

To Whom it May Concern,

We would like to take this opportunity to thank you for your diligent work on the draft Environmental Impact Report (EIR) for cannabis cultivation and manufacturing in Santa Cruz County. We realize this is a very complicated and contentious issue, and we applaud the Planning Department for your efforts to develop legislation that allows for commercial cannabis cultivation while preserving the character of Santa Cruz County. We are also very appreciative of your efforts to ensure safe access to medical cannabis for patients across the county.

We are writing to you today to express concern regarding the setback requirements as they exist within the current draft ordinance as well as draft EIR for cannabis cultivation in Santa Cruz County. We understand that various setbacks and zoning requirements are necessary to preserve the character of neighborhoods in the county, and to keep cannabis cultivation away from children, parks, and public areas. We also want to make sure that the proposed setbacks are legislated in a way that achieves the aforementioned goals without unnecessarily eliminating prime cultivation parcels. Our concern lies with the way in which the setbacks will be measured, specifically with regard to drug rehabilitation treatment centers. The setback to drug rehab treatment facilities should be measured in a way that will ensure that the purpose of the legislation itself is served, that will allow for the highest and best use of agricultural land, and will generate the maximum amount of tax revenue for Santa Cruz County.

We understand and agree that the county should regulate the distance from a cultivation site to a drug rehab facility. The purpose of this legislation is obvious: to keep the production of a controlled substance away from people who are recovering from a substance abuse problem. While cannabis has been shown to help people recovering from opiate painkiller addictions, we still recognize a need to keep rehab facilities away from cannabis production facilities. Despite this fact, a 300 foot ("most permissive project") to 600 foot (original "project") setback from the property line of the rehab facility to the property line on which cannabis is to be cultivated is unnecessarily restrictive and does not further the goal of the legislation. In an agricultural county, where individual parcels can be quite large, a more adequate measurement would be from the property line of the rehab facility to the edge of the cultivation area itself, similar to how habitable structure setbacks are treated in the draft EIR. The current draft ordinance already requires that any cultivation area is secured, either within a fully-enclosed building, or within a secured, fenced area. Since this secured cultivation area is really the area of concern on the parcel, the purpose of the legislation would be better served by measuring the setback distance from the property line of the rehab facility to the border of the cultivation area. Practically speaking, the property line of the rehab facility is the furthest point that any participant in the rehab program could be expected to wander without trespassing, and the edge of the cultivation area is the closest point at which anyone could be expected to encounter cannabis in any of its forms. Given this, a 200 foot setback would be more reasonable and is consistent with the existing commercial agriculture buffer distance within which no habitable structure can be constructed adjacent to commercial zoned property. This 200' foot CA buffer written into county code should be satisfactory to protect all neighboring uses except schools and setback requirements for commercial agriculture zoned parcels should be existing with this existing buffer. The purpose of this legislation is to keep people participating in a rehab program away from cannabis, this measurement would serve the purpose of the legislation without being overly restrictive.

Santa Cruz County has a long history as a prime agricultural area. Much of the land within the county previously used for agricultural purposes has been changed over to other uses as the value of various crops has dropped over the last few decades. Cannabis provides an opportunity to bring back agriculture as the "highest and best use" for at least some of this disused farm land. The high value of cannabis will also allow for large investments in this land, which will improve the infrastructure available for farming within the county. Companies that desire to make these investments in commercial agriculture (CA) zoned properties should be allowed to do so, especially in areas in which the general plan is "agricultural." It is very important that setback rules are not unnecessarily restrictive to ensure that these prime farming parcels are returned to their highest and best use. Creating a setback for drug treatment facilities that is measured from property line to property line would eliminate a number of these parcels from the licensing process, thereby devaluing the land and likely keeping it from returning to an agricultural use. Using the edge of the cultivation area itself as a starting point for measuring the distance to the property line of the treatment facility would allow these parcels to be used as intended, for agricultural production, as well as be consistent with the existing 200' CA buffer measurement.

For a number of reasons, CA-zoned property is the most attractive for cannabis cultivation, from the perspective of both the cultivator and the county. The reason for this is simple: larger canopy allowances on CA land mean larger profits for a cultivator and larger tax revenue for the county. The maximum canopy allotment for CA-zoned property is more than double that of other, non-commercial zones, which obviously means the revenue potential for the county is also double. This means, from a revenue standpoint, a CA parcel is more than twice as valuable as a comparable A, RA, or SU parcel. For this reason, special care must be taken not to eliminate CA-zoned parcels as potential cannabis cultivation sites. Overly restrictive setback rules with regard to drug rehab facilities will eliminate a number of these CA-zoned parcels, and with them a substantial amount of revenue for the county.

We appreciate your time and attention on this matter. As mentioned above, we understand the complexity of the job before you and would like to express our sincere gratitude for your work on this legislation. Through this legislation, the board has an opportunity to ensure the emergence of a legitimate, responsible industry that is equipped to bring both jobs and revenue to Santa Cruz County. In order to do that, we must make sure that standards are applied fairly and that they further the purposes of the legislation in question. Specifically, we need to make sure that overly restrictive definitions for setbacks do not eliminate parcels that could be a productive part of this industry without due cause. With regard to setbacks from drug treatment facilities in particular, a narrow definition of the boundaries of the treatment facility and the cultivation area will help ensure these parcels are not unduly eliminated. Including these parcels will help return prime farm land to its highest and best use, while simultaneously ensuring a beneficial tax base for the county.