis gardens in the County. What would the difference be between allowing indoor Home Specialty Cottage cultivation (maximum 200 sq ft) and a personal medical cannabis cultivation (100 sq ft)? One would have regulations regarding safety, security, noise and odor control and the other has none. I imagine that a large percentage of the 298 anonymous registrants are in R-1 zoning and could not risk the potential of prosecution by providing an address. This would add significantly to the roughly ten percent or 25 applicants listed above.

Cottage Licensing

We need to include as many existing, responsible, long-term, and distinctly "Santa Cruz" cultivators in the regulated system as possible. Working together we can provide a framework that supports Santa Cruz values, community, ecology, and economy. Keeping it safe, keeping it small and keeping it local while focusing on sustainable, organic, high-quality, seed-breeding/strain-specific genetics, and artisanal products.

The goal should be to provide a legal pathway for small cultivators who are maintaining the heritage of smaller qualitative production and maintain caution against the industrialization of a historically cottaged based enterprise. We need to determine ways to gently integrate small scale, sustainable cultivations into the cannabis regulatory process.

Please see attached Proposed Santa Cruz County License Tiers for Cottage Licensing, Type 1C - Tier 3: Home Specialty Cottage Guidelines, and Best Practices for Type 1C - Tier 3 - Home Specialty Cottage. These modifications will provide a more fair and equitable process throughout the districts in the county.

Sensible Fire Policy

Define cannabis cultivation as a Type U (Utility and Miscellaneous) usage rather than Type F-1 (Moderate-Hazard Factory Industrial). Requiring twenty foot access roads and 120,000 gallon water storage tanks are inconsistent with other industries, and the associated costs and logistics create a barrier of entry so high as to discourage cultivators from even attempting to apply for licensing.

Continuity of Operation

In order to participate in licensing, existing cultivation operations need the option to continue operating while their applications are being processed. As is already being prepared by the state (which intends to offer temporary licensing before the end of the year), the county should offer some option to allow cultivators to enter the licensing application process while still continuing to cultivate.

Alignment with State Law

Recommend that any regulations passed are written to mirror state law, and particularly MAUCRSA to the greatest extent possible, to avoid confusion and accidental non-compliance of regulations. This should apply to specific License Types (Specialty Cottage, Micro-businesses, Nursery, Distribution, etc.) and their requirements (possibly allowing Multiple Licenses per Parcel).

Thank you for your consideration.

Sincerely,



Brenda Chadwick

PROPOSED SANTA CRUZ COUNTY LICENSE TIERS FOR COTTAGE LICENSING LICENSE TYPE 1C "SPECIALTY COTTAGE"

Include regulations and language creating an additional license type equivalent to the "Type 1C, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises."

Tier 1: Specialty Cottage

Zones:	CA, A, RA, C-4, M-1, M-2, M-3, TP, SU
Acreage:	Two and one-half acre minimum
Parameters:	Outdoor 2500 square feet up to 25 plants Mixed Light 2500 square feet Indoor 500 square feet
Setbacks:	In compliance with 7.126

Recommendation for a two and one-half acre minimum is to accommodate long-term local cultivators who operated in compliance with SCCC Ordinance 7.126. These cultivators will not otherwise qualify under the draft SCCC Ordinance 7.128, without having to relocate their gardens, families and homes thereby suffering economic devastation.

Tier 2: Small Specialty Cottage*

Zones:	CA, A, RA, RR, C-4, M-1, M-2, M-3, TP, SU
Acreage:	One acre minimum
Parameters:	Outdoor 500 square feet up to 25 plants Mixed Light 500 square feet Indoor 500 square feet
Setbacks:	In compliance with 7.128

*Represents the Level One Cultivator License in SCCC Ordinance 7.128

Tier 3: Home Specialty Cottage - Indoor Only**

Zones:	All Zones
Acreage:	No minimum
Parameters:	200 square feet maximum
Setbacks:	In compliance with SCCC Ordinance 7.128

**Represents the Cottage Garden License in SCCC Ordinance 7.128 and Santa Cruz County Code Section 13.10.613 Home Occupations. See attached "Type 1C - Tier 3: Home Specialty Cottage Guidelines"

TYPE 1C - TIER 3: HOME SPECIALTY COTTAGE GUIDELINES

Proposed license tier for very small indoor grows, up to 200 square feet.

Currently, people growing indoors at home constitute a major part of the medical cannabis supply chain in Santa Cruz County. Estimates of how big a part vary, but the best information we have shows that about a third of the cannabis sold in local dispensaries is supplied by people growing, at home, in areas zoned residential. These people have been serving the community for many years, but they are at risk of being left out of the licensing system. They include people developing new and better genetic lines, and people raising plants and providing cuttings for patient's personal grows. Like the early electronics industry, much of the innovation in this industry is taking place in peoples homes.

Fortunately, zoning in Santa Cruz County allows commercial activity in residential zones through the ordinance SCCC 13.10.613 Home Occupation, which allows people to conduct limited commercial activity from their homes as long as certain requirements are met to ensure that there is very little impact on the surrounding neighborhood. Although commercial agricultural activity is not allowed in some residential zones, "agriculture" is defined in SCCC 13.10.700-A as "the art or science of cultivating the ground." Growing agricultural commodities indoors in pots does not involve cultivating the ground, and is therefore not commercial agriculture.

Under the authority of that section and in the spirit of personal independence, innovation and a cottage industry that characterizes much of the Santa Cruz spirit, we propose that the County adopt a cultivation tier for Home Occupation micro-grows as follows:

- Home Occupation grows are allowed in all zones.
- Cultivation must be indoors in a secure and locked facility.
- The operation must use no more than one room, or a floor area equal to 200% of total floor, area, whichever is smaller, up to 200 square feet.
- There must be no smell, lights or noise evident from outside the property, and no other indication that cannabis cultivation is taking place there, other than items, such as bags of potting soil, that would be present with any type of gardening.
- Lighting for cultivation purposes may not exceed 1,200 watts unless a written certification is first obtained from a licensed electrician that the cultivation site has all necessary electrical permits required by the California Building Codes for such wattage,
- The licensee must live on the property. If the licensee is a renter, he or she must have written permission of the property owner.
- The licensee is to have no employees.
- No cannabis sales may take place on the premises.
- The site must be at least 600 feet from any school.
- Operation may take place in single-family dwellings and outbuildings only; not in apartments, condominiums, duplexes, or other units that share walls with another residence, but an exceptions process should be allowed.

BEST PRACTICES FOR TYPE 1C - TIER 3 - HOME SPECIALTY COTTAGE

- Follow SCCC 13.10.613 Home Occupation.
- Protect the small, keep-it-local model where innovation, genetic diversity and research can be done to produce the best quality medicine for patients.
- Maintain a secure and locked facility.
- Use of carbon scrub filters to eliminate odors during all periods of cultivation (vegetation, flowering, curing and trimming).
- No lights visible from the outside of the residence.
- No noise from the cultivation area (insulation).
- All electric must be to code.
- Preferred use of soil due to less water usage - hydro = excess water usage.
- Use of organic based nutrients whenever possible.
- No synthetic fungicide, insecticides, herbicides or rodenticides.
- Sustainable cultivation practices.
- Encourage use of solar energy.
- Absolutely no sales allowed from residence.
- All cannabis tested for contamination.
- Good cultivators that follow regulations are good neighbors.

Basically, if there are no smells, noise, light, or complaints and electrical are to code, there should be no restriction from persons to carry on limited, income-producing activities on their residential properties.