



COUNTY OF SANTA CRUZ

OFFICE OF THE COUNTY COUNSEL

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March 19, 2015

AGENDA: March 24, 2015

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

**Re: Repeal Of County Code Chapter 7.126 And Adoption Of New Chapter 7.126
Regarding The Cultivation Of Medical Cannabis**

Dear Members of the Board:

On January 27, 2015, your Board directed County Counsel to work with the CAO's Office, the Planning Department, and the Sheriff's Office to create a new ordinance concerning the cultivation of medical cannabis, incorporating the suggestions outlined in the January 22, 2015 letter by the above departments. Your Board also directed us to work with the Farm Bureau regarding changes to the third party certification program language contained in the current ordinance. Since that date, County Counsel has consulted with a representative of the Farm Bureau and a local attorney representing cultivators, and County staff has spent many hours discussing and considering the issues.

We understand your Board's primary public policy goals in adopting a new cannabis cultivation ordinance are to: 1) protect the ability of all medical cannabis patients to obtain medical cannabis; and 2) protect the environment and residential quality of life in Santa Cruz County. The following fundamental challenges have complicated this process:

*The creation of rules contains an inherent assumption that people will follow them. Our experience has been to the contrary when it comes to cannabis cultivation. It appears that the number of illegal cannabis cultivation sites has grown dramatically despite the County's current efforts to regulate them. Staff was aware of roughly 84 illegal cultivation

sites in September 2014. Based on continual photographic review and interpretation and calls from the public, that number has ballooned to **139** today.

*Cultivators have continually expressed their opposition to having limits placed on the production of cannabis; at the same time, it is clear that growing operations have caused significant environmental damage and many citizens in residential areas do not want to live next to large cannabis farms.

A. Staff Recommends A Ban On All Cannabis Cultivation Other Than Personal Grows Associated With A Qualified Patient.

Santa Cruz County is the only County in this state with a commercial cannabis cultivation ordinance that immunizes conduct, and it is undisputed that the ordinance is not working. This County is now being publicized as allowing cultivation of cannabis in an amount greater than any other County allows. Moreover, misinformation about what is allowed is being spread by people who partially read the rules, or read them but do not understand them. This has resulted in an increase in illegal cultivation sites that has proven to be impossible to control. Land is currently being purchased by individuals intending to convert it to cultivation, and the number of new cultivation sites continues to grow. It is clear that the County is now being targeted as a very permissive place to undertake cultivation activities.

Prior to February 2014 (when your Board enacted the cannabis cultivation ordinance), the dispensaries in this County had no difficulty that we are aware of in providing sufficient medical cannabis to their patients. Cannabis was obviously being grown in the County, but it was being grown in great part by long-standing cultivators in areas where it did not impact the quality of life for neighbors, create community problems, or cause the widespread environmental damage we are seeing today. Where cultivation was problematic, the Sheriff was able to enforce State laws to control it. Together, County staff strongly believes it is most appropriate to return to the County's former practices in addressing cultivation.

Accordingly, attached hereto as Exhibit A is a new cultivation ordinance for your consideration that bans all cultivation other than 100 square foot personal grows (and the existing exception for one collective under Ordinance No. 5090). The 100 square foot personal grows allow patients or their caregivers to grow a very large amount of cannabis for their personal use (comparatively, other Counties allow much smaller personal grows). The personal grows would be regulated in a specific sense as set forth in the ordinance (for instance, outdoor growing is currently banned in the Second District, there would be certain safety restrictions related to indoor grows, etc.). Between the availability of personal grows, the 14 "immunized" dispensaries operating in the unincorporated area, the 2 dispensaries operating in the City of Santa Cruz, and the one facility operating in Watsonville, we believe that County residents will have the ability to obtain a sufficient amount of cannabis to meet their medical needs. In order to put an end to the serious and increasing problems the County is seeing as a result of the commercial cultivation of cannabis, County staff strongly recommends that your Board enact the ordinance attached as Exhibit A.

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B. Staff Is Also Presenting, But Not Recommending, An Alternative Cannabis Cultivation Ordinance For Your Consideration That Is Consistent With Your Board's Previous Instructions.

Attached hereto as Exhibit B is an alternative cannabis cultivation ordinance for your consideration. This version is being presented to you per your previous instructions, but without the recommendation of staff. Although Exhibit B does not reflect staff's best thinking on these issues, it represents the best ideas that staff could develop to implement your goals if your Board is committed to remaining with an ordinance that allows commercial cultivation.

1. The Basic Structure

Under the second ordinance, commercial cannabis cultivation would be limited to sites directly connected with one of the 14 immunized dispensaries that exist in the unincorporated area of Santa Cruz County. Each dispensary would be able to cultivate cannabis itself, or contract with up to three cultivation businesses who may cultivate cannabis for it, in an amount not to exceed 10,000 square feet total for each dispensary. Each dispensary would be limited to three cultivation sites. This would authorize roughly 140,000 square feet, or less than three acres, of cannabis cultivation in the County unassociated with personal grows. Under this approach, other than cultivation on the 42 authorized sites associated with dispensaries, the allowance for personal grows, and the exemption for one collective under Ordinance No. 5090, all other cannabis cultivation would be banned.

Your Board had earlier asked for language in the draft ordinance allowing for dispensaries to cultivate cannabis on site (i.e., at the dispensaries). However, in trying to draft suitable language, we came up against the fact that a number of the dispensaries are located in areas where they would not normally receive immunity for cultivation due to buffer restrictions and other concerns. In addition, given the location of the existing dispensaries, staff is concerned that the combination of cultivation and dispensary operations concentrated at one location will lead to impacts that are unacceptable to neighboring property owners, without an identified need to create them. Because of these concerns, this version of the ordinance contains a provision expressly prohibiting dispensaries from cultivating cannabis at any location where cannabis is dispensed.

In attempting to achieve your Board's policy objectives, the question of whether cannabis cultivation should be limited to particular zone districts or geographic areas was intensely evaluated by staff. Staff ultimately concluded that due to the County's unique land use regulations, traditional land usage patterns and population distribution, and the locations of current growing sites, restricting cannabis cultivation to certain general plan and zone districts is problematic. Moreover, restricting cultivation to certain zone districts would (without an exemption) indiscriminately ban established cultivation sites that are attempting to comply with the County's ordinance and are not causing problems or creating complaints. While the Board clearly articulated a goal of minimizing residential impacts, effectuating this shift on the ground would require relocation of the vast majority of current grow sites, including those operating without substantial adverse community impacts. Although it would certainly not please everyone, by limiting the number of immunized cultivation sites and the square footage, and providing additional buffers and other regulations to minimize the impact on County residents, we believe it would not be necessary or appropriate to limit production to specific areas within the County in order to accomplish your Board's goals, at this time.

Finally, this ordinance would contain a variety of additional provisions designed to firm up the connection between the dispensaries and their cultivators. For instance, dispensaries would be charged with annually disclosing to Enforcing Officers (and at any other time upon demand) the identity and location of their selected cultivators. Cultivators would be required to post on-site information identifying the dispensary for which they are growing. Dispensaries would lose their limited immunity unless they ensure that their selected cultivators are complying with all of the restrictions of the cultivation ordinance.

2. Third Party Certification

In February 2014, your Board adopted the original cannabis cultivation ordinance with language concerning third party certification of cannabis cultivation businesses. Since then, we have determined that virtually no one is following those rules, and it has led to questions concerning their import and effectiveness. The Farm Bureau reports that third-party certification is really a concept that is more useable as a voluntary measure for valuing products in a free-market economy than a method of government regulation, and it is unaware of any "mandated" third-party certification system. Traditionally, farmers obtain third-party certification as a way of demonstrating to their customer base that their product is organic, or contains certain verified ingredients, so that it will be more attractive to its customer base, and lead to more sales. Third-party certification is not traditionally used as a government-mandated safety program.

The Farm Bureau is not at this time recommending the idea of requiring a third-party certification program to be a part of the County ordinance and we believe it is not workable at present. Accordingly, we have deleted that language from the version of the draft ordinance that will be presented to you for discussion.

3. Consideration Of A Pilot Program

We understand that certain local cultivators may be proposing a pilot program under which they can also enjoy limited immunity from the larger cultivation ban if they meet certain requirements. Under such a program, these cultivators would not have to be connected with a local dispensary. While we understand this is something that your Board may want to consider, especially if the cultivation community takes a more active role in assisting with the creation of proposed rules, developing such a program would take significant time and it is unclear whether such a program is necessary to achieve, or is consistent with, the public policy goals that your Board has identified in this area, even if your Board remains committed to keeping a commercial cultivation ordinance.

The problems associated with the current cultivation ordinance are undisputed, and the outdoor growing season is right around the corner. As stated above, the 84 illegal sites identified in September 2014 has grown to 139 illegal sites at last count (and those are the sites we know about). If your Board chooses to retain a commercial cultivation ordinance despite staff's recommendation to the contrary, we suggest that you move quickly to get a revised ordinance in place based on the principles discussed above, and then take additional time over the next year or so to carefully consider an additional ordinance if requested to do so by the cultivation community.

4. Other Matters

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Our experience tells us that citizens will have many questions about whatever ordinance your Board adopts and that it will be necessary to educate the public about the various restrictions. We suggest that the Planning Department schedule several community informational workshops at which the ordinance can be discussed, and citizens can get their questions answered efficiently in a structured forum.

Finally, the growing number of illegal cultivation sites has resulted in an increasingly greater need for enforcement, which is costly. We suggest that your Board consider raising the Cannabis Business Tax rate to account for these greater enforcement costs.

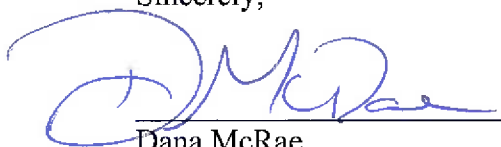
D. Conclusion


Although the original cultivation ordinance was enacted with the best of intentions, it has proven to be unworkable, and we believe that the best interests of the County overall would be served by banning cultivation unrelated to personal patient grows. Should your Board choose to retain a cultivation ordinance that immunizes commercial cultivation, we believe that the secondary option presented strikes a balance between the competing interests and implements the policy goals your Board has outlined.

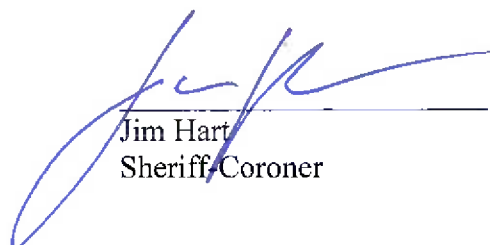
IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:

1. Consider and enact the draft ordinance entitled "Ordinance Repealing Chapter 7.126 Of The Santa Cruz County Code And Adopting New Chapter 7.126 Prohibiting The Commercial Cultivation Of Cannabis;"
2. Direct the Planning Department to schedule community informational workshops to educate the public on the new ordinance; and
3. Direct the County Administrative Officer to return with a proposal to raise the Cannabis Business Tax rate in conjunction with budget hearings.

Sincerely,


Dana McRae
County Counsel


Susan A. Mauriello
Chief Administrative Officer


Jim Hart
Sheriff/Coroner


Kathy Previsich
Planning Director

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ORDINANCE NO. _____

**ORDINANCE REPEALING CHAPTER 7.126 OF THE SANTA CRUZ COUNTY CODE
AND ADOPTING NEW CHAPTER 7.126 PROHIBITING THE COMMERCIAL
CULTIVATION OF CANNABIS**

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, in 1992 the voters of the County of Santa Cruz enacted Measure "A", adding Chapter 7.122 to the Santa Cruz County Code which declared support for making cannabis available for medical use; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5, and entitled "The Compassionate Use Act of 1996"); and

WHEREAS, (1) the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances; (2) the proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for non-medical purposes"; and (3) the ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of cannabis to be grown anywhere"; and

WHEREAS, the Board of Supervisors added Chapter 7.124 to the Santa Cruz County Code which implemented provisions of Proposition 215 by establishing a medical cannabis identification card program operated by the County; and

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 *et seq.*) to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who cultivate cannabis for medical purposes with a limited defense to certain specified State criminal statutes; and

WHEREAS, Health and Safety Code section 11362.83 expressly allows cities and counties to adopt and enforce ordinances that are consistent with Senate Bill 420; and

WHEREAS, following enactment of Senate Bill 420, Chapter 7.124 was amended to establish local guidelines consistent with the new State law for the possession and cultivation of medical cannabis used by qualified patients and caregivers; and

WHEREAS, (1) the Federal Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*, classifies cannabis as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision; (2) the Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense,

cannabis; and (3) the Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of cannabis for medical purposes; and

WHEREAS, (1) Proposition 215 and Senate Bill 420 primarily address criminal law issues, providing qualifying patients and primary caregivers with limited immunity from state criminal prosecution under certain identified statutes; and (2) Proposition 215, Senate Bill 420, the relevant provisions of the Santa Cruz County Code, and the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use adopted pursuant to Senate Bill 420 do not provide comprehensive civil regulation of premises used for cannabis cultivation; and

WHEREAS, (1) on May 6, 2013, the California Supreme Court unanimously ruled in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* ("Inland Empire"), that California's medical cannabis laws do not preempt local ordinances that ban medical cannabis facilities; and (2) the Court found that the local police power derived from Article XI, section 7, of the California Constitution includes broad authority to determine, for purposes of public health, safety, and welfare, the appropriate uses of land within a local jurisdiction's borders, and that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical cannabis will not be permitted to operate within its borders"; and

WHEREAS, (1) the unregulated cultivation of cannabis in the unincorporated area of Santa Cruz County can adversely affect the health, safety, and well-being of the county and its residents; and (2) comprehensive civil regulation of premises used for cannabis cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, obnoxious smells, and indoor electrical fire hazards that may result from unregulated cannabis cultivation; and

WHEREAS, on December 10, 2013, the Board of Supervisors adopted an ordinance deleting then reenacting Chapter 7.124 of the Santa Cruz County Code, which prohibited medical cannabis businesses, but also granted a limited immunity from enforcement for such businesses that did not violate the restrictions and limitations added by that Chapter; and

WHEREAS, on February 25, 2014, the Board of Supervisors adopted an ordinance enacting Chapter 7.126 of the Santa Cruz County Code, which prohibited medical cannabis cultivation businesses, but also granted a limited immunity from enforcement for such businesses that did not violate the restrictions and limitations added by that Chapter; and

WHEREAS, after the enactment of Chapter 7.126, County staff documented a sharp rise in illegal cannabis cultivation sites that constitute a public nuisance by degrading the environment, improperly diverting natural resources, creating fire danger, and negatively impacting the quality of life for residents of Santa Cruz County; and

WHEREAS, (1) the limited right of qualified patients and their primary caregivers under state law to cultivate cannabis plants for medical purposes does not confer the right to create or

maintain a public nuisance; and (2) by adopting the regulations contained in this ordinance, Santa Cruz County will achieve a significant reduction in the aforementioned harms caused or threatened by the unregulated cultivation and dispensing of cannabis in the unincorporated area of the County; and

WHEREAS, (1) it is the purpose and intent of this ordinance to implement State law by providing a means for regulating the cultivation of medical cannabis in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of Santa Cruz County; and (2) the intent and purpose of this ordinance is to establish reasonable regulations upon the manner in which cannabis may be cultivated, including restrictions on the location of cultivation activities and the amount of cannabis that may be cultivated in any location or premises, in order to protect the public health, safety, and welfare in Santa Cruz County; and

WHEREAS, (1) nothing in this ordinance shall be construed to allow the use of cannabis for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal under State or federal law; and (2) no provision of the Chapter created by this ordinance shall be deemed a defense or immunity to any action brought against any person by the Santa Cruz County District Attorney, the Attorney General of the State of California, or the United States of America.

NOW THEREFORE the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by deleting existing Chapter 7.126 in its entirety.

SECTION II

The Santa Cruz County Code is hereby amended by adding new Chapter 7.126 to read as follows:

Chapter 7.126 Prohibition On The Cultivation Of Cannabis

Sections:

- 7.126.010 Purpose.**
- 7.126.020 Definitions.**
- 7.126.030 Prohibited activities.**
- 7.126.040 No vested or nonconforming rights.**
- 7.126.050 Limited severability.**
- 7.126.060 Enforcement.**
- 7.126.070 No duty to enforce.**

7.126.010 Purpose.

The purpose of this Chapter is to prohibit the cultivation of cannabis by anyone other than qualified patients or their caregivers.

It is also the purpose of this Chapter to mitigate the negative impacts and secondary effects associated with ongoing cannabis cultivation activities including, but not limited to, demands placed on law enforcement and administrative resources; neighborhood disruption; robberies; burglaries; assaults; drug trafficking and other violent crimes; and the damage to the natural environment resulting from destructive cannabis cultivation activity.

This Chapter is not intended to conflict with Federal or State law. It is the intention of the County that this Chapter be interpreted to be compatible with Federal and State enactments and in furtherance of the public purposes that those enactments encompass.

7.126.020 Definitions.

As used in this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) "Cannabis" shall be construed as the term "marijuana" is defined in California Health and Safety Code section 11018 and further shall specifically include any product that contains cannabis or a derivative of cannabis.

(B) "Cultivation" or "cultivate" means the planting, growing, developing, propagating, harvesting, drying, processing, or storage of, one or more cannabis plants or any part thereof in any location, indoor or outdoor.

(C) "Enforcing Officer" means any employee duly authorized to investigate violations of and enforce Chapter 19.01 of the County Code, or any peace officer.

(D) "Indoor" or "indoors" means any location that is contained within a fully enclosed and secured permanent structure that contains walls, a roof, and access to utilities, that is reasonably intended to prevent unauthorized access. Other structures of a temporary or moveable nature, including but not limited to moveable greenhouses, tents, and hoop houses, are not considered "indoor" or "indoors" for purposes of this definition.

(E) "Location" or "parcel" means that unit of land assigned a unique Assessor's Parcel Number by the County Assessor, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "location" or "parcel" for purposes of this Chapter.

(F) "Outdoor" or "Outdoors" means any location that is not "indoors" as defined in this Chapter.

(G) "Residence" means a fully enclosed structure or structures, including any attached or detached garage or ancillary structure, used as a primary dwelling unit.

(H) "Structure" means any secure building constructed or erected, supported directly or indirectly on the earth, the interior of which is protected from the elements and meant to be occupied by people or property. "Structure" does not include a greenhouse, tent, hoop house, vehicle, carport, or other structures of a temporary or moveable nature.

(I) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power.

(J) When used in this section, the term "Qualified patient" means a person who possesses or cultivates cannabis for his or her own personal medical use upon the written or oral recommendation or approval of a physician, as set forth in California Health and Safety Code section 11362.5(d).

(K) When used in this section, the term "Primary caregiver" means the individual designated by a qualified patient who has consistently assumed responsibility for the housing, health, or safety of that qualified patient, as set forth in California Health and Safety Code section 11362.5(e).

7.126.030 Prohibited activities.

(A) It is unlawful and shall constitute a public nuisance for anyone other than a qualified patient or that qualified patient's designated primary caregiver to cultivate cannabis. A qualified patient, or his or her designated primary caregiver, may cultivate medical cannabis solely for the patient's personal use as long as the cultivator is in full compliance with the following provisions:

(1) Cultivation can only take place on a parcel that includes the residence of the patient or caregiver, and cultivation is limited to one resident per parcel.

(2) Other than those qualified patients subject to additional limits as set forth in Section 7.124.070(d) of the County Code, the amount of cannabis grown cannot exceed one hundred (100) square feet of planted area.

(3) If the parcel is located within that area defined by section 2.04.030 of the Santa Cruz County Code, outdoor cultivation of cannabis is prohibited.

(4) If cultivation takes place outdoors, evidence of cultivation shall not be visible from any public right-of-way.

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(5) If cultivation takes place indoors: (i) lighting for cultivation purposes shall not exceed 1200 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 to ensure that the growing operations can be carried out safely; and (ii) exterior evidence of cultivation (including odor emanating from the premises) is prohibited.

(B) The extraction of chemical compounds from cannabis by way of a solvent-based extraction method utilizing compressed flammable gases or alcohol is prohibited.

(C) A cultivation site granted an exemption by the Planning Director pursuant to Santa Cruz County Code section 13.10.670(g) as enacted by Ordinance No. 5090, is not subject to section 7.126.030(A), so long as the area subject to cultivation is not expanded or enlarged beyond what existed at that location on January 1, 2012.

7.126.040 No vested or nonconforming rights.

(A) This Chapter prohibits the cultivation of cannabis. Neither this Chapter, nor any other provision of this Code or action, failure to act, statement, representation, certificate, approval, or permit issued by the county or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding the cultivation of medical cannabis. Any immunity or benefit conferred by this Chapter shall expire permanently and in full upon repeal of this Chapter.

7.126.050 Limited severability.

(A) If any provision or clause of section 7.126.030 of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall invalidate every other provision, clause and application of the invalidated section, and to this end the provisions and clauses of section 7.126.030 of this Chapter are declared to be inseverable.

(B) Except for the inseverability of the provisions, clauses and applications of section 7.126.030 on the terms set forth hereinabove, if any other provision or clause of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect those provisions, clauses or applications of this Chapter which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this Chapter other than section 7.126.030 are declared to be severable.

7.126.060 Enforcement.

(A) This Chapter shall be considered a land use regulation for purposes of Section 19.01 of this Code. Enforcement of this Chapter may be pursued by one or more of those alternatives set forth in subsection (A) of County Code section 19.01.030. It shall be a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of this Chapter is committed, continued or permitted.

(B) Whenever the Enforcing Officer determines that a public nuisance as defined in this Chapter exists at any location within the unincorporated area of Santa Cruz County, he or she is

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authorized to issue a Notice of Violation pursuant to County Code section 1.12.070, except that the violator shall be provided with notice of the opportunity to remedy the violation within three (3) calendar days without civil penalties.

(C) In the event a court of competent jurisdiction preliminarily or permanently enjoins, or holds to be unconstitutional or otherwise invalid, any enforcement remedy provided for in this Section, then the remainder of the enforcement remedies provided for by this Section shall remain in full force and effect.

7.126.070 No duty to enforce.

Nothing in this Chapter shall be construed as imposing on the Enforcing Officer or the County of Santa Cruz any duty to issue a notice of violation, nor to abate any unlawful cannabis business activity or cultivation, nor to take any other action with regard to any unlawful cannabis business activity or cultivation, and neither the Enforcing Officer nor the county shall be held liable for failure to issue an order to abate any unlawful cannabis business activity or cultivation, nor for failure to abate any unlawful cannabis business activity or cultivation, nor for failure to take any other action with regard to any unlawful cannabis business activity or cultivation.

SECTION III

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ___ day of _____, 2015, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

Jim Heats 3/19/15
County Counsel

cc: County Administrative Office
Planning Director
Sheriff's Office

ORDINANCE NO. _____

**ORDINANCE REPEALING CHAPTER 7.126 OF THE SANTA CRUZ COUNTY CODE
AND ADOPTING NEW CHAPTER 7.126 REGARDING DISPENSARY-RELATED
PRODUCTION OF MEDICAL CANNABIS**

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, in 1992 the voters of the County of Santa Cruz enacted Measure "A", adding Chapter 7.122 to the Santa Cruz County Code which declared support for making cannabis available for medical use; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5, and entitled "The Compassionate Use Act of 1996"); and

WHEREAS, (1) the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances; (2) the proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for non-medical purposes"; and (3) the ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of cannabis to be grown anywhere"; and

WHEREAS, the Board of Supervisors added Chapter 7.124 to the Santa Cruz County Code which implemented provisions of Proposition 215 by establishing a medical cannabis identification card program operated by the County; and

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 *et seq.*) to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who cultivate cannabis for medical purposes with a limited defense to certain specified State criminal statutes; and

WHEREAS, Health and Safety Code section 11362.83 expressly allows cities and counties to adopt and enforce ordinances that are consistent with Senate Bill 420; and

WHEREAS, following enactment of Senate Bill 420, Chapter 7.124 was amended to establish local guidelines consistent with the new State law for the possession and cultivation of medical cannabis used by qualified patients and caregivers; and

WHEREAS, (1) the Federal Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*, classifies cannabis as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision; (2) the Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense,

cannabis; and (3) the Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of cannabis for medical purposes; and

WHEREAS, (1) Proposition 215 and Senate Bill 420 primarily address criminal law issues, providing qualifying patients and primary caregivers with limited immunity from state criminal prosecution under certain identified statutes; and (2) Proposition 215, Senate Bill 420, the relevant provisions of the Santa Cruz County Code, and the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use adopted pursuant to Senate Bill 420 do not provide comprehensive civil regulation of premises used for cannabis cultivation; and

WHEREAS, (1) on May 6, 2013, the California Supreme Court unanimously ruled in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* ("Inland Empire"), that California's medical cannabis laws do not preempt local ordinances that ban medical cannabis facilities; and (2) the Court found that the local police power derived from Article XI, section 7, of the California Constitution includes broad authority to determine, for purposes of public health, safety, and welfare, the appropriate uses of land within a local jurisdiction's borders, and that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical cannabis will not be permitted to operate within its borders"; and

WHEREAS, (1) the unregulated cultivation of cannabis in the unincorporated area of Santa Cruz County can adversely affect the health, safety, and well-being of the county and its residents; and (2) comprehensive civil regulation of premises used for cannabis cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, obnoxious smells, and indoor electrical fire hazards that may result from unregulated cannabis cultivation; and

WHEREAS, on December 10, 2013, the Board of Supervisors adopted an ordinance deleting then reenacting Chapter 7.124 of the Santa Cruz County Code, which prohibited medical cannabis businesses, but also granted a limited immunity from enforcement for such businesses that did not violate the restrictions and limitations added by that Chapter; and

WHEREAS, on February 25, 2014, the Board of Supervisors adopted an ordinance enacting Chapter 7.126 of the Santa Cruz County Code, which prohibited medical cannabis cultivation businesses, but also granted a limited immunity from enforcement for such businesses that did not violate the restrictions and limitations added by that Chapter; and

WHEREAS, after the enactment of Chapter 7.126, County staff documented a sharp rise in illegal cannabis cultivation sites that constitute a public nuisance by degrading the environment, improperly diverting natural resources, creating fire danger, and negatively impacting the quality of life for residents of Santa Cruz County; and

WHEREAS, (1) cultivation of any amount of cannabis at locations within six hundred feet of a school or public park creates unique risks that the cannabis plants may be observed by

juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles; (2) the potential for criminal activities associated with cannabis cultivation in such locations or premises poses heightened risks that juveniles will be involved or endangered; and (3) cultivation of any amount of cannabis in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the cannabis plants; and

WHEREAS, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of cannabis grown for medical use, the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, (1) the limited right of qualified patients and their primary caregivers under state law to cultivate cannabis plants for medical purposes does not confer the right to create or maintain a public nuisance; and (2) by adopting the regulations contained in this ordinance, Santa Cruz County will achieve a significant reduction in the aforementioned harms caused or threatened by the unregulated cultivation and dispensing of cannabis in the unincorporated area of the County; and

WHEREAS, (1) it is the purpose and intent of this ordinance to implement State law by providing a means for regulating the cultivation and dispensing of medical cannabis in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of Santa Cruz County; and (2) the intent and purpose of this ordinance is to establish reasonable regulations upon the manner in which cannabis may be cultivated and dispensed, including restrictions on the location of cultivation activities and the amount of cannabis that may be cultivated in any location or premises, in order to protect the public health, safety, and welfare in Santa Cruz County; and

WHEREAS, (1) nothing in this ordinance shall be construed to allow the use of cannabis for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal under State or federal law; and (2) no provision of the Chapter created by this ordinance shall be deemed a defense or immunity to any action brought against any person by the Santa Cruz County District Attorney, the Attorney General of the State of California, or the United States of America.

NOW THEREFORE the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by deleting existing Chapter 7.126 in its entirety.

SECTION II

The Santa Cruz County Code is hereby amended by adding new Chapter 7.126 to read as follows:

Chapter 7.126 Dispensary-Related Production Of Medical Cannabis

Sections:

- 7.126.010 Purpose.**
- 7.126.020 Definitions.**
- 7.126.030 Prohibited activities.**
- 7.126.040 Limited immunity for cultivation by medical cannabis businesses (dispensaries).**
- 7.126.050 Limited immunity for medical cannabis cultivation businesses directly connected to medical cannabis businesses.**
- 7.126.060 No vested or nonconforming rights.**
- 7.126.070 Limited severability.**
- 7.126.080 Enforcement.**
- 7.126.090 No duty to enforce.**

7.126.010 Purpose.

The purpose of this Chapter is to prohibit the cultivation of cannabis by anyone other than qualified patients or their caregivers, while granting limited immunity from the enforcement of its prohibition to those medical cannabis cultivation activities that do not violate the restrictions and limitations set forth in this Chapter.

It is also the purpose of this Chapter to mitigate the negative impacts and secondary effects associated with ongoing cannabis cultivation activities including, but not limited to, demands placed on law enforcement and administrative resources; neighborhood disruption; robberies; burglaries; assaults; drug trafficking and other violent crimes; and the damage to the natural environment resulting from destructive cannabis cultivation activity.

This Chapter is not intended to conflict with Federal or State law. It is the intention of the County that this Chapter be interpreted to be compatible with Federal and State enactments and in furtherance of the public purposes that those enactments encompass.

7.126.020 Definitions.

As used in this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (A) "Cannabis" shall be construed as the term "marijuana" is defined in California Health and Safety Code section 11018 and further shall specifically include any product that contains cannabis or a derivative of cannabis.

(B) "Cannabis plant" means any mature or immature cannabis plant, or any cannabis seedling, unless otherwise specifically provided herein.

(C) "Cultivation" or "cultivate" means the planting, growing, developing, propagating, harvesting, drying, processing, or storage of, one or more cannabis plants or any part thereof in any location, indoor or outdoor.

(D) "Enforcing Officer" means any employee duly authorized to investigate violations of and enforce Chapter 19.01 of the County Code, or any peace officer.

(E) "Fence" means a wall or barrier connected by boards, masonry, rails, panels, or any other materials for the purpose of enclosing space or separating parcels of land. For purposes of this Chapter, the term "Fence" does not include tarpaulins, scrap material, bushes, or hedgerows.

(F) "Indoor" or "indoors" means any location that is contained within a fully enclosed and secured permanent structure that contains walls, a roof, and access to utilities, that is reasonably intended to prevent unauthorized access. Other structures of a temporary or moveable nature, including but not limited to moveable greenhouses, tents, and hoop houses, are not considered "indoor" or "indoors" for purposes of this definition.

(G) "Location" or "parcel" means that unit of land assigned a unique Assessor's Parcel Number by the County Assessor, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area. With the exception of determining minimum parcel size as set forth in section 7.126.050(E), where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "location" or "parcel" for purposes of this Chapter.

(H) "Medical cannabis cultivation business" means any location where cannabis is started, planted, cultivated, harvested, dried or processed, in order to be delivered to a medical cannabis business as defined under Section 7.124.020(G), (i.e., a dispensary).

(I) "Outdoor" or "Outdoors" means any location that is not "indoors" as defined in this Chapter.

(J) "Park" means any playground, hiking or riding trail, recreational area, beach, community center or building, historic structure or facility, owned, managed or controlled by any public entity, or otherwise available for public use.

(K) "Residence" means a fully enclosed structure or structures, including any attached or detached garage or ancillary structure, used as a primary dwelling unit.

(L) "School" means any licensed preschool or any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(M) "Structure" means any secure building constructed or erected, supported directly or indirectly on the earth, the interior of which is protected from the elements and meant to be occupied by people or property. "Structure" does not include a greenhouse, tent, hoop house, vehicle, carport, or other structures of a temporary or moveable nature.

(N) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power.

(O) When used in this section, the term "Qualified patient" means a person who possesses or cultivates cannabis for his or her own personal medical use upon the written or oral recommendation or approval of a physician, as set forth in California Health and Safety Code section 11362.5(d).

(P) When used in this section, the term "Primary caregiver" means the individual designated by a qualified patient who has consistently assumed responsibility for the housing, health, or safety of that qualified patient, as set forth in California Health and Safety Code section 11362.5(e).

7.126.030 Prohibited activities.

(A) It is unlawful and shall constitute a public nuisance for anyone other than a qualified patient or that qualified patient's designated primary caregiver to cultivate cannabis. A qualified patient, or his or her designated primary caregiver, may cultivate medical cannabis solely for the patient's personal use as long as the cultivator is in full compliance with the following provisions:

(1) Cultivation can only take place on a parcel that includes the residence of the patient or caregiver.

(2) Other than those qualified patients subject to additional limits as set forth in Section 7.124.070(d) of the County Code, the amount of cannabis grown cannot exceed one hundred (100) square feet of planted area.

(3) If the parcel is located within that area defined by section 2.04.030 of the Santa Cruz County Code, outdoor cultivation of cannabis is prohibited.

(4) If cultivation takes place outdoors, evidence of cultivation shall not be visible from any public right-of-way.

(5) If cultivation takes place indoors: (i) lighting for cultivation purposes shall not exceed 1200 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 to ensure that the growing operations can be carried out safely; and (ii) exterior evidence of cultivation (including odor emanating from the premises) is prohibited.

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(B) The extraction of chemical compounds from cannabis by way of a solvent-based extraction method utilizing compressed flammable gases or alcohol is prohibited in any residential general plan designated area or residential zoning district. The point of this subsection is to prevent this conduct in any residential area, regardless of how the area is designated in the County Code.

(1) Outside of residential general plan designated areas or residential zoning districts, the extraction of chemical compounds from cannabis by way of a solvent-based extraction method using compressed flammable gases or alcohol is prohibited unless it is done in an ETL or UL listed closed-loop extraction unit.

(C) A cultivation site granted an exemption by the Planning Director pursuant to Santa Cruz County Code section 13.10.670(g) as enacted by Ordinance No. 5090, is not subject to section 7.126.030(A), so long as the area subject to cultivation is not expanded or enlarged beyond what existed at that location on January 1, 2012.

7.126.040 Limited immunity for cultivation by medical cannabis businesses (dispensaries).

Notwithstanding the prohibition created under section 7.126.030, a medical cannabis business (i.e., a dispensary) as defined in section 7.124.020(G) of the County Code shall have a limited immunity from the enforcement remedies set forth in the Santa Cruz County Code for the violation of section 7.126.030, as long as: subsections (A) through (R) of section 7.124.040, and subsections (A) through (U) of section 7.126.050, remain in effect in their entirety; the medical cannabis business is in compliance with subsections (A) through (R) of section 7.124.040 and subsections (A) through (U) of section 7.126.050; and only if that medical cannabis business does not violate any of the following additional prohibitions:

(A) A medical cannabis business is prohibited if it cultivates cannabis in a total amount greater than 10,000 square feet of planted area at any one time. This limit applies regardless of whether the medical cannabis business cultivates cannabis itself, or causes cannabis to be cultivated by one or more medical cannabis cultivation businesses it has selected to cultivate cannabis for it as referenced in Section 7.126.050(A).

(1) A medical cannabis business is prohibited if it cultivates cannabis itself, or causes cannabis to be cultivated by one or more medical cannabis cultivation businesses it has selected to cultivate cannabis for it as referenced in Section 7.126.050(A), at more than three locations total. Any location where cannabis is cultivated must have been continuously used for cannabis cultivation prior to January 1, 2013, and through the effective date of this section. The point of this is to prevent new cultivation sites from developing in the County.

(2) A medical cannabis business is prohibited if it selects and uses more than three medical cannabis cultivation businesses in Santa Cruz County to cultivate cannabis for it during any single calendar year.

(3) A medical cannabis business is prohibited if it cultivates cannabis at any location where it dispenses cannabis.

(B) A medical cannabis business is prohibited if it fails to ensure that the medical cannabis cultivation businesses it has selected to cultivate cannabis for it as referenced in Section 7.126.050(A) are in full compliance with all provisions of Section 7.126.050 at all times.

(C) A medical cannabis business is prohibited if it receives cannabis during any single calendar year from any medical cannabis cultivation business in Santa Cruz County other than the medical cannabis cultivation businesses it has selected as its cultivators for that single calendar year period as referenced in Sections 7.126.040(A) and 7.126.050(A).

(D) A medical cannabis business is prohibited if it fails to report, by May 1, 2015, and on the first business day of the month of January of every succeeding year thereafter, to the Medical Cannabis Enforcement Officer of the Santa Cruz County Sheriff's Office, the following information:

(1) The location of the cultivation sites (not to exceed three total) where the medical cannabis business will grow cannabis, or where its selected medical cannabis cultivation businesses will cultivate cannabis for it, during that single calendar year and the square footage of the area that will be cultivated at each location; and

(2) The name and contact information for the responsible owner(s), officer(s), or employee(s) of the medical cannabis cultivation businesses (not to exceed three total) that it has selected to grow cannabis for it during that single calendar year, as referenced in Sections 7.126.040(A) and 7.126.050(A).

(E) A medical cannabis business is prohibited if it fails to allow unannounced inspection of its premises, including any location where it is cultivating cannabis, by any Enforcing Officer, at any time, without notice.

(F) A medical cannabis business is prohibited if it is not in compliance with the provisions of Santa Cruz County Code Chapter 4.06 (the Cannabis Business Tax).

7.126.050 Limited immunity for medical cannabis cultivation businesses directly connected to medical cannabis businesses.

Notwithstanding the prohibition created under section 7.126.030, and notwithstanding that a medical cannabis cultivation business is not and shall not become a permitted use or activity in the County for so long as this Chapter remains in effect, a medical cannabis cultivation business shall have a limited immunity from the enforcement remedies set forth in the Santa Cruz County Code for violation of section 7.126.030 as long as subsections (A) through (U) of this Section 7.126.050 remain in effect in their entirety, and only if that medical cannabis cultivation business does not violate any of the following prohibitions:

(A) A medical cannabis cultivation business is prohibited if it has not been explicitly selected in writing, by a Santa Cruz County medical cannabis business as defined in and operating under Santa Cruz County Code Chapter 7.124, to cultivate cannabis for that medical cannabis business.

(B) A medical cannabis cultivation business is prohibited if it is cultivating cannabis at a site that was not used continuously for cultivation prior to January 1, 2013, and up through the effective date of this section. The point of this is to prevent new cultivation sites from developing in the County.

(C) A medical cannabis cultivation business is prohibited if it cultivates cannabis in a greater amount of square footage than the amount reported to the Medical Cannabis Enforcement Officer of the Santa Cruz County Sheriff's Office by the medical cannabis business the cannabis is being cultivated for, as set forth in section 7.126.040(D)(1).

(D) A medical cannabis cultivation business is prohibited if it does not maintain at its cultivation site a clearly written sign, no smaller than 6 inches by 6 inches, posted within the cultivation site, which identifies the dispensary or dispensaries for which it is cultivating medical cannabis.

(E) A medical cannabis cultivation business is prohibited if it cultivates cannabis on a parcel less than five acres in size.

(F) A medical cannabis cultivation business is prohibited if it cultivates cannabis outdoors in that area defined by section 2.04.030 of the Santa Cruz County Code.

(G) A medical cannabis cultivation business is prohibited if it cultivates cannabis within the urban area defined by either the Urban Services Line or the Rural Services Line.

(H) A medical cannabis cultivation business is prohibited if it cultivates cannabis within 600 feet of (1) an occupied residence of a neighboring parcel; (2) a municipal boundary; (3) a perennial stream; (4) a school; or (5) a park. The distance specified in this paragraph shall be the horizontal distance measured in a straight line from the fixed location at issue to the closest property line of the lot on which cannabis is being cultivated, without regard to intervening structures.

(I) A medical cannabis cultivation business is prohibited if it cultivates cannabis within 600 feet of the exterior property boundary lines of the site where cultivation takes place.

(J) A medical cannabis cultivation business is prohibited if it cultivates cannabis on a site located within 600 feet of a medical cannabis cultivation site operated by another medical cannabis cultivation business. The distance specified in this paragraph shall be the horizontal distance measured in a straight line from the closest property lines of the two sites where cannabis is being cultivated, without regard to intervening structures. Where two cannabis cultivation sites are located within 600 feet of one another, the site under cultivation first will not be in violation of this sub-section.

(K) A medical cannabis cultivation business is prohibited if it cultivates cannabis outdoors at a location that is not fully enclosed by an opaque fence at least six (6) feet in height, which is adequately secured by a locked gate to prevent unauthorized entry.

(L) A medical cannabis cultivation business is prohibited if it unlawfully takes any water from any water source.

(M) A medical cannabis cultivation business is prohibited from cultivating cannabis indoors unless it has a commercial air scrubbing device on all exterior air vents that prevent the odors associated with cannabis production from escaping the structure where medical cannabis is cultivated.

(N) A medical cannabis cultivation business is prohibited that employs or otherwise allows a person twenty-one (21) years of age or younger unaccompanied by a parent or legal guardian to enter its premises.

(O) A medical cannabis cultivation business is prohibited where cannabis is visible from any public right-of-way.

(P) A medical cannabis cultivation business is prohibited that illuminates any portion of its premises between the hours of 6:00 p.m. and 9:00 a.m. by lighting that is visible from the exterior of the premises, except such lighting as is reasonably utilized for the security of the premises.

(Q) A medical cannabis cultivation business is prohibited that fails to maintain the following information and thereafter make said information immediately available upon the request of any Enforcing Officer: (1) the name and address of the medical cannabis business to which the cannabis being cultivated is supplied; (2) written documentation from the owner of the property where the cannabis cultivation takes place demonstrating that he or she has agreed to the use of the site for cultivation of cannabis; and (3) if the cannabis is being cultivated indoors, a written certification from a licensed electrician that the cultivation location has all necessary electrical and other building permits required by the California Building Codes to ensure that the growing operations can be carried out safely.

(R) A medical cannabis cultivation business is prohibited that allows the transfer, distribution, sale, or delivery of cannabis to any person or entity other than the Santa Cruz County medical cannabis business that has selected it to cultivate cannabis for it as referenced in Section 7.126.050(A).

(S) A medical cannabis cultivation business is prohibited that prints, publishes, advertises or disseminates in any way or means of communication, or causes to be printed, published, advertised or disseminated in any way or means of communication, including, but not limited to the use of the internet, any notice or advertisement with respect to either seeking or offering the availability of space to cultivate cannabis, regardless of whether the space is indoors or outdoors.

(T) A medical cannabis cultivation business is prohibited if it cultivates cannabis at any location in violation of any provision of state or local law, including but not limited to any requirement of Title 7 (entitled "Health and Safety") or Title 16 (entitled "Environmental and Resource Protection") of the Santa Cruz County Code.

(U) A medical cannabis cultivation business is prohibited if it fails to allow unannounced inspection of the premises by any Enforcing Officer, at any time, without notice.

The limited immunity provided by this section shall not be available to and shall not be asserted as an affirmative defense to any violation of law except as expressly set forth in this Chapter. Further, nothing contained in this limited immunity is intended to provide or shall be asserted as a defense to a claim for violation of law brought by any county, state, or federal governmental authority.

7.126.060 No vested or nonconforming rights.

(A) This Chapter prohibits the cultivation of medical cannabis. Neither this Chapter, nor any other provision of this Code or action, failure to act, statement, representation, certificate, approval, or permit issued by the county or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding the cultivation of medical cannabis. Any immunity or benefit conferred by this Chapter shall expire permanently and in full upon repeal of this Chapter.

7.126.070 Limited severability.

(A) If any provision or clause of sections 7.126.040, 7.126.050, and/or 7.126.090 of this Chapter are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall invalidate every other provision, clause and application of the invalidated section, and to this end the provisions and clauses of sections 7.126.040, 7.126.050, and 7.126.090 of this Chapter are declared to be inseverable.

(B) Except for the inseverability of the provisions, clauses and applications of sections 7.126.040, 7.126.050, and/or 7.126.090 on the terms set forth hereinabove, if any other provision or clause of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect those provisions, clauses or applications of this Chapter which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this Chapter other than sections 7.126.040, 7.126.050, and/or 7.126.090 are declared to be severable.

7.126.080 Enforcement.

(A) This Chapter shall be considered a land use regulation for purposes of Section 19.01 of this Code. Enforcement of this Chapter may be pursued by one or more of those alternatives set forth in subsection (A) of County Code section 19.01.030. It shall be a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of this Chapter is committed, continued or permitted.

(B) Whenever the Enforcing Officer determines that a public nuisance as defined in this Chapter exists at any location within the unincorporated area of Santa Cruz County, he or she is authorized to issue a Notice of Violation pursuant to County Code section 1.12.070, except that

the violator shall be provided with notice of the opportunity to remedy the violation within seven (7) calendar days without civil penalties.

(C) In the event a court of competent jurisdiction preliminarily or permanently enjoins, or holds to be unconstitutional or otherwise invalid, any enforcement remedy provided for in this Section, then the remainder of the enforcement remedies provided for by this Section shall remain in full force and effect.

7.126.090 No duty to enforce.

Nothing in this Chapter shall be construed as imposing on the Enforcing Officer or the County of Santa Cruz any duty to issue a notice of violation, nor to abate any unlawful cannabis business activity or cultivation, nor to take any other action with regard to any unlawful cannabis business activity or cultivation, and neither the Enforcing Officer nor the county shall be held liable for failure to issue an order to abate any unlawful cannabis business activity or cultivation, nor for failure to abate any unlawful cannabis business activity or cultivation, nor for failure to take any other action with regard to any unlawful cannabis business activity or cultivation.

SECTION III

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ___ day of _____, 2015, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

County Counsel

cc: County Administrative Office
Planning Director
Sheriff's Office

March 10, 2015

Chairman, Santa Cruz County Board of Supervisors

RE: Solutions to Improve the Draft of the Repeal of County Code 7.126 in Adoption of New Chapter 7.126 Regarding Cultivation of Medical Cannabis

Dear Mr. Chairman and Board Members:

I am writing this in regard to the pending finalizations of Santa Cruz County's new Cannabis cultivation ordinance, New Chapter 7.126 addressing the cultivation of Medical Cannabis. I am not opposed to commercial Cannabis cultivation or the private growth of Cannabis for personal use. But, under no circumstances should it be allowed in an established residential neighborhood and thus compromise its integrity. Commercial Cannabis growth should be clearly regulated and its rules strictly enforced with no exceptions.

Larkin Valley, also known as Horse Valley, is a peaceful rural residential neighborhood – home to the Santa Cruz long-toed salamander and more species of wild flowers than anywhere else in California. It is a neighborhood where our children and grandchildren can safely play, ride their bikes, skateboards and ponies. An extensive trail system, open to anyone in the County, and maintained by the Larkin Valley Trail Riders is enjoyed by horseback riders, hikers, mountain bikers and families walking dogs alike.

Larkin Valley Road is a very popular bike route for hundreds of serious bicyclists and shared daily with walkers and joggers enjoying the clean ocean breeze blowing down the valley. A commercial Cannabis farm with its bad odors, noises, heavy water use and waste, and ground contamination from heavy toxic fertilizers, plus increased criminal activity, will destroy the integrity of our neighborhood and other residential neighborhoods likewise.

I therefore propose the following solutions for the new ordinance:

1. Consistency of property classification between the County's Current Zoning Map and the County's "General Plan". Parcels zoned appropriately and considered for medical Cannabis cultivation may not be contiguous with parcels zoned for residential use where growing is not allowed.
2. 1,000 ft. setback from the property line of parcels approved for medical Cannabis cultivation.
3. Keep the present number of 12 dispensaries, but
4. Limit the presently known 138 Cannabis growers to three or four growers per dispensary and hold those to the highest quality standards.

Sincerely,



Regina Yeager
Wildwood Drive
Larkin Valley

March 5, 2015

Chairman, County Board of Supervisors
Government Center
701 Ocean Street Room 500
Santa Cruz, CA 95060

Subject: Repeal of County Code Chapter 7.126 and Adoption of New Chapter
7.126 Regarding Cultivation of Medical Cannabis

Position: Opposed to Cannabis Cultivation on Parcel No. 04910162, known as Ridgemark Farms,
located in the Larkin Valley Neighborhood.

Dear Board of Supervisors:

After reading articles about cannabis cultivation, ordinances relating to such cultivation and numerous letters from neighbors, I share many of the common concerns associated with growing cannabis on the above referenced parcel of land. In general there is the potential for 1) high water consumption, 2) water pollution from use of strong pesticides, 3) criminal activity, 4) noxious odors, and 5) production noise. None of these undesirable conditions belong in a residential neighborhood.

Less general and more specific to my case: It should be noted that my property at 790 Larkin Valley Rd is contiguous to Parcel 04910162 and I share 466 feet of fence line with the proposed cultivation site. I also have a shared, deeded well along with recorded easements located within the perimeter of the subject property, which is also a shared water source for a property owned by Demitrios Hoularis. In addition, my gas meter is located within the perimeter of the adjacent property. (I welcome a review of the recorded deeds and an on site visit, if desired.)

I am not sure I am capable of writing a letter that expresses the strength of my concern for my health, welfare and safety - if The Board should allow the cultivation of cannabis on the property adjacent to mine.

I urge the Board of Supervisors to consider cannabis as the unique crop that it is, and deserving of a new zoning code outside of residential neighborhoods. It would seem far more appropriate for such cultivation to be located within industrial districts where the cultivation could be more easily regulated.

I recognize the complexities of the project, including designating locations for cannabis cultivation, but I encourage the Supervisors to act responsibly to protect and respect established neighborhoods.

Sincerely,


Carolyn Oshinsky

56

790 Larkin Valley Rd.
Watsonville

EDWARD BRADBURY MD
865 Woodside Drive
Watsonville, Ca
95076

Santa Cruz County Board of Supervisors
Government Center
701 Ocean Street Room 500
Santa Cruz, Ca, 95060

Dear Board of Supervisors,

I was just made aware last week that the horse ranch and riding school on the corner of Larkin Valley Road and Send Ladera Road has been purchased and may be licensed to become a marijuana farm to grow cannabis for medical use.

This is very disturbing to me for a number of reasons.

This property is at the only entrance to a large residential area that is very sensitive to the natural forested area on the east slope of Larkin Valley. These homes are dependent on well water from the water table that may very well be threatened by the ongoing draught in California. We do not know what the future of global warming has for this area, but I suspect that the industrial effluent and increase in water demand may have a profound effect on the local ecological balance that is tenuous and easily upset.

Monterey bay is federally protected with good result compared to other coastal areas. This should also include a sensitivity to the immediate drainage areas that go directly into the bay. We have a responsibility to minimize the effects of what we do to upset the balance of this beautiful area. This area has a plethora of animals that deserve our concern. Not just the Whales, that have come back, but around here we need to consider the owls, the deer, the bobcats, and many things that we don't even see such as the protected salamander and even the raccoons that rob our trash cans at night.

As a physician in this area since 1977, I have no problem with the use of medical marijuana, but I feel strongly that the growth industry should be placed higher and further away from this sensitive area of ecological balance that has limited water, and is close to the direct drainage into the bay.

Thank you for your consideration.

Sincerely,



Edward Bradbury

ELIZABETH BRADBURY
865 Woodside Drive
Watsonville, CA
95076

Chairperson, County Board of Supervisors
Government Center
701 Ocean Street Room 500
Santa Cruz, CA 95060

Dear Chairperson of the Board and County Supervisors,

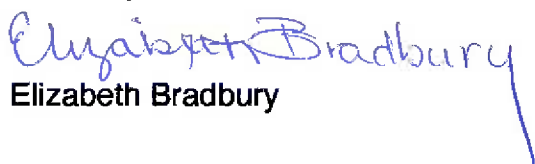
I am writing this letter to express my deep concern over the proposed medical marijuana farm to be located on the corner of Larkin Valley Road and Senda Ladera Road. There are numerous reasons why cannabis cultivation in Larkin Valley is not appropriate.

- Inadequate set back from road
- Need for extreme water usage during a devastating county drought
- Lack of transparency regarding this land transaction and purpose of use
- Tract of land in question is contiguous with parcels zoned exclusively for residential use
- Confusion in the proposed county ordinance regarding zoning for cannabis farms
- Historically, cannabis cultivation in SC County has resulted in environmental abuses such as use of strong pesticides, increased criminal activity, odors, production noises which would have a negative impact on the current residential setting.

I and my family have lived in Larkin Valley since 1978 and been productive tax paying citizens of Santa Cruz County. We raised three children on Woodside Drive and now entertain our four grandchildren in this beautiful, safe area. To degrade Larkin Valley by replacing a bucolic horse farm with a marijuana growing business would be a great loss for not just our community but for all of Santa Cruz County by the precedent it would set.

Like the majority of others expressing their concern over the proposed marijuana farm, I am not opposed to the medical use of cannabis. Larkin Valley is simply not appropriate for the cultivation of this product.

Sincerely,


Elizabeth Bradbury

March 9, 2015

Chairman
Santa Cruz County Board of Supervisors
701 Ocean St.
Santa Cruz, CA 95124

RE: Santa Cruz County Cannabis Cultivation Ordinance
Cultivation of Medical Cannabis
Water use Santa Cruz County Growth Management Plan section 17.01.D7

The Santa Cruz County Board of supervisors addressed water issues in the Santa Cruz County Growth Management Plan section 17.01 D7

“The safe yield capacity of natural surface and groundwater sources is being exceeded in many areas of the County, causing water supply and water quality problems which will be irreversible or extremely expensive to correct. Over pumping of the Pajaro Valley groundwater basin in particular, threatens future agricultural water supply and, consequently, Santa Cruz County’s commercial agriculture.”

Reading through the current Cannabis Cultivation ordinance it did not appear that water use was adequately addressed. Considering the significant concerns over the past several years regarding water supply and water conservation the proposed Santa Cruz County Cannabis Cultivation Ordinance revision recommendations should be based on a more thorough review of impact on the water supply. Regulations regarding amount of water used should be in place as under current law the State cannot restrict how much an owner pumps from a given well. It appears the only way to impact water use in the agricultural or rural agricultural setting is to review use permits and restrict new applications for agricultural growth. Certainly increasing commercial medicinal marijuana use will lead to increase in water usage without sufficient study and regulation of that usage from private wells that affect groundwater.

In Title 16 “Environmental and Resource Protection” of the Santa Cruz County code outlines provisions of Title & “health and Safety” under “individual water wells”. There are special provisions for Agriculture that could be used to extend to Medical Marijuana growers if that is falling under provisions for Agriculture. Section 7.70.130 addresses groundwater emergencies but again special provisions are for agriculture even with regard to changes in legal ownership, split parcels and parcels created by change in zoning laws. Prevention of application of emergency measures would seem a priority. Is our county prepared for the additional water use and impact on our resources that commercial cultivation of medical Marijuana

could create? Is the county willing to extend the protections for agriculture to Cannabis Cultivation?

The State water board in conjunction with regional waterboards is currently devising regulations that would enforce water rules and address environmental damage that can occur due to marijuana cultivation in rural areas. The State water board is looking to require Commercial Marijuana growers comply with county ordinances. If the County ordinance were not specific regarding water usage it would be a significant error of omission.

Establishing commercial medicinal marijuana growing in rural or rural/residential areas previously used for dry farming or grazing areas or open natural areas with increased water use can result in further salt water intrusion into the Pajaro Basin. The Pajaro Valley Water management agency stated the Central Coast's current extreme drought conditions have resulted depressed groundwater levels without ability to recharge. The Groundwater has fallen below sea level in in many areas.

Santa Cruz County can look to other areas of the state and actions other Counties were required to take due to the drought along with changes in water use and growth in the county. In San Luis Obispo County many landowners had wells go dry due to the increased water usage from new commercial agricultural development on land not previously used for water intensive farming. San Luis Obispo County had to enact an "Groundwater Basin Urgency Ordinance" which included a moratorium on new or irrigated crop production and conversion of dry farm or grazing land to new irrigated crop production on certain properties due to significant depletion. There had been depletion in water in Paso Robles Groundwater Basin due to increase in new irrigated agriculture

Based on the Growth Management Section 17.01 D7 it is essential that the Board of Supervisors. consider the question of water use and regulation in the county Cannabis ordinance in granting permits and areas of use. Without such considerations for commercial marijuana growing our counties water supply will not be adequately protected. If the growing of cannabis falls under agriculture it appears it would have the special protections outlined in section 7.701.30. Hopefully our Board of Supervisors will not have to wait until water is so depleted there must be an "Urgency Ordinance" as was the case in Paso Robles. The "Emergency Measures" after the fact with special protections for agriculture does not appear sufficient with inadequate preventative measures for water protection and possible special protections for production designated as agricultural.

It appears that commercial and individual well water usage is difficult to regulate and monitor compared with other sources of water supply. The State is looking to County ordinances to insure protection. Santa Cruz County could be in a position where adequate preparations for the consequences of adding this new form of agriculture to an already stressed water supply in a County with multiple new demands for this precious resource.

Revision of the Cannabis Cultivation Ordinance specifically with respect to commercial growing of cannabis requires more study with inclusion of specific provisions for water protection and land use consistent with the Santa Cruz County Growth Management Plan and with special consideration for drought conditions. Specific guidelines must be in place particularly with respect to private wells and existing and new agricultural land development. I am supportive of the use of medical marijuana yet also believe in protecting water and land resources. In the future the State may move towards legalization of Cannabis with even further areas of present rural land acquisition commercial growers. This County would be in a better position with further specific enhancement of proactive ordinances designed to protect land, water and quality of life.

Sincerely,



Cynthia Galt

Larkin Valley Resident

Woodside Dr.

Watsonville CA 95076

Also See Urgency Ordinance No 3246 San Luis Obispo for consideration of impact of agricultural development. It includes: Moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production and new development dependent upon a well in the Paso Robles Groundwater Basin.

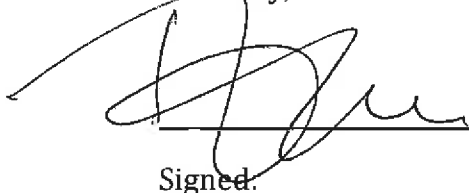
Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Board of Supervisors,

As a resident of the Santa Cruz mountains, I am concerned that the new medical cannabis cultivation ordinance being considered will have a negative impact on our community. A ban on all cultivation over a 10 x 10 foot area in the 5th district could make it very difficult for patients and dispensaries to obtain the quality and diversity of medical cannabis products they need, stifle innovation and the development of new strains and products, hurt area businesses that directly and indirectly service producers, and eliminate good paying jobs that so many families rely on.

I share in the concern over the environmental and neighborhood impacts that some of the large scale cultivation is having in our community, and want to see these issues resolved while still allowing for those that are operating responsibly to continue to provide for patients. Please work with the Steering Committee that has been formed by WAMM, the CAA, Aaron Hopper and others, to come up with an ordinance that addresses allowing responsible patients, non-commercial collectives and dispensaries to cultivate in the Santa Cruz mountains on parcels in **RA, SU and TPZ zones**.

Sincerely,


Signed.
Resident of:

2/2/15
Date:

please keep Santa Cruz
on the cutting edge of
this burgeoning industry.

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Board of Supervisors,

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Sincerely,



Signed:

BRETT MILLER

Resident of:

Ben Lomond CA

Date:

Feb-23-2014

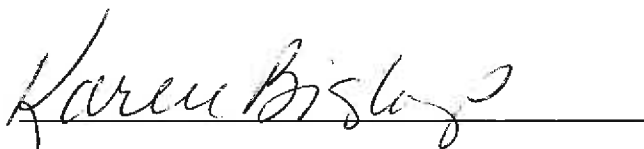
Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Board of Supervisors,

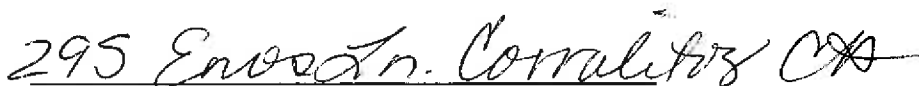
As a resident of the Santa Cruz mountains, I am concerned that the new medical cannabis cultivation ordinance being considered will have a negative impact on our community. A ban on all cultivation over a 10 x 10 foot area in the 5th district could make it very difficult for patients and dispensaries to obtain the quality and diversity of medical cannabis products they need, stifle innovation and the development of new strains and products, hurt area businesses that directly and indirectly service producers, and eliminate good paying jobs that so many families rely on.

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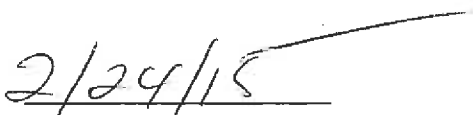
Sincerely,



Signed:



Resident of:



Date:

February 13, 2015

Board of Supervisors, Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060

Dear Sirs,

I am writing this letter so that each of you understands the situation that my small community is facing and what much of District 2 may face sooner rather than later.

Many years ago the land around Larkin Valley and Senda Ladera was a large cattle ranch of about 340 acres. It was certainly a commercial agriculture business. Decades ago the ranch was broken up, and it is now rural homesites where people raise their children and small gardens, a few horses and chickens and even a pet cow. All of Larkin Valley offers a quiet, rural refuge for owners, renters, hikers and riders, deer, bobcats, coyotes and maybe one illusive mountain lion - and the long toed salamander. (The county Environmental Department has made sure all of us are aware of these small black creatures and the importance of our riparian corridor and their habitat. I have one of only 25 known ponds in our county where the salamanders breed.) We are not a ranching agricultural haven any longer, and certainly not a commercial farming area either. Apparently that is going to change quickly because of antiquated zoning codes and the county seemingly not being prepared for what may be unleashed.

110 Winterwind Way, and its adjoining rental properties at 230 Senda Ladera, was recently purchased for cash and is now being prepared to house a commercial marijuana facility according to the man who we thought was the owner but who now appears to be the property manager. (John owns three herbal retail sites so perhaps he cannot own the growing facility as well, and the deed is in the name of his son or brother-in-law Ibitssam Chahwan.) The existing barn structures not being leased at the moment by a horse facility will house ovens, large fans, drains for water and fertilizer runoff and all that brings with it. (Although the lessee of the horse area still has 2+ years on her lease she is actively seeking to move elsewhere as she is not comfortable with continuing her children's programs and having young women and families coming and going on this site any longer.)

This is not a compatible business for Larkin Valley, and we will all be materially affected. I know parts of Watsonville are agricultural with our strawberry farms and apples, but many parts are wonderful neighborhoods. Chasing the pot farmers out of the Santa Cruz Mountains to this part of the county is not how this medical marijuana growing should be handled. The deep pockets of pot retailers or their financial backers who know this crop will be legalized eventually should not be allowed to dwell next door where they cannot possibly protect their crop or our personal safety. Armed robberies, gang type violence are not things of fiction. Trying to hide a commercial growing facility in a neighborhood is not possible.

I believe the Supervisors of Santa Cruz County are aware of the related problems that growing and selling marijuana causes. It seems that our county covertly encourages the growers to come out from under the trees and in to the open. So I suggest that growers and the county find an industrial area with empty warehouses, away from any neighborhoods, where the proper security fencing can be installed, floodlights can burn all night and legally armed guards can patrol. Our police, politicians and the general public will know where the commercial growers are, and the growers can figure out their own differences from within their confines.

I implore you to immediately change the zoning in the Larkin Valley community. Do not turn a blind eye and be thankful that your neighborhood does not have to deal with this looming problem. 110 Winterwind Way is simply the beginning of what will be a potentially huge nightmare for families in this valley. I am not taking the stand of "not in my backyard" but rather "not in our family communities." Fix the zoning to protect the community, find a suitable place for the commercial development of marijuana.

Most sincerely,

Dolores Charbonnet
210 Winterwind Way
Watsonville, CA 95076

February 16, 2015

P.O. Box 685
Aptos, CA 95001

Supervisor Greg Caput
Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Dear Supervisor Caput:

We have been told by neighbors that there is currently a proposal to allow the conversion of a nearby property (110 Winterwind Way) so as to allow the growing of marijuana plants and ultimately sale of the product.

As the county is fully aware, this area is very rural, with little allowed development and use other than single family residences with non-commercial livestock keeping on multi-acre sites.

Our property was burglarized in February 2008 by "druggies" as the police told us. When we spoke with the detective handling our case, he told us that there was neither enough manpower nor money to pursue all the burglaries in the county and that there had been innumerable burglaries in our area during that time period. The only reason the police were pursuing our case was because we had seen the thieves on the road the day of the burglary. In the past ten years, most residents in our area have installed alarm systems, gates and other theft deterrents.

We can see no precedent or attraction for the proposed use of this property and can see a multitude of inconveniences, possible dangers and degradation of the environment of this neighborhood. Nor can we foresee an acceptable compromise with the applicant other than if he would propose to grow geraniums instead.

Sincerely,


James and Susan Dias
400 Wildwood Drive

February 24, 2015

Supervisor Ryan Coonerty
c/o Rachel Dann
Santa Cruz Board of Supervisors
701 Ocean Street
Room 500
Santa Cruz, CA 95060

Dear Supervisor Coonerty:

I am writing to you as a long term resident of Bonny Doon (24+ years).

Although I have been aware of small marijuana plots in and around my neighborhood, I have recently become aware of the desire for large commercial operations to setup farms in the Santa Cruz Mountains, and specifically in Bonny Doon.

I am greatly concerned about this becoming a much larger issue very soon as I expect the legalization of recreational use of marijuana is coming to California in the next few years, and investors are looking at this as an opportunity to make "easy" money by setting up large pot farms in mountainous areas. These types of large farms cause serious damage to the existing forests, animals, and to our watershed due to the extensive use of pest control poisons and pesticides.

An additional concern I have is for the safety of my grandchildren, and all of the children living in the mountains that are used to playing the the neighborhood forests. I do not wish them to be exposed to the criminal element that is so often associated with these large operation growers.

I am asking for your support to keep these large commercial marijuana farms out of the mountains where there is a delicate balance of the natural habitat, and instead, consider restricting these farms in areas that are already zoned for large commercial crops.

Additionally I would ask that this letter appear in the letters to all the Supervisors and be included in the board packet.

Thank you for your attention to this matter.

Karen Rowley
171 McGivern Way
Bonny Doon, Ca. 95060

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Board of Supervisors,

As a resident of the Santa Cruz mountains, I am concerned that the new medical cannabis cultivation ordinance being considered will have a negative impact on our community in particular. A ban on all cultivation over a 10 x 10 foot area in the 5th district could make it very difficult for patients and dispensaries to obtain the quality and diversity of medical cannabis products they need, stifle innovation and the development of new strains and products, hurt area businesses that directly and indirectly service producers, and eliminate good paying jobs that so many families rely on.

I share in the concern over the environmental and neighborhood impacts that some of the large scale cultivation is having in our community, and want to see these issues resolved while still allowing for those that are operating responsibly to continue to provide for patients. Please work with the Steering Committee that has been formed by WAMM, the CAA, Aaron Hopper and others, to come up with an ordinance that addresses the following:

- Allowing responsible patients, non-commercial collectives and dispensaries to cultivate in the Santa Cruz mountains on parcels in RA, SU and TPZ zones, with appropriate canopy sizes and set backs to avoid neighborhood disturbances.
- Establish a comprehensive 3rd party verification program that ensures cultivation sites adhere to the best environmental and product safety standards and practices.
- Enforcement mechanisms with adequate funding for the county to deal with neighborhood complaints and in compliant cultivation sites in an effective and timely manor. And enforcement of the current ordinance before drastic changes are made to it.

Sincerely,

A handwritten signature in blue ink, reading "Jon Luchetti". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

March 10, 2015

Chairman, Santa Cruz County Board of Supervisors

RE: Solutions to Improve the Draft of the Repeal of County Code 7.126 in Adoption of New Chapter 7.126 Regarding Cultivation of Medical Cannabis

Dear Mr. Chairman and Board Members:

I am not opposed to the medical use of Cannabis or its private growth for personal use, but I am strongly opposed to the commercial growth of Cannabis in residential neighborhoods. Commercial Cannabis growth must be clearly regulated and its rules strictly enforced with no exceptions. Cultivation of Cannabis in Santa Cruz County has had a history of bad experiences during my 15 years of residency here. These bad experiences include environmental abuses, water run-off and wastage, production odors and noises, and criminal activity.

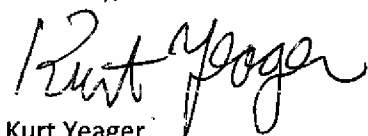
In reframing the earlier approved Ordinance for the cultivation of Medical Cannabis, a key importance is where the "growing/cultivation" can take place. Living here in Larkin Valley, I am very concerned to learn that a recent property transaction here is intended to cultivate Cannabis. This property is situated within a clearly defined residential neighborhood (covered by a state-approved set of CC&Rs) and Cannabis cultivation must not be allowed. A commercial Cannabis farm with its bad odors, noises, heavy water use and waste, ground contamination from toxic fertilizers, plus most likely invited crime will destroy the integrity of our neighborhood and other nearby residential neighborhoods as well.

It is my understanding that the County Supervisors' primary purpose of the new Medical Cannabis Cultivation Ordinance is to "keep the growers from entering residential areas". The New Chapter 7.126, regarding Cultivation of Medical Cannabis, should then firmly include the following solutions:

1. Consistency of property certification between the County's Current Zoning Map and the County's "General Plan". Parcels zoned appropriately and considered for Medical Cannabis Cultivation must not be contiguous with parcels zoned for residential use where growing is not allowed.
2. A 1,000 ft. set-back from the property line needs to be set for parcels approved for Medical Cannabis Cultivation.
3. Limit the presently known 138 Cannabis growers to four growers per each of the present number of dispensaries and hold those to the highest level standards.

I look forward to the Board of Supervisors Meeting on March 24th to hear the response to these urgent suggestions and to those from others.

Sincerely,



Kurt Yeager
Wildwood Drive
Larkin Valley

SANDRA L. WADHAMS
265 SENDA LADERA LANE
WATSONVILLE, CA 95076

March 18, 2015

Chairman, County Board of Supervisors
Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Dear Sir:

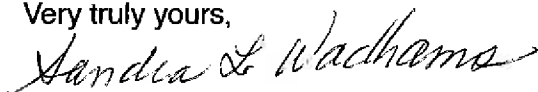
The intent of this letter is to add my name, Sandra Wadhams, and that of my husband, Alfonso Arruiza, with those who are objecting to the cultivation of cannabis at Larkin Valley and Senda Ladera Lane.

I have lived at Senda Ladera Lane for thirty-eight years. I have seen this area change from an agriculture area to a residential community. My property is adjacent the the cultivation site.

The negative issues involved with the commercial cultivation, in question, is well known by the Board of Supervisors, but the severe impact on me and my neighbors is not. The harmony and peaceful life, that exist in this community, is founded by the respect and caring we share as neighbors. The cannabis business does not bring these qualities into the community. It brings a negative impact into the heart of the community that creates concern and anxiety for us.

There is a place for commercial cultivation, but not in the heart of a community where people should have first consideration and not a business that is in a wrong location. Therefore, I respectfully request the Board of Supervisors establish directives, for the cannabis industry, that provides guidelines which will define what is an appropriate cannabis cultivation location.

Very truly yours,



Sandra L. Wadhams

March 16, 2015

Chairman, County Board of Supervisors
Government Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Dear Santa Cruz Board of Supervisors,

We the undersigned residents of Larkin Valley and Aptos Hills are writing to express our concerns over the potential negative impacts of the medical marijuana cultivation ordinance on rural residential neighborhoods. Whereas the Board has been clear that a key factor shaping the ordinance is the need to keep commercial grows out of neighborhoods, we are concerned the final language may not be strong enough to effectively do so. The purpose of this letter is to emphasize that we risk a legacy of change to rural Santa Cruz County unless this new ordinance locates commercial marijuana cultivation away from established residential neighborhoods.

Specific suggestions to achieve this goal:

- 1) Commercial Agriculture and Industrial zoning and setbacks: To keep commercial grows out of rural residential neighborhoods, grow sites should only be allowed on parcels designated for Commercial Agriculture and/or Industrial use by both the Santa Cruz County General Plan and County Zoning ordinances. But because many rural neighborhoods exist within a mosaic of parcels of different size and different zoning, a zoning approach alone will not be adequate. In addition, commercial grow sites must not be allowed to border parcels zoned for other than commercial agriculture or industrial use and there should also be a minimum required setback of 1000 feet from any residential parcels.
- 2) Closed loop supply chain: The ordinance should establish a closed loop cultivation network such that each dispensary may only be supplied by specific designated growers. This will significantly limit the number of commercial cultivation sites condoned by the county. Moreover, it will also help bring about much needed transparency as to which grow sites receive limited immunity offered by the county and which do not.
- 3) Enforcement: The ordinance needs to establish a telephone hot line, web site or some similar means whereby residents can obtain accurate information as to whether a given parcel is a county recognized cultivation site or not. The same hot line/web site should allow residents to report non approved grow sites with the expectation that such sites - especially those in neighborhoods - will be closed down without delay.

Whereas we recognize there are various interests shaping the development of this ordinance, we urge the Board to do everything in its power to keep commercial marijuana grow sites out of neighborhoods. This will in no way jeopardize supply to legitimate dispensaries but it will help preserve the social fabric and character of rural neighborhoods. Moreover, as marijuana continues down a path toward greater legality, this will better insure that commercial cultivation sites of today are better located to become the bigger operations of tomorrow under legalization.

Sincerely,

Larkin Valley and Aptos Hills Residents
(see signatures attached)

Print: Name and Address

J2 Riehl
Marc Riehl
225 Senda Ladera
Watsonville, CA 95076

Signature

J2 Riehl
Marc Riehl

email address

/ / /

Print: Name and Address

Dolores Charbonnet
210 Winterwind Way
Watsonville, CA 95076

Signature

D. Charbonnet

email address

/ / /

Print: Name and Address

Sue Magnusson
803 Calkbasas Road
Watsonville CA 95076

Signature

Sue J

email address

/ / /

Print: Name and Address

Christine Kelsey
230 Old Adobe Rd
Watsonville CA 95076

Signature

C. Kelsey

email address

/ / /

Print: Name and Address

Bert Post
330 Larkin Valley Rd
Watsonville, CA 95076

Signature

Bert Post

email address

/ / /

Print: Name and Address

Carolyn Post
330 Larkin Valley Rd
Watsonville, CA 95076

Signature

C. Post

email address

/ / /

Print: Name and Address

John Hill
835 Woodside Drive
Watsonville, CA 95076

Signature

J. Hill

email address

/ / /

Print: Name and Address

ASHOK SHEVDE
240 FIELDBROOK LANE
WATSONVILLE, CA 95076

Signature

Ashvde

email address

Print: Name and Address

Kimberley Dawn Findley
220 Peaceful Oaks Ln
Watsonville, CA 95076

Signature

Kimberley Dawn

email address

Print: Name and Address

ROGER FINDLEY
220 PEACEFUL OAKS LANE
WATSONVILLE CA 95076

Signature

Roger Findley

email address

Print: Name and Address

Rogina Yeager
215 Wildwood Dr.
Larkin Valley 95076

Signature

Rogina Yeager

email address

Print: Name and Address

KURT YEAGER
215 WILDWOOD DR.
LARKIN VALLEY
WATSONVILLE, CA 95076

Signature

Kurt Yeager

email address

Print: Name and Address

SANDRA FRANK
170 PEACEFUL OAKS LN.
WATSONVILLE, CA 95076

Signature

Sandra Frank

email address

Print: Name and Address

ED TRIMBAL
170 PEACEFUL OAKS LN.
WATSONVILLE, CA 95076

Signature

Ed Trimbal

email address

Print: Name and Address

Mario Bulva
338 Calabasas Road
Watsonville, Calif 95076

Signature

Mario Bulva

email address

/ / /

Print: Name and Address

DARCELLE BRITT
860 WOODSIDE DRIVE
WATSONVILLE CA 95076

Signature

Darcelle Britt

email address

/ / /

Print: Name and Address

OLIVIA MILLARD
645 WILLOW DRIVE
WATSONVILLE, CA 95076

Signature

Olivia Millard

email address

/ / /

Print: Name and Address

CARL RISING
800 CALABASAS RD
WATSONVILLE CA 95076

Signature

Carl Rising

email address

/ / /

Print: Name and Address

Nathan Lewis
711 LARKIN Valley Rd
Watsonville CA 95076

Signature

Nathan Lewis

email address

/ / /

Print: Name and Address

Robert Williams
165 Windsong Way
Watsonville, Ca. 95076

Signature

Robert Williams

email address

/ / /

Print: Name and Address

Sands Palumbo
802 Senda Ladera Ln
Watsonville CA 95076

Signature

Sands Palumbo

email address

/ / /

Print: Name and Address

CHRISTOPHER PALUMBO
802 SENDA LADERA LN
WATSONVILLE CA 95076

Signature



email address



Print: Name and Address

ALFONSO ARRIIZA
265 SENDA LADERA
WATSONVILLE, CA 95076

Signature



email address



Print: Name and Address

Sandra Wadhams
265 Senda Ladera
Watsonville CA 95076

Signature



email address



Print: Name and Address

Larry Minden
985 Senda Ladera
Watsonville CA

Signature



email address



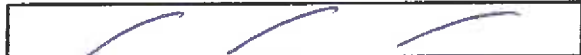
Print: Name and Address

Linda Ponzini
985 Senda Ladera Ln
Watsonville, CA 95076

Signature



email address



Print: Name and Address

Michael Field
195 Valley Vista Ln
Watsonville CA 95076

Signature



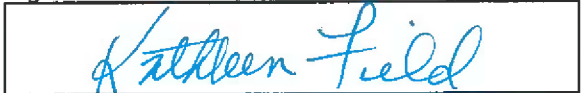
email address




Print: Name and Address

Kathleen Field
195 Valley Vista Lane
Watsonville, CA 95076

Signature



email address



Print: Name and Address

RON GRUBMAN
120 TARYN LANE
LARKIN VALLEY CA 95076

Signature



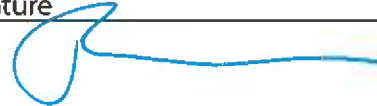
email address



Print: Name and Address

TONY TAYLOR
301 PEACEFUL OAKS LN.
WATSONVILLE, CA
95076

Signature



email address



Print: Name and Address

Shawn Gallardo
180 Taryn Ln.
Watsonville, Ca 95076

Signature



email address



Print: Name and Address

~~DAVID - PERRE~~
831-818-1641
SENDIA LADERA

Signature



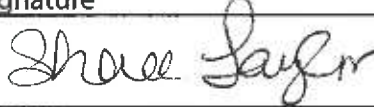
email address



Print: Name and Address

Sheree Taylor
301 Peaceful Oaks Ln.
Watsonville, Ca 95076

Signature



email address



Print: Name and Address

Paddy Douglas
785 Pancho Calabasas Dr
Watsonville, CA 95076

Signature



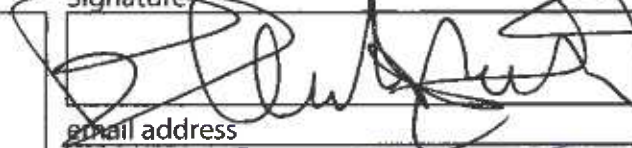
email address



Print: Name and Address

B AUSTIN FRUIT
860 WOODSIDE DR.
WATSONVILLE

Signature



email address



Print: Name and Address

Barb Anderson
160 Red Fox Ridge
Watsonville 95076

Signature

Barb Anderson

email address

/ / /

Print: Name and Address

Jane Amaral
409 Larkin Valley Rd.
Watsonville, 95076

Signature

Jane Amaral

email address

/ / /

Print: Name and Address

Joe Aguilar
409 Larkin Valley Rd.
Watsonville, CA 95076

Signature

Joe Aguilar

email address

/ / /

Print: Name and Address

N. Denton
200 Spotted Dog Ct
Watsonville CA 95076

Signature

N. Denton

email address

/ / /

Print: Name and Address

DEAN SEITZ
855 WOODSIDE DR.
LARKIN VALLEY, CA 95076

Signature

Dean Seitz

email address

/ / /

Print: Name and Address

Al Miles
106 Robalo Drive
La Selva Beach, Ca

Signature

Al Miles

email address

/ / /

Print: Name and Address

Signature

email address

/ / /

March 17, 2015

Chairman of the Board
County Board of Supervisors
701 Ocean Street, Rm 500
Santa Cruz, CA 95060

Dear Members of The Board,

In regards to the many months the Board has been attempting to craft an ordinance concerning the cultivation of medical marijuana, I am forwarding the following proposals, and the arguments for them for your consideration:

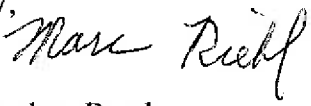
- I urge you to prohibit commercial cultivation of medical marijuana in all areas of the county other than in commercial agricultural zones. In addition to a 1,000 foot set back from all such property's boundaries, the locations of the sites shall not be visible from any other residence, road or public place in the county. This shall be inclusive of commercial medical marijuana green houses.
- I propose the ensuing ordinance's regulations, restrictions and prohibitions shall apply and be in full force and effect should the day come when recreational marijuana possession, with use, sales, cultivation, and transport become legal or tolerated under limited immunity.
- I purpose that when this new ordinance is passed and enacted, present commercial medical marijuana cultivations sites will not be 'grandfathered in', and if not in accordance with the new ordinance, shall be immediately discontinued and disassembled. Noncompliance shall result in seizure and forfeiture of all materials and monies associated with cannabis cultivation found by law enforcement. Any cannabis found under these circumstances in violation of the county ordinance shall be immediately destroyed.
- Larkin Valley is a bucolic area of the county, with properties designated in a hodge-podge of rural residential, rural agricultural, special use, and agricultural parcels with a handful of commercial agricultural zones. There are many parcel types that are surrounded in particular areas by other, different parcel types. Nearly every residence in Larkin Valley, if not all, can be seen by another residence. Normal everyday activity outside can be seen by neighbors of all ages. One large strawberry field and a very small vineyard are the only crops that can be seen from Larkin Valley Road, and those are between Buena Vista Drive and Highway 1. Livestock, a few cattle and a preponderance of horses make up the rest of Larkin Valley's 'agricultural' activity if it can be call that at all. There are many other places very much like Larkin Valley in the county.
- Close proximity to where my wife and I live in Larkin Valley, a new owner of an Agricultural zoned property, bordered by Rural Agricultural and Special Use zoned parcels, has been in the process of preparing several long buildings on site for an indoor commercial cannabis cultivation operation. It is anticipated that that multiple vapor or flood lights will be installed for 'reasonable' security lighting in compliance with the current proposed ordinance which will add

significantly to the light pollution all ready in the neighborhood. Security cameras posted on buildings will have a great ability for surveillance of neighbors' activities. Vicious guard dogs will be "on duty" and signs are already up on this Cannabis Compound.

In light of Santa Cruz medical marijuana dispensaries being robbed at gunpoint at least three times, and burglarized at least four times since 2011, I believe this will eventually happen again, here, in spite of security measures taken. The industries' cash only basis draws violent criminal activity, perhaps more so than any other business.

Any type of commercial cannabis cultivation is incongruent with a neighborhood such as ours. We believe it is not in accordance with the intent of Chapter 7.126 of the Santa Cruz County Code relating to the cultivation of medical marijuana. Our proposals are intended to assist the board in crafting the final draft of this ordinance in consideration of our concerns.

Respectfully,


Marc Riehl
225 Senda Ladera Road
Watsonville, CA

March 10, 2015

Chairman, County Board of Supervisors
Government Center
701 Ocean Street Room 500
Santa Cruz, CA 95060

Subject: Solutions to Improve the Draft of the Repeal of County Code 7.126 and Adoption of New Chapter 7.126 Regarding Cultivation of Medical Cannabis

Dear Mr. Chairman and Board Members;

We have resided in the Larkin Valley area for the past twenty years. It came to our attention just a few weeks ago that the County Board of Supervisors was close to finalizing an Ordinance regarding the commercial cultivation of medical cannabis. This was a shock to us since we are a news hounds and nothing relating to the Ordinance had passed our eyes before that moment.

Firstly, let us state that we are not opposed to the medical use of cannabis nor are we opposed to the private growth of cannabis for personal use. We are opposed to the commercial growth of cannabis in residential neighborhoods regardless of particular zoning or such residential neighborhoods that might conjoin agriculturally zoned neighborhoods.

Our neighborhood is clearly set out to be "residential" in nature; in fact our specific neighborhood (covered by a State approved set of CC&R's) acknowledges that we are a residential neighborhood.

Homes by which we daily pass to and from our residential neighborhood are also seen to be residential and used as residential.

Why then should the quiet nature of our residences be perturbed by the introduction of commercial cannabis growing? Why are quiet residences being perturbed by a total medical cannabis requirement in our County of approximately three acres of cannabis? Seems to us to be an overkill solution which will put us at jeopardy (odors; noises; possible crime; etc.) Please note we have added a photo-print of what a commercial cannabis operation looks like...pretty large you must admit.

We propose the following **solutions** to improve the Ordinance:

- A 1000 foot setback needs to be set for parcels approved for medical cannabis cultivation
- Parcels zoned appropriately for and considered for medical cannabis cultivation may not be contiguous with parcels zoned for residential use where growing is not allowed

- Additionally, since it presumed there are something like 130 large cannabis grows in the County and the intent of this Ordinance is to whittle that down to 50 that would supply dispensaries then there should be a “grandfathering” clause for 50 of the most “well-behaved” grows and therefore no need to create new ones.

We look forward to the Board of Supervisors meeting on March 24, 2015 to hear reaction to our ideas and to those ideas from others.

Sincerely



Tod and Barbara Williams

890 Woodside Drive

Watsonville, CA 95076



Commercial Cultivation Example - Colorado

LETTERS TO THE EDITOR

Dear Editor,

Please post this letter to Supervisor MsPherson regarding the new cannabis law. I encourage all concerned citizens to clip this out of the paper, sign it, and send it in to Bruce McPherson.

Thank you. - Concerned Boulder Creek Resident

Cannabis Advocates Alliance January, 2015
County of Santa Cruz

Dear Santa Cruz County Board of Supervisors,

I am a Santa Cruz County Resident, and my name is


As a resident of Santa Cruz County, I am voicing concern about recent proposals made by the Board of Supervisors regarding the local Medical Cannabis Cultivation Ordinance. If adopted, these changes will negatively affect the medical Cannabis patients of Santa Cruz County, for many reasons, including:

- Maintaining a minimum degree of access to and diversity of cannabis medicine must be a priority for the County. Restricting the spectrum of choices of medicine available decreases the likelihood that medical cannabis patients will have the type and quality of medicine needed to address their medical needs.
- Limiting all non-personal outdoor grows to Commercial Agriculture and Agriculture zones will unfairly abolish the legal protections for most Santa Cruz medical cannabis cultivators. Rather than arbitrarily revoking the legal rights of medical cannabis patient providers in rural areas, the County must protect patients and patient-providers who cultivate in a safe and sustainable manner.
- The County must permit indoor cultivation in C-4 and Light Industrial zoning to all medical cannabis collectives, regardless of whether they maintain a brick and mortar location. Brick and mortar dispensaries are only one model of medical cannabis distribution. To preserve access to and diversity of cannabis medicine choices, the dispensary model should not be favored over others.
- The best way to control medical cannabis production in the County is to create a system whereby most current producers may become compliant via registration and rigorous 3rd party inspections that also require environmental and neighborhood compliance. This will allow the County to address problematic growers, while giving legitimate growers a chance to identify themselves and comply.

Among other things, we are requesting: 1) that the County preserve the minimal diversity of choice required for patients; 2) that the County draft clearer and more environmentally-friendly paths to compliance for patient-cultivators; 3) that local patients be given a greater voice in re-drafting the County cannabis ordinances; 4) and that the County continue the hearings for modifying the current Santa Cruz Medical Cannabis Ordinances for another 90 days.

Please continue to work with Cannabis Advocates Alliance toward creating sensible medical cannabis regulations in Santa Cruz County.

Name:

Signature: 

56

LETTERS TO THE EDITOR

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Cannabis Advocates Alliance January, 2015
County of Santa Cruz

Dear Santa Cruz County Board of Supervisors,


I am a Santa Cruz County Resident, and my name is [redacted]. As a resident of Santa Cruz County, I am expressing concern about recent proposals made by the Board of Supervisors regarding the local Medical Cannabis Cultivation Ordinance. If adopted, these changes will negatively affect the medical Cannabis patients of Santa Cruz County, for many reasons, including:

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Name: PETER ENGLANDER

Signature: 

PATIENT

LETTERS TO THE EDITOR

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Thank you. - Concerned Boulder Creek Resident

Cannabis Advocates Alliance January, 2015
County of Santa Cruz

Dear Santa Cruz County Board of Supervisors,

I am a Santa Cruz County Resident, and my name is *Meghan Davis*. As a resident of Santa Cruz County, I am voicing concern about recent proposals made by the Board of Supervisors regarding the local Medical Cannabis Cultivation Ordinance. If adopted, these changes will negatively affect the medical Cannabis patients of Santa Cruz County, for many reasons, including:

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Please continue to work with Cannabis Advocates Alliance toward creating sensible medical cannabis regulations in Santa Cruz County.

Name:

Signature:

Meghan Davis
Meghan Davis

3.9.15

Dear Sirs

I have resided in Santa Cruz County since 1965 & have owned a small home on Larkin Valley Rd since 1979.

I would like to add my voice of concern with others to the proposed cultivation of Cannabis that is planned for Ridgemark Farms, on the property on the corner of Larkin Valley Rd and Linda Ladera.

Please change the current cultivation rules to make them more restrictive in residential & quasi residential areas.

Every year a seasonal creek that passes thru the Ridgemark Farms on the Linda Ladera border, flows into the major Watershed Creek that extends the entire length of our valley. I think very strict restrictions should be placed on Cannabis cultivation that will protect our environment & the endangered wildlife.

Respectfully Submitted
Chris Martin