



COUNTY OF SANTA CRUZ

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 95060-4068 (831) 454-2040 FAX: (831) 454-2115

DANA McRAE, COUNTY COUNSEL

JASON M. HEATH, CHIEF ASSISTANT

Assistants

Marie Costa

Sharon Carey-Stronck

Jane M. Scott

Jessica C. Espinoza

Tamyra Rice

Jordan Sheinbaum

Shannon M. Sullivan

T. Brooke Miller

Betsy L. Allen

J. Omar Rodriguez

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.

///

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

5

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.

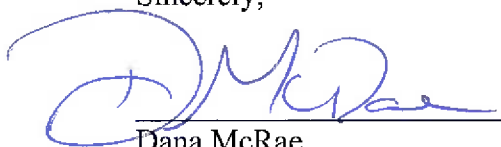
D. Conclusion


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.

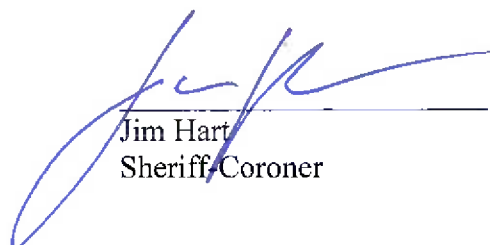
IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:

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

6

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.

11

(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

12
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.

19

(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,

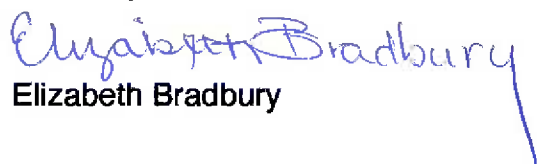
I am writing this letter to express my deep concern over the proposed medical marijuana farm to be located on the corner of Larkin Valley Road and Senda Ladera Road. There are numerous reasons why cannabis cultivation in Larkin Valley is not appropriate.

- 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.

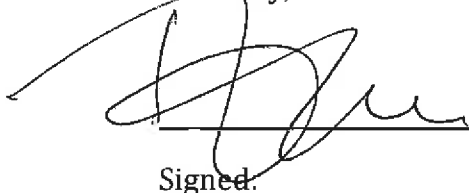
Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

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,

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:

BRETT MILLER

Resident of:

Ben Lomond CA

Date:

Feb-23-2014

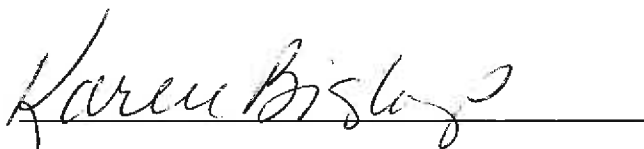
Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Board of Supervisors,

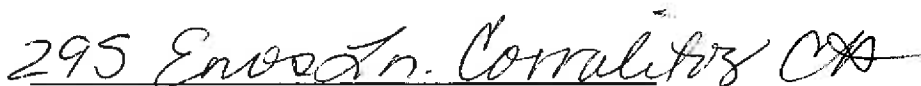
As a resident of the Santa Cruz mountains, I am concerned that the new medical cannabis cultivation ordinance being considered will have a negative impact on our community. A ban on all cultivation over a 10 x 10 foot area in the 5th district could make it very difficult for patients and dispensaries 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.

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**.

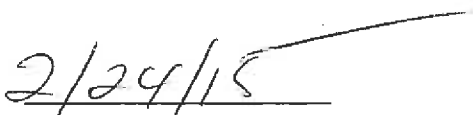
Sincerely,



Signed:



Resident of:



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.

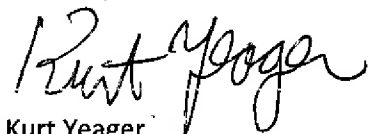
In reframing the earlier approved Ordinance for the cultivation of Medical Cannabis, a key importance is where the "growing/cultivation" can take place. Living here in Larkin Valley, I am very concerned to learn that a recent property transaction here is intended to cultivate Cannabis. This property 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:

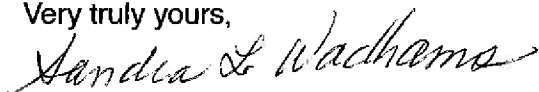
The intent of this letter is to add my name, Sandra Wadhams, and that of my husband, Alfonso Arruiza, with those who are objecting to the cultivation of cannabis at Larkin Valley and Senda Ladera Lane.

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



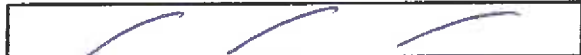
Print: Name and Address

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



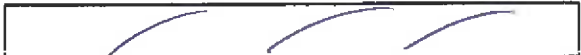
Print: Name and Address

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



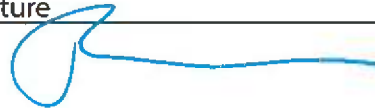
email address



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



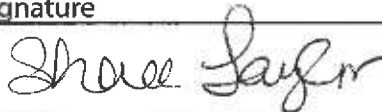
email address



Print: Name and Address

Sheree Taylor
301 Peaceful Oaks Ln.
Watsonville, Ca 95076

Signature




email address



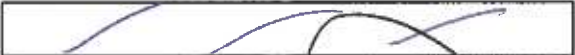
Print: Name and Address

Paddy Douglas
785 Pancho Calabasas Dr
Watsonville, CA 95076

Signature



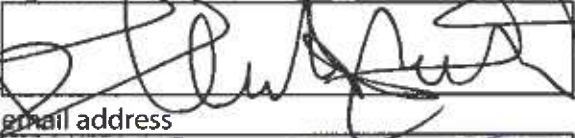
email address



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:

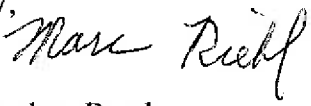
- I urge you to prohibit commercial cultivation of medical marijuana in all areas of the county other than in commercial agricultural zones. In addition to a 1,000 foot set back from all such property's boundaries, the locations of the sites shall not be visible from any other residence, road or public 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

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:

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 [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:


- 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: PETER ENGELANDER

PATIENT

Signature: 

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 *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:

- 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:

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
Greg Martin

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Thursday, March 19, 2015 8:54 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 56.00

Name : Bert Post

Email : bpcartero@gmail.com

Address : 330 Larkin Valley
Road
Watsonville, CA 95076

Phone : 831.761.2253

Comments :
March 18, 2015

Dear Santa Cruz County Supervisors:

I am writing this letter to the Santa Cruz County Board of Supervisors to express my concern regarding new ordinances being considered that could potentially allow the expansion of medical marijuana grows into rural residential neighborhoods within the county. I find it difficult to comprehend that cannabis by any stretch of the imagination would be considered a typical agricultural crop and would certainly create an attractive nuisance that has no place in residential areas where families reside. The increased cultivation of marijuana would also expand the negative environmental impact through the use of toxic pesticides, fertilizers, and the excessive use of water extraction from an already over taxed ground water system. The growth of marijuana is a commercial endeavor that needs to be restricted to areas zoned for commercial agricultural or industrial warehouse locations where indoor grows are away from residential areas and schools.

I certainly support the concept of medical marijuana, as I believe it provides needed alternatives and relief for numerous individuals with specific ailments. However, there are a number of issues that must be considered to ensure that the cultivation ordinances are balanced between the desires of the local residents within the county, the commercial endeavors of those that grow the product, and those who require the medical interventions. These regulations must codify procedures that protect residents throughout the county and establish quality indicators

for the environment. Some suggestions to consider include:

- Land Use/Buffers: Land use regulations need to be taken into consideration along with proper offsets to protect residential neighborhoods and avoid conflicts.
- Confidential Complaint Process: Provide a confidential process for residents of the county to report violations of the established ordinances, noise and safety issues, and environmental concerns.
- Regulations/Inspections: A clear set of rules and regulations for growers and scheduled inspections to ensure compliance similar to other commercial efforts in the county.
- Permitting Process: Require cultivators to apply for permits through the county planning commission, making the process public and allowing residents to voice concerns prior to approval.

If the new ordinances are unable to contain these commercial endeavors or protect the integrity of the environment in rural areas of the county, we must rethink the entire process. If this were the case, I would strongly recommend returning to the previous ordinance established in 2003 and restrict all plots to 10 by 10 square foot grows as this ordinance provided proper enforcement, avoided commercial cultivation, and provided for the needs of all concerned.

If the cultivation of medical marijuana is to be part of the future in this county, then it needs to be carefully regulated and limited in scope through a transparent process that provides protection for established residents in the selected areas, promotes environmental quality standards for cultivators, and provides strict regulatory and maintenance indicators. There are lessons to be learned from the legalization of marijuana in states like Colorado and Washington. It is essential that issues regarding the cultivation of medical marijuana be carefully studied before implementation within Santa Cruz County.

Bert Post
330 Larkin Valley Road

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Sunday, March 22, 2015 1:19 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 56.00

Name : Barbara N. Williams

Email : santacruzbarb@aol.com

Address : 890 Woodside Drive
Watsonville, CA 95076

Phone : 408-781-0197

Comments :

What Larkin Valley Means to Us

The wonderful article below, written by Tom Brezsny, absolutely describes the oasis that we are so lucky to live in. That will soon be destroyed by money seeking individuals from other states that wish to grow marijuana in our midst. We have lived here for 20 years. We are part of this community. We have NO wish to ban medical marijuana, just where these factories are allowed to grow. This is no industrial area...it is surrounded by homes. Home with dogs, children and horses.

This cannot be allowed. It is against all reasonable thought.

Larkin Valley by Tom Brezsny

Larkin Valley: Locals know it as one of the most desirable settings in a County renowned for its plethora of pleasing micro-climates and geographic diversity.

This broad sunny valley runs parallel to Highway 1 on the Southern edge of the Aptos Hills protected from white noise and any impacts from the freeway by a high Southwest ridge that insures is pristine character. A small extension of Harkins Slough called Larkin Creek meanders through its low lying areas and provides sensitive wetlands habitat for a host of migrating birds and interesting, rare plant species. It also invites the fresh scents and cooling ocean breezes of the Monterey Bay to visit in the afternoons and bestow their welcome gifts. There's a quiet two lane road running through its serene environs - gently rounding past spacious open meadows and finely fashioned pastures, clean white fences, well-tended barns, magnificent horses, and a series of quaint country lanes that lead back into the privacy of rolling green hills, oasis' of redwood forests, intriguing secret valleys, a wealth of blue sky, distant mountain views

and a handful of custom homes that have evolved into gracious estates. There is a pervasive sense of being close in but oh so far from the madding crowd here. Something timeless and soulful in all the ongoing leitmotifs of Larkin Valley. And yet there you are - only five minutes from some of the best stretches of sand and surf along the entire California Coast.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 3:47 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 56.00

Name : Shelly Evans

Email : msmgevens@aol.com

Address : 37 Wildwood Ct.
Watsonville, CA 95076

Phone : 831 239 5961

Comments :

I am writing to express concern regarding the proposed commercial cannabis cultivation project in the Larkin Valley/Senda Ladera Rd. area. I join in sentiment with many neighbors opposed to this project on the grounds that it will beyond doubt affect the quality and integrity of our neighborhood. Our mutual concerns involve environmental issues including but not limited to: excessive water use, continual greenhouse lighting and fan use, noise and air quality issues from commercial processing, and general incongruous activity that upsets our mutually enjoyed country setting. Thank you for consideration of my comments.

Respectfully,
Shelly Evans

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Sunday, March 22, 2015 11:01 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Olivia Millard

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

I urge the Board of Supervisors to adopt the cannabis cultivation ordinance recommended by staff - to protect the character and liveability of our neighborhoods, to protect our environment, and to protect our dwindling water supply.

Thank you.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Sunday, March 22, 2015 10:37 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Gail Conover

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

Regarding medical cannabis agenda item Tuesday.

I hope you ALL have done your due diligence
regarding Medical Cannabis ordinance.

It states: The FIRST objective is to PROTECT THE ABILITY OF ALL
MEDICAL CANNABIS PATIENTS TO OBTAIN MEDICAL
CANNABIS.

1) NOTHING in the new ordinance meets the patients needs. You are
taking away ALL DELIVERY Dispensaries and a variety of forms of
ingesting cannabis that will go away. One small bite of edible replaced
Ambien. Delivery is critical for some patients, especially vets, have no
other means to get their medicine.

2) I don't yet understand why this will be in your best interest to let the 14
dispensaries have a monopoly and everything? You are handing it to
them on a platter.(besides the 10% tax to be passed on to patients and
make it even less affordable.

3) The date to comply at the end of the month is unreasonable.

4) Dispensaries should be NON-PROFIT

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Sunday, March 22, 2015 10:37 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Gail Conover

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

Regarding medical cannabis agenda item Tuesday.

I hope you ALL have done your due diligence
regarding Medical Cannabis ordinance.

It states: The FIRST objective is to PROTECT THE ABILITY OF ALL
MEDICAL CANNABIS PATIENTS TO OBTAIN MEDICAL
CANNABIS.

1) NOTHING in the new ordinance meets the patients needs. You are
taking away ALL DELIVERY Dispensaries and a variety of forms of
ingesting cannabis that will go away. One small bite of edible replaced
Ambien. Delivery is critical for some patients, especially vets, have no
other means to get their medicine.

2) I don't yet understand why this will be in your best interest to let the 14
dispensaries have a monopoly and everything? You are handing it to
them on a platter.(besides the 10% tax to be passed on to patients and
make it even less affordable.

3) The date to comply at the end of the month is unreasonable.

4) Dispensaries should be NON-PROFIT

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Sunday, March 22, 2015 3:47 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County
Board of Supervisors

Item Number : 54.00

Name : Debra Wirkman

Email : debrawirkman@sbcglobal.net

Address : Not Supplied

Phone : Not Supplied

Comments :

I hope that the Board is planning to review and carefully consider all public comments on the Mitigated Negative Declaration for the Davenport Recycled Water Project; the public comment period closes Tuesday, March 24 2015.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Saturday, March 21, 2015 11:11 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Stacy

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

- A 10 x 10 space is not enough room for the average medical cannabis hobby gardener who- with their garden supply and nutrient purchases- brings our county much needed sales tax revenue.
 - The wineries and christmas tree farms use much more then 3 arces, and I'm unsure how you can not only produce enough for the surrounding population- but also produce it in a healthy manner in such a tight space. Plants are prone to disease and pests, tightly spaced will ruin crops.
 - The Market for marijuana (coming from this geographical location) is very large and growing. You will be doing a huge disfavor and disservice to our community and beyond, and those that already have solid jobs in the field relying on thier farms honest success.
 - We should be expanding the market, creating new jobs or at least keeping the ones that are there, and thinking about a workable solution that embraces the new industry and brings success to our surrounding neighborhoods.
- Please do what is best for our County and do not press a hardship on the forward momentum of cannabis legalization. Thank you for your time~

56

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Thursday, March 19, 2015 10:06 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : James and Susan Dias

Email : Not Supplied

Address : 400 Wildwood Drive
Larkin Valley

Phone : Not Supplied

Comments :

Dear Board of Supervisors:

We wish to register our strong support for any Board action that will prohibit the commercial cultivation of cannabis in Santa Cruz County.

We understand that New Chapter Ordinance 7.126 is currently under consideration in order to prohibit that activity and, accordingly, we enthusiastically agree with this proposal.

Thank you.

Jim and Susan Dias

56

March 19, 2015

Santa Cruz County Board of Supervisors
RE: Ordinances for Marijuana Grows

Dear Sirs,

The five of you sit as Supervisors at a very important time for Santa Cruz County. Next week you will be reviewing the recommendations from various county departments regarding the growing of marijuana. Your final ordinances will affect all of your constituents; the silent majority as well as the vocal, well funded, minority; potentially for decades to come. Your final say on the size of the allowed grows and the setbacks from neighbor's homes will be what determines the civility of the "green rush" that is already proliferating in our county, and whether or not Santa Cruz becomes the Mecca for California pot growing.

In the past 6 months two properties in Larkin Valley have been purchased by the same extended family for almost \$3,000,000.00 cash. It is thought that the same persons have also bought two additional properties, a foreclosed farm off Larkin Valley Road and one in the Mt Madonna area. One small group of people with very deep pockets. Imagine 10, 15 or 50 such groups coming in to the county and buying similar 5 to 19.99 acre farms. Then think through what large scale, commercially grown marijuana will do to these RR and RA neighborhoods.

Since I was a teenager in the early 1970's there has never been a problem for anyone wanting to get "weed" from scoring all that they needed to smoke or bake. Today medical marijuana is legal to be consumed in Santa Cruz County. You have wisely limited the number of dispensaries that may operate in our county, especially when we consider how many clients are on the books of each of them already. If 1 out of 10 residents of Santa Cruz uses medical marijuana, think how many use it recreationally...and all of their needs have been met to date. A 10x10 foot grow space will allow anyone, and everyone, all the marijuana they need to help with pain or to get high for the sake of itself. No neighbor will care - just as they don't now, unless of course houses start to catch on fire or blow up. No one will be forced to police his neighbor, or complain about property rights being violated or peaceable neighborhoods being destroyed by increased traffic, skunk odors, illegal use of electricity or fouling of riparian corridors. A 600 foot setback from another home would allow a grower to engage in their livelihood without impacting their neighbors drastically. The same cannot be said for 10,000 foot grows, or ultimately farms as large as the strawberry fields and orchards that surround our county now.

Santa Cruz County offers all who live here, and all who visit, so much more than marijuana. Our beaches, redwoods, environmental activism, hiking and riding trails, wineries, respect for dissimilar lifestyles and ideas all contribute to the charm and vibrancy of this place we call home. I urge you to please consider carefully what you vote on. Will the money in the Pandora's Box that opens without stringent ordinances, be worth the serenity and beauty of the Santa Cruz County we have now.

Most sincerely,
Dee Charbonnet
210 Winterwind Way
Watsonville, CA 95076

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

March 21, 2015

cc. Messrs. Coonerty, Friend, Leopold and McPherson

Re: Board of Supervisors Ordinance Hearing Meeting on Tuesday March 24th, 2015

Dear Mr. Caput & Supervisors,

As Woodside Drive residents and, like our neighbors, we have invested significant time and money to preserve the sylvan characteristics of our own property as well as the neighborhood since March 1987. We made it through the 1989 earthquake, the fires in 2008 and similar, albeit less dramatic challenges to our area. Accordingly, we were dismayed when we learned that the ranch on the southeast side of the intersection of Larkin Valley Road and Senda Ladera had been sold to a buyer who allegedly intends to grow cannabis on the property.

We won't waste your time repeating the views on the negative potential of allowing cannabis farming in this area already voiced by our neighbors and well summarized in County Counsel's letter of March 19, except to endorse them. As septuagenarians, we don't want to move and, given the likely impact on our property value, we will not even be able to consider it!

Accordingly, in that we are unable to attend the referenced meeting on the 24th, we respectfully request that you enact "*Ordinance Repealing Chapter 7.126 Of The Santa Cruz County Code And Adopting New Chapter 7.126 Prohibiting The Commercial (sic) Cultivation Of Cannabis*" attached as Exhibit A to the letter to the Board of Supervisors from the Office of County Counsel dated March 19, 2015.

Sincerely,



John M. Hill & Barbara Doran Hill
835 Woodside Drive
Watsonville, CA 95076
831-722-9806
jhill835@gmail.com

To Whom It May Concern:

I am writing as a very concerned citizen of Santa Cruz County, also as a property and business owner, an employer and community volunteer, parent, and taxpayer. I am urging you to take a hard look at our cannabis situation here in Santa Cruz County, CA. I have compiled a list of suggestions that I hope you will carefully consider or, at the very least, raise into question the inevitable direction our community medical cannabis industry is heading. Are we going to prohibit an unknown evolving industry and spend wasteful tax dollars on a failed drug war, or are we going to move past century old laws and progress into a community innovator of potentially unlimited possibilities?

Suggestions:

1. Don't restrict "in compliance" farms in RA areas with properties over 50 acres.
2. Look at cannabis farming like any other standard agricultural crop such as lettuce, berries, and wine grapes, etc. This includes the responsible use of fertilizers, pesticides, and fungicides, which all these crops require for healthy yields and regular maintenance.
3. Reduce square footage allowed for properties under 1-10 acres since they are the main areas of complaint and allow the increase of that same square footage for properties over 40 acres.
4. Increase the number of allowed vendors to dispensaries as long as there is 3rd party testing before transaction. Limiting vendors for each dispensary will cause a decrease in patient availability and an increase in black market activity potentially raising the risk to higher crime rates in our community
4. Oversight via 3rd party to register farms for compliance, run by a collective of attorneys. This would help keep the farms both informed and in compliance with changing state and county regulations, giving them a period of good faith to comply just like any building code or zoning law.
5. Allow plant count distinction and increases between the vegetative stage and the flowering stage. The natural marijuana plant cycle has multiple stages. For most of the plants life, it is in the vegetative non-fruit bearing stage, which provides no substance that would effectively be psychoactive, rendering it harmless.
6. Bind contracts between dispensary and collectives to be upheld for protection from law enforcement and to uphold privacy for safety reasons.

56

7. Dispensary license increase to provide for more patients and create more jobs within the distance zones from parks, schools, etc.

8. Tax medical cannabis reasonably and allow the tax to go into a non-profit 3rd party oversight committee and also contribute to progressive programs in substance abuse and homeless job creation programs and shelters.

I have taken the liberty of sending these very important points to your Council and to a variety of local publications, which I hope are valuable enough to consider. I have a vast amount of experience in high tech agriculture and believe that this crop variety has unlimited benefits in both the medical and financial arenas. For our community, please consider the strong possibility that we could be the leader and example setter for the entire medical cannabis industry as a whole. Thank you and I appreciate you taking the time to read this.

Sincerely with kind regards,

A Very Concerned Citizen

56

From: Rubin <dmkrubin@gmail.com>

Date: March 21, 2015 at 8:18:01 PM PDT

To: Ryan Coonerty <Ryan.Coonerty@santacruzcounty.us>, Zach Friend <Zach.Friend@santacruzcounty.us>, Bruce McPherson <Bruce.McPherson@santacruzcounty.us>, Greg Caput <Greg.Caput@santacruzcounty.us>, John Leopold <John.Leopold@santacruzcounty.us>

Subject: Support of RBDA's recommendations regarding commercial cannabis growing

Dear Supervisor,

We're writing to express our support for the Rural Bonny Doon Association's recommendations regarding growing cannabis for sale (not personal use). The recommendations of county staff will only address part of the problem. Even if the proposed rules are adhered to, there can still be as many as 3 commercial pot farms for each dispensary, or 51 commercial grows. We think the following rules should also be implemented.

- Legal, commercial marijuana grows should not be allowed in Residential zones (RR and RA), but should be only permitted in Agricultural (A), Commercial Agricultural (CA), Commercial or Industrial zones.
- Pot farming in agricultural zones must be on properties of more than 10 acres and have at least a 300-foot setback from neighboring houses.
- Legal commercial cannabis farmers should be licensed and a system established so that neighbors can tell which farms are legal or illegal, but records should be kept in such a way that federal authorities can't subpoena them to prosecute legal growers. A possible variation of this would be for dispensaries to identify to the County which farmers they have contracted to buy from.
- Commercial marijuana farmers may only sell to Santa Cruz County dispensaries and their patients.
- Legal grows larger than the 10- by 10-foot area permitted to a card-holding individual (i.e., a collective of card-holding individuals farming as a group) only be allowed in A, CA or Industrial or Commercial Zones.
- Grows on residential properties (RR, RA) may be conducted only by card-holding, full-time residents of the property, and should be limited to at most two 10-by-10 plots, regardless of the number of legal cardholders in residence.

In addition to these positions of the RBDA, we are personally concerned about environmental degradation. We moved to Bonny Doon from Palo Alto fifteen years ago, and the attraction of the local environment was what drew us here. We want to do all that can be done to stop growers from cutting down trees, extracting groundwater, disturbing creeks or increasing turbidity and siltation, and applying toxic chemicals.

56

Grows in Bonny Doon have impacted the headwaters of San Vicente Creek, which is the focus of a steelhead and coho salmon recovery plan conducted by Resource Conservation District of Santa Cruz County with funding from California Department of Fish and Wildlife Fisheries Restoration Grants Program, in partnership with Big Creek Lumber, National Oceanic and Atmospheric Administration's Southwest Fisheries Science Center, Swanton Pacific Ranch, Sempervirens Fund, California Department of Fish & Wildlife, Bureau of Land Management, US Fish and Wildlife Service Coastal Program, and Peninsula Open Space Trust.

Clearing trees increases the rate of sedimentation and increases turbidity of water in the creek. Both of these factors are detrimental to fish habitat, so it is important that the County doesn't encourage removal of trees. By allowing grows—or by failing to enforce existing regulations—the County is indirectly encouraging long-term damage by growers who want a quick buck at the expense of the environment. I support the right of sick people to obtain medication that helps them, but pot farming is an agricultural business that is best conducted in areas zoned for agriculture—not in a redwood forest in the headwaters of a creek that supports endangered fish and other precious habitat.

Sincerely,
David and Michelle Rubin
200 Thayer Rd.

March 21, 2015

The Honorable Zach Friend
Chair
Santa Cruz County Board of Supervisors

Dear Supervisor Friend:

I support and urge you and the Board to adopt the County Counsel's recommendation as outlined in the Exhibit A which that office proposed on March 18. It provides protection for those participating in the medical use of marijuana yet protects county residents with heavy financial and emotional investments in their homes and neighborhoods.

Because the Board enabled county zoning officials to utilize code enforcement in urban neighborhoods two years ago, mine is now free from the noise, 24-hour flood lit security and constant traffic resulting from a commercial grow. I would hope that the Board would go one step further and assure my fellow county citizens that they can enjoy peace and quiet as I now do.

Certainly County Counsel should not be ignored.

Sincerely,

Clyde Lawrence

From: Mike Field <mikefield@charter.net>
Date: March 22, 2015 at 1:55:49 PM PDT
To: Zach Friend <Zach.Friend@santacruzcounty.us>
Cc: Kathy <kzfield@charter.net>
Subject: Concerns about marijuana farms

Dear Supervisor Friend,

We are writing to ask that you and your fellow Supervisors please place reasonable and immediate restrictions on the growing of marijuana in Santa Cruz County. We are understanding and supportive of the need by some for medical use of marijuana, but the growing in the County is outstripping the need, and the potential impacts to our resources, safety, and quality of life are very, very large. There seems to be absolutely no need for commercial pot farms that exceed the needs of an individual (which we are told is only on the order of a 100 sq ft grow area.) Santa Cruz County is a special place, and commercial pot farming has many negative impacts, including clearing of land and increased sediment yield into streams, noxious odors, pollution of small streams and aquifers, and much more.

In particular, we are deeply concerned about planned commercial pot growing in beautiful Larkin Valley, our home for the past 18 years. The potential damage to our quality of life is large: increased traffic, increased crime and security risks, unpleasant odors, and pollution from herbicides, insecticides, and excess nutrient loading. And very importantly, we residents of Larkin Valley depend entirely on the clear, fresh water of our local aquifer. The heavy water demand of pot growing, along with the threat of pollution to this groundwater source, are extremely worrisome.

We ask that you act in the best interests of all citizens of the County and residents of Larkin Valley to restrict marijuana growing to small plots that serve a demonstrable and certifiable medical need. Please keep Santa Cruz County the special environment that it is for us, our children, and our grandchildren.

Sincerely,

Mike and Kathy Field
195 Valley Vista Lane
Watsonville

56

From: Ardyth Martin <ardyaudell@gmail.com>
Date: March 22, 2015 at 8:50:05 AM PDT
To: Zach Friend <Zach.Friend@santacruzcounty.us>
Subject: Cultivation of m on Senda Ladera

I am unable to attend the board of supervisors meeting on March 24th but want to send my heart felt support of Exhibit A that is on the agenda. The cultivation of Marijuana absolutely should not be allowed in residential areas! There should be very strict restrictions for any grows, because of the environmental issues, our severe need for water in this county, and the potential of increase in crime.

Respectfully Submitted

Ardyth Martin

From: Steve Homan <sdh@cruzio.com>
Date: March 22, 2015 at 6:45:31 PM PDT
To: Bruce McPherson <Bruce.McPherson@santacruzcounty.us>, Ryan Coonerty <Ryan.Coonerty@santacruzcounty.us>, Greg Caput <Greg.Caput@santacruzcounty.us>, Zach Friend <Zach.Friend@santacruzcounty.us>, John Leopold <John.Leopold@santacruzcounty.us>
Cc: Rachel Dann <Rachel.Dann@santacruzcounty.us>
Subject: Medical Cannabis

Dear Board Members,

It seems to me that in the current regulatory scheme of things, the question of where to grow medical cannabis is primarily a land use matter, and that includes zoning and general plan considerations. That is one of the reasons people voted for the new tax: to protect their neighborhoods.

I am surprised that the County is backing away from this approach. Zoning law and code enforcement is a powerful tool in protecting the environment and neighborhoods. Why abandon it?

I hope your Board re-examines this question at the Board meeting on Tuesday, March 24th.

Very truly,

Steve Homan
Bonny Dooner 39 Years

BAY LEAF COLLECTIVE

3301 PORTOLA DRIVE
SANTA CRUZ, CA 95062

March 20, 2014

Dear Board of Supervisors,

As you contemplate changes to Chapter 7.126 of the Santa Cruz County Municipal Ordinance we implore you to consider some of the following amendments.

Permit on-site cultivation and production at Dispensaries:

The most recent recommendations from County Counsel dated March 19, 2014 misstates that "Santa Cruz County is the only County in this state with a commercial cannabis cultivation ordinance that immunizes conduct..." (County Counsel opinion letter page 2, Sub para A, para 1). Although Santa Cruz County is the only County to adopt this nomenclature many places have adopted ordinances which contemplate non-personal use cultivation, for example the City of San Jose most recently adopted an amendment to Title 20 of their zoning ordinance to allow store front dispensaries to have on-site cultivation and production to ensure a "closed-loop system." The City of San Francisco also permits on-site cultivation and production of medical cannabis under their Medical Cannabis Act. In fact, the County of Santa Cruz is not the first place to separate its cultivation ordinance from its dispensary ordinance. The City of Oakland defines "Industrial Cultivation of Medical Marijuana" as any facility having more than 96 square feet of cultivation area and immunizes conduct under defined parameters and has a entire chapter of its municipal code dedicated to Medical Cannabis Cultivation permits. You do not need to look far to find other Cities and Counties which also allow for the on-site production and cultivation of medical cannabis at the dispensary location, take for example the following localities:

- Desert Hot Springs, CA
- Los Angeles, CA
- San Diego, CA

-Oakland, CA

-Richmond, CA

In fact, nearly every locality which permits the operation of Medical Cannabis Dispensaries allows for the on-site cultivation and production of medical cannabis.

Due to the current version of the municipal code and under the current proposed revision dispensaries and cultivation/production are not permitted at the same site. In fact, cultivation businesses are permitted only outside both the rural and urban service lines which results in these activities being pushed to the fringe of the county, far removed for proximity to first responders and county staff. Under the current ordinance production of medical cannabis related products are only allowed at cultivation sites. Allowing on-site cultivation and production of cannabis at dispensary sites would result in multiple benefits to both the County and Medical Cannabis Patient. When originally contemplated in the previous version of the cultivation ordinance neither the board of supervisors or citizens from the county aired concerns as it relates to cultivation at dispensary locations.

Benefit to County:

Currently the Santa Cruz County Planning Department has been taxed with the responsibility of “closing the loop” between dispensaries and the cultivation sites that supply them. By permitting dispensaries to cultivate and produce medical cannabis on-site the county will be able to ensure compliance of dispensary, cultivation, and production under one roof. There is no better way to ensure a “closed loop” system of operation. County code enforcement and third party compliance organizations will not have to traverse to the far reaches of the county to monitor these activities. Many localities have medical cannabis ordinances that permit on-site cultivation and product because of the increase in transparency, ease of enforcement and compliance.

Bay Leaf Collectives has had the opportunity to speak with the Santa Cruz County Planning and Building departments, which both agree that from a “life safety” standpoint, indoor cultivation and production of medical cannabis is best conducted in a Commercial building. Commercial buildings, such as the one located at 3301 Portola Drive, are easily secured because of the construction and composition of the building itself, are equipped with fire sprinkler systems, can be monitored remotely by utilizing security cameras and security subcontractors

such as First Alarm Security Services, and can safely support the power needs associated with the use.

Benefits to Patients:

By allowing the on-site cultivation of medical cannabis at the dispensary site Collectives such as Bay Leaf can give their patients the opportunity to participate in the cultivations process. Patient participation has two benefits, the first being a means of teaching patients the safest and most environmentally conscious ways of producing their own medical cannabis. Second patients can participate in the cultivation process and receiving credits to be applied towards their medicine. The contemplation of membership contribution to the cultivation process was discussed in the San Diego Appellate case of *The People v. Jovan Christian Jackson* (2012) Case number D058988. Where the court held that, "the collective or cooperative association required by the act (MMPA) need not include active participation by all members in the cultivation process but may be limited to financial support by way of marijuana purchases from the organization."¹ Although participation is not a requirement Bay Leaf Collectives would like to provide members this opportunity, which would be difficult if not impossible to do if their membership cultivation took place at a remote location in the Santa Cruz Mountains.

On-site cultivation and production of medical cannabis products will give dispensaries the ability to ensure that their patients are getting cannabis that is produced without toxic chemical solvents. There are currently several alternate methods for producing medical cannabis products that do not involve the use of toxic and volatile solvents. One such method is the use of Supercritical CO₂ Extraction. Companies such as APEX Supercritical have been producing botanical extraction units that are extremely sophisticated and safe which produce high quality cannabis extracts that are devoid of residual solvents and toxic chemicals. Supercritical CO₂ extraction is already a standard extraction method for the food, dry cleaning and herbal supplement industries. It is a common food additive as well. In fact, CO₂ is used to produce carbonated soft drinks, in the removal of caffeine from coffee beans in order to make decaffeinated coffee, as an environmentally friendly solvent for dry cleaning, and as an extraction solvent when producing essential oils. Supercritical CO₂ is also common when pesticides and metals are extracted from agricultural crops.

¹ *People v. Jovan Jackson*, 210 Cal.App.4th 1371 (2012)

In fact the California Appellate court addressed the distinction between manufacturing concentrated cannabis with chemicals (e.g. using alcohol, butane, or another chemical solvent) as opposed to manufacturing it naturally (e.g. using pressure, screening, ice water/freezing, butter, or vegetable oil). Naturally manufactured concentrated cannabis is certainly protected under the medical cannabis laws, whereas chemically manufactured concentrated cannabis are not. More specifically the Court stated: Section 11358 of the California Health and Safety Code could potentially apply to any number of possible alternative methods for producing concentrated cannabis... Section 11358 would be appropriate, for example, if the resin was physically extracted from the marijuana plant through pressure, through a screening process, or by using an ice water method to produce the concentrated cannabis. Similarly, section 11358 would properly apply to the production of concentrated cannabis if the method used was instead by leaching the resin from the plant material by dissolving it in a nonchemical lipid extractor, such as butter.²

Strike the 99 plant rule for indoor cultivation:

Although some counties have successfully implemented the “99 plant rule” it is important to distinguish between indoor and outdoor cultivation. Indoor cultivation does not lend itself to the same gestation period as outdoor cultivation, more specifically indoor plants are grown for a shorter period of time resulting in significantly less cannabis per plant. The significant decrease in cannabis yield requires a higher number of plants to meet patient needs.

The basic premise behind the “99 plant rule” is tied to concerns The Santa Cruz County Sheriff department has with production exceeding demand. Bay Leaf Collectives can utilize its state of the art software to ensure plant counts do not exceed the state guideline of 6 mature or 12 immature plants and 8 ounces per patient giving Bay Leaf the ability to individually tag each plant with a patient identification number; thereby, ensuring that production is not in excess of demand and is in full compliance with state guidelines.

Strike the parcel size requirement for indoor cultivation:

Although parcel size and proximity buffers make sense as it relates to outdoor cultivation, those same restrictions are unnecessary for indoor cultivation. Indoor cultivation can be done in a controlled environment and the utilization of sophisticated odor management techniques can

² *People v. Bergen*, 166 Cal. App. 4th 161 (Cal. Ct. App. 2008)

eliminate nuisance complaints associated with cultivation and production. Bay Leaf Collectives has experience operating both cultivation and production and utilizes a combination of carbon filtration and air recirculation to eliminate odors.

Conclusion

Following the previous Board of Supervisors meetings there has been no public outcry as it relates to the contemplated inclusion of on-site cultivation and production at dispensary locations or incorporating commercial and industrial spaces into the Santa Cruz County Cultivation Ordinance. In fact, local law enforcement, and county Planning, Building, and Code Enforcement have articulated the benefits of cultivation in commercial and industrial spaces. Residential buffers and proximity concerns become a mute point though proper ventilation, and operations protocols, while providing the county with ease of enforcement and patients with piece of mind as it relates to the source and methods used in the cultivation and processing of their medicine. Store front dispensaries are by far the most visible participant in the medical cannabis industry and will continue to work in concert with the county to ensure the ability to provide for their patients' needs. With that said Bay Leaf Collectives respectfully requests the Board of Supervisors consider adoption of an ordinance which permits the on-site cultivation and production of medical cannabis at the dispensary location and in both industrial and commercial zoning districts.

Sincerely,

Michael Avramidis
Corporate Counsel for
Bay Leaf Collective

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 10:41 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : SG Magnusson

Email : sue@o2studio.biz

Address : Not Supplied

Phone : 8314546764

Comments :

We live in Larkin Valley and we understand that a recent property transaction had taken place on Senda Ladera and that the new owner is intending to cultivate cannabis. First it's important to say that we ARE NOT opposed to medical cannabis and understand the benefits that it brings to many suffering from a variety of illnesses and pain, nor are we opposed to personal use. What we are opposed to is commercial cultivation in a residential community.

From discussions with supervisors and local law enforcement, they have expressed that there is a history of bad experiences: environmental abuses such as tree removal, excessive water usage; water run off, strong pesticides, criminal activity, odors and production noises. This type of commercial activity DOES NOT belong in a residential neighborhood.

Living in Larking Valley affords us a unique outdoor lifestyle which is surrounded by dense and abundant flora and fauna. A very special place and one that should be protected from commercial industry, and especially from an industry that currently has unclear regulations and ordinances. Cannabis cultivation will become a huge industry and now is the time to put in place strict ordinances to protect our rural residential neighborhoods.

We are in support of Exhibit A and would like to urge you to vote in favor of this ordinance. It's the least invasive and will still allow for cannabis cultivation for medicinal reasons.

Best Regards,
Sue and Gregor Magnusson
Larkin Valley

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 10:30 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : A concerned resident

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

It is impossible to regulate cannabis cultivation using selective enforcement. The county must apply the regulations to everyone or to no one. Failure to do so causes chaos, which is what we have now. The county cannot make special accommodations for some growers, even if no one has complained. Everyone must follow the same set of rules or no one need follow the rules. The county has the enforcement tools, but uses them selectively at their discretion. This discretionary enforcement is causing chaos.

Cannabis is eating up a great deal of the county's funds in terms of county personnel's time and drug treatment programs and the tax revenues are paltry by comparison. The environmental damage and the neighborhood conflicts grows are causing are very concerning. Why is it that Santa Cruz County, which is substantially smaller than Santa Clara County, dispenses nearly twice as many needles as Santa Clara County? Why is it that school children in our county have more exposure to cannabis? Perhaps the county should rethink its position on drug permissiveness as we simply can't afford it. The county should reconsider its position on personal grows as they are impossible to regulate, especially in the mountains. Additionally, as noted by staff, the growers don't like to follow rules and they don't like limits.

I suggest the dispensaries be located in industrial areas and the dispensaries must grow their product adjacent to the dispensaries in warehouses. I believe this is what San Jose has done.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 10:13 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : A. Cheung, MD

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

I am glad this is finally coming up--let's face it, even with the restrictions for District 2, not much has been done--- In my area, ie Summit Mtns, the proliferation of dope growers is scary. The greenhouses with illegal lights and generators is greatly troublesome relative to fire danger. Personally one of MY ponds is being drained by a neighbor grower, and since I am not there to monitor my property all the time, I am unable to stop it--plus the fact that I do not want to make waves for fear of reprisal. "Solution A" is the best choice, let's not make Santa Cruz the pot growing capital of California. Supervisors: Thank you for keeping this problem in the forefront, and finally coming up with a solution...and thanks especially to Chairman Friend who spearheaded the campaign to save the environment, make the County a safer and better place to live and raise our children. Let's control the things we can and this is certainly one of those things.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 9:33 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : T Moore

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

Supervisor Friend sums it up when he says
"“No one can credibly argue that it was hard to find medical cannabis in Santa Cruz County in advance of our recent cultivation ordinance,”-
In light of that fact, I am in favor of the more restrictive solution which effectively bans growing pot except in limited circumstances. If everyone in the County were as impacted as my neighbors and I are, they would certainly agree. I don't need to reiterate the negative impact that so many of these pot farms have...Environmental damage, neighborhood animosity, FIRE DANGER with generators running all hours and hot bright lighting, pit bulls, unregulated and unpermitted structures popping up willy nilly on these parcels-- let's put an end to it.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 9:13 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Penny Hanna

Email : phanna@cruzio.com

Address : 213 Mirada Dr.
Aptos CA 95003

Phone : Not Supplied

Comments :

As someone who voted for the tax to enforce reasonable regulations on medical marijuana farming and sales, I would like to point out that those who rely on medical marijuana are paying the tax to insure availability. Blaming responsible, legal growers for illegal growers is nonsense.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 8:17 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : Slim Heilpern

Email : slim@cruzio.com

Address : 213 Mirada Drive, Aptos

Phone : 8316628665

Comments :

According to today's article in the Sentinel, it sounds like the board is about to vote to ban commercial medical marijuana grows in the county. The justification appears to be that allowing legal grows will attract more illegal growers to the area. That logic is absurd. I voted to tax this medicine with the understanding that it would help the county ensure that it be grown and distributed responsibly -- not to shut down the efforts of responsible providers. I am outraged and disappointed in my elected officials -- they should instead be figuring out how to properly enforce reasonable restrictions given the tax dollars they are taking from those who rely on what is unquestionably the least harmful of all the medications available to them.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:38 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 56.00

Name : John M Kiely MD

Email : jackiek2217@charter.net

Address : 680 Larkin Valley
Road
Watsonville, Ca

Phone : 831 724-0580

Comments :

I strongly support Exhibit A. Best way to fix the problems that have occurred since the approval of the Feb 2014 ordinance of cultivating cannabis. Crystal clear regulations that can be understood and followed must be written.

Sincerely,
John M Kiely, MD

Alicia Murillo

From: cdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:30 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 56.00

Name : Jacqueline Kiely

Email : jackiek2217@charter.net

Address : 680 Larkin Valley
Road
Watsonville, CA 95076

Phone : 831 724-0580

Comments :

I highly support Exhibit A. Only way to go to have better control of the growth of cannabis and away from designated family neighborhoods as our Larkin Valley Road is.

Thank you,
Jackie Kiely

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:29 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date :

3/24/2015

Meeting Type :

County Board of
Supervisors

Item Number : 56.00

Name : Kara Patterson

Email :

Kara@shorelinepropertymanagement.com

Address : 340 Larkin
Vista Lane
Watsonville, CA 95076

Phone : 831 566-5765

Comments :

I do not want any commercial grows in Larkin Valley and I support
Exhibit A

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:05 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 56.00

Name : Beth Thurman

Email : beth.thurman@gmail.com

Address : Santa Cruz, 95060

Phone : 8314540240

Comments :

I support repealing Chapter 7.126 of the Santa Cruz County Code and adding new Chapter 7.126.

My primary concern in our County is the safety of the community. Many neighborhoods in the County are under siege. Please make public safety your number one priority.

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 1:25 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : Deborah Lipoma

Email : Not Supplied

Address : Corralitos

Phone : Not Supplied

Comments :

Please pass the ordinance to ban all commercial marijuana growing in the county.

Santa Cruz County is the smallest county by area in the state (except for San Francisco) and is too small a county to support commercial growing, especially with the attendant environmental degradation and water use. Commercial growing also has a negative impact on residents' quality of life.

There was a commercial grow house next door to us, with an awful impact on the neighborhood. The only way the neighborhood could get rid of it was through reporting a septic system violation.

Please ban all commercial marijuana growing in the county.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 1:25 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County
Board of Supervisors

Item Number : 56.00

Name : Christine Kelsey

Email : quailridgeranch@yahoo.com

Address : 230 Old Adobe
Road
Watsonville, CA
95076

Phone : 831.247.4860

Comments :

In support of the ban on large scale marijuana growing in Santa Cruz County, one of the prevailing arguments is the impact that such grows has on our precious ground water. While California law does not permit the County to limit how much water a property owner pumps from the ground, I recommend that Santa Cruz County adopts the Paso Robles Water Conservation Urgency Ordinance No. 3246 which monitors groundwater, water conservation and land use (new crops must prove water off-set plans on a 1:1 basis) measures to address groundwater demand. It may be seen at <http://security2.net/o/ordinance-no-3246-an-urgency-ordinance-of-the-county-of-w72032-pdf.pdf>

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:26 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : Gary Patterson

Email : gp95060@gmail.com

Address : Not Supplied

Phone : Not Supplied

Comments :

1. Enforcement, we currently can't and don't enforce our current laws, what is going to make any new regulations suddenly enforceable?
2. There is an inherent Right to Grow, we don't regulate Strawberry Farmers on how much they can grow? Who wants to be told what they can and can't grow on their own property?
3. Regulating the Number of Dispensaries, let's start with regulating the numbers of Breweries or Wineries which directly contribute to drunk drivers.
4. Water usage, again we don't regulate the wine or beer industry on how much water they can use to manufacture nor do we worry about their run off back into the water tables.
5. Water shortage, why do we try to regulate how much someone can water their lawn, then break ground on 467 room Hotel and approve thousands of new water hook ups?
6. Water table rejuvenation. A US Navy non combative supply ship can process 200,000 gallons of desalinated water a day., why not cut costs and develop a infrastructure to refill our ground water
7. Santa Cruz is being known as a POT Growing center, only since the 60's...., Marin County or the golden triangle has been leading quality cannabis growth for over 20 years
8. IF we truly want to be known as a Pot leader then lets grow the industry standard and become the leader in quality POT just as California did with the wine industry.

9. Undesirable element, Not counting the university, It's the wild outside grows and rental home conversions that draw the undesirables.

10. If we are going to regulate let's start by requiring a 2 year residency for even the current 100 sq ft grow with a card regulations

11. Concern about Mexican cartels, they aren't interested in investing in growing, they're interested in trafficking.

12. Which brings us back to enforcement, which could improve from the tax revenue from commercial grows and dispensaries'. Which I think was over \$1 million last year.

Alicia Murillo

From: cdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:01 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County
Board of Supervisors

Item Number : 56.00

Name : Justin Baker

Email : bakerjustin737@gmail.com

Address :

Phone : Not Supplied

Comments :

Cannabis Advocates Alliance
www.cannabisadvocatesalliance.org
January, 2015

County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060
Re: Participation in County Medical Cannabis Ordinance Changes

Dear Board of Supervisors:

I am writing as a member of the Cannabis Advocates Alliance (CAA).

We share the Board of Supervisors' concerns regarding environmental violations and nuisance complaints that affect quality of life in this County. However, we seek more effective, more sensible, and more just solutions than those we believe are currently being considered by the Board.

Among other things, we are requesting: 1) that local patients be given a greater voice in re-drafting the County cannabis ordinances; 2) that the County draft clearer and more environmentally-friendly paths to compliance for patient-cultivators, and 3) that in re-drafting the existing ordinances the County preserve the minimal diversity of choice required for patients to have proper access to quality cannabis medicine.

To further these goals, and prevent unfair penalization of patients, we are asking the County to postpone modifying the current cannabis ordinances by at least 90 days or more, to make the process more transparent and participatory, and for the County to more fairly represent patients and their needs.

A Significantly Improved Third Party Compliance Program is Key to the Solution

We encourage a far more developed, uniform and rigorous 3rd-party compliance program aimed not only at the quality of the cannabis itself, but also at making patient growers comply with environmental law. Among other things, the County should maintain an index of all legitimate patient growers and subject them to similar standards as those of licensing requirements that exist for every other agricultural product produced in this County. The intended effect would be to better empower the County to keep track of growers rather than force them underground, which is less environmentally conscious.

Cannabis Patients Require A Minimum Degree of Access to and Diversity of Medicine

Allowing only three grow sites per dispensary, abolishing collective gardening rights, and making other forms of distribution illegal, such as mobile delivery, destroys the current diversity that County patients currently enjoy. Restricting the spectrum of choices of medicine available decreases the likelihood that these patients will have the type and quality of medicine needed to address their particular ailments.

Medical Cannabis Patients Rely on a Variety of Medical Cannabis Distribution Models

The County must permit all medical cannabis collectives that are acting in accordance with State law, regardless of whether they maintain a brick and mortar location. Brick and mortar dispensaries are only one model of medical cannabis distribution, and this model should not be favored over others. This the only approach that ensures all patients have access to safe, quality and effective medicine.

While the foregoing is an overview of our proposals, there is far more detail that the County must consider. It is imperative that local cannabis patients participate in the development of these regulations.

We thus ask that the County: 1) continue the hearings for modifying the current Santa Cruz Medical Cannabis Ordinances; 2) agree to hold regular, announced meetings sufficient to include and consider more evidence, solutions, and dialogue; and 3) seriously revisit the County's current approach and consider significantly more proactive and progressive solutions

These new regulations will affect the patients in so many ways!

- diversity of strain/medicine offered will be diminished
- quality and consistency of the medicine will suffer
- Safe and affordable access will be an issue, especially if patients need to go underground
- less transparency for the MM program
- forcing patients back into the shadows
- abolishing collective growing rights for patients and criminalizing

them!

- we MUST preserve patient rights and privacy!!

Thanks all!

I thank you for your time today,

Justin Baker

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 12:09 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County
Board of Supervisors

Item Number : 56.00

Name : Christine Kelsey

Email : quailridgeranch@yahoo.com

Address : 230 Old Adobe
Road
Watsonville, CA 95076

Phone : 831.247.4860

Comments :

230 Old Adobe Road
Watsonville, CA 95076
March 23, 2015

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

Subject: Suggested changes to Exhibit A
Reference: March 19, 2019 letter to the Board of Supervisors from Dana
McRae , County Counsel

Dear Members of the Board,

In reading Exhibit A of the referenced letter, I read under 7.126.030 that a qualified patient or his or her designated primary caregiver, may cultivate medical cannabis solely for the patients personal use (emphasis added by me). I am concerned that this limits the ability of the patient or caregiver to sell, trade, or donate any unused marijuana product to the immunized dispensaries mentioned in the referenced letter on page 2. In order for the dispensaries to be able to legally obtain marijuana from the personal grows, I suggest the following underlined [Note: appologies, I see that the on line format supplied by the Board does not provide for underlining] language be added to the Exhibit A proposal as well as language limiting night lights:

7.126.020 Definitions

(C) "Dispensary" or "medical marijuana dispensary" means any facility or location where medical marijuana is made available to and/or distributed by or to two or more of the following: a primary caregiver; or

a qualified patient. More particularly for purposes of this Santa Cruz County Code, one of the 14 immunized dispensaries that exist in March 2015 in the unincorporated area of Santa Cruz County, the two dispensaries operating in the City of Santa Cruz and the one facility operating in Watsonville.. Each dispensary may purchase from individual patients or their caregivers no more than 50% of that patient's/caregiver's personal grows of marijuana. [Note: a list of the designated dispensaries and their addresses should be provided as part of this document.]

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, provided however, that a maximum of 50% of that cultivated cannabis may be sold, bartered, or donated to a Santa Cruz County designated Dispensary. A qualified patient, or his or her designated primary caregiver, may cultivate medical cannabis solely for the patient's personal use, or for sale, or bartering, or donation to a Santa Cruz designated Dispensary, as long as the cultivator is in full compliance with the following provisions:...

7.126.030 Prohibited activities

(A) subparagraph (5):

(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 and illumination that is visible from the exterior of the premises between the hours of 6:00 p.m. and 9:00 a.m, except such lighting as is reasonably and minimally utilized for the security of the premises, such as porch lights) is prohibited.

I thank you for the opportunity to contribute to this democratic process.

Christine Kelsey, Santa Cruz County resident since 1975

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:58 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County
Board of Supervisors

Item Number : 56.00

Name : Russ Mackey

Email : Rmackey411@comcast.net

Address : Bonny Doon

Phone : Not Supplied

Comments :

Dear Supervisors,

I am a resident of the rural area of the Third District. I simply want the cultivation of more than 100 square feet of medical marijuana for other than the personal use of the property owner or resident OUT of all residential areas.

We all recognize that the problems from cultivation have become worse since the county decided that thousands of square feet of marijuana could be grown on parcels as small as one to 5 acres in residential areas.

It seemed that the board was on the right track in looking at a closed loop plan to match production to medical need, and prohibiting cultivation in residential zones.

The staff recommendation before you today is silent on two critical questions:

- Will the recommendation provide for the cultivation of the amount of medical marijuana actually required to meet the needs of medical marijuana patients in our county and,
- Will all other large-scale, non-personal growing of marijuana be eliminated through vigorous enforcement action ?

We are tired of having our neighborhoods stink from the large grows, tired of land clearing and bulldozing to create marijuana farms, tired of environmental damage and tired of the threat of pit bulls and guns coming into our neighborhoods.

We are tired of the rhetoric of growers that the supply of marijuana needs to be increased.

We are not opposed to the medical use of marijuana by individuals. We are not opposed to marijuana co-ops and dispensaries. We are opposed to the impacts inflicted on our neighborhoods by marijuana cultivation.

We want action, and we want it now. We approved a gross receipts tax on marijuana sales to provide funds for enforcement.

Please get large-scale cultivation of marijuana out of residential areas.

Thank You.

Russ Mackey

Bonny Doon resident

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 3:56 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date :

3/24/2015

Meeting Type : County
Board of Supervisors

Item Number : 56.00

Name : Elizabeth
Bradbury

Email : elizabeth.y.bradbury@gmail.com

Address : 865 Woodside
Drive
Watsonville, CA 95076

Phone : 831 728 3185

Comments :

As a homeowner in Larkin Valley since 1978 I would like to express my great concern over the proposed marijuana farm at the corner of Senda Ladera and Larkin Valley Road. The negative environmental and social impact on this family friendly community would be significant.

I support "Exhibit A".

Elizabeth Bradbury

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 2:54 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : Maggie Kokot

Email :
lesantacruz1504@gmail.com

Address : 880 Woodside Drive,
unit B
Watsonville, CA 95076

Phone : 831-247-9138

Comments :

I support Larkin Valley in exhibit A.

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 3:26 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 56.00

Name : jim durkin

Email : durkinjim@yahoo.com

Address : summit road
Watsonville 95076

Phone : Not Supplied

Comments :

Jim Durkin
Summit Road
Watsonville Ca. 95076

Paper County

First off I want to say I support medical Marijuana. My wife and I have lived in this area for 20 years and we love the peace and tranquility. But that is now all gone. These drug dealers run the neighborhood

What is going on in our neighborhood is crazy and has nothing to do with medical marijuana.

There are people coming in from all over the country, new parcels being bought by people from out of town. These people don't care about our environment, they use tons of water, they set out poison to kill varments and our pets as well as wildlife, they have pit bulls that roam at will, they shoot guns at all hours of the day, they drive our roads high on drugs, and they are responsible for many many fires.

It is clear that the laws we have now DO NOT WORK and need to be changed. Please vote for Exhibit A and make the laws as strong as possible. This will allow for sick people to get their pot but will make it easier for law enforcement to clamp down on the drug dealers

And please inforce the laws, without enforcement we are only a PAPER COUNTY

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 3:21 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County
Board of Supervisors

Item Number : 56.00

Name : Linda Ponzini

Email : linda.ponzini@gmail.com

Address : 995 Senda Ladera
Lane wats

Phone : 8315396035

Comments :

When Fresno County opted to allow commercial grows, the number of pot farms skyrocketed along with violent crime including 9 murders in 2 years directly related to the grows. Faced with the out of control situation, Fresno supervisors decided to ban commercial grows entirely. Santa Cruz Supervisors may want to do the same to avoid going down Fresno's grisly path.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 3:11 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Jan Candau

Email : jancandau@att.net

Address : 100 Old Adobe Rd.
Watsonville, CA 95076

Phone : 831 724-7025

Comments :

I do not believe there are current guidelines for growing commercial marijuana, which best support our local issues.

I SUPPORT EXHIBIT A.

Thank you

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 3:08 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board
of Supervisors

Item Number : 9.00

Name : Kimberley Dawn

Email :
kdawn@norenproducts.com

Address : 220 Peaceful Oaks
Lane
Watsonville, CA

Phone : Not Supplied

Comments :

Dear Board,

Thank you for reconsidering the issue of restricting marijuana cultivators
in a residential neighborhood.

I support Exhibit A

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 3:07 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : Stewart Peterson

Email : stew@coastwide.net

Address : 9725 Monroe Ave
Aptos

Phone : 8317615511

Comments :

Peterson

Dear Supervisors, thank you for addressing this issue. The area I live is suburban but unincorporated. I have seen/smelled numerous instances of neighbors blowing away the intent of "personal use medical cannabis" . My neighborhood is not a commercial zone and I would prefer not to see it become one. The smell can be overpowering and most certainly off-putting. The same neighbors were cooking Meth for a while, but that seems to have stopped. I have called the Sheriff several times to roust the dealers sitting in cars at the bottom of my driveway...which they have done. When I ask about the commercial grow next door, they say there is nothing they can do about it.

This is a huge nuisance...why should my non growing neighbors and I have to put up with the smell, the parked cars, the extra noise from commercial grows in our residential neighborhood ?

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 4:27 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : David thompson

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

I am seriously concerned about item 56 on your agenda for the Tuesday, March 24.

I believe the current regulations set in place recently by the county Board of Supervisors violates patients rights as pertaining to proposition 215.

Any further action to restrict or corporatize (ie limiting the number of providers to dispensaries and patients) the medical cannabis industry in Santa Cruz would seem to me like an attempt to limit patient access and prepare for legalization with all privatized corporate growers. Which would limit strain diversity and access to proper medication to many patients due to commercial agriculture's inability to tailor to the needs of those patients

After the 2016 vote to legalize I think this may be an appropriate step for the county to take but the steps for legal cannabis cultivation should not be able to affect individuals patients rights under proposition 215. I hope that you are aware that in the state of Colorado where recreational marijuana is now legalized patients rights still exist and are not taxed and are separate from the recreational industry.

Personally I feel like the best steps we can take in the county is to embrace the cottage industry that already exists and attempt to run that industry similar to the wine industry with commercial agriculture regulations and a panel set up specifically to deal with this industry comprised of police officers, agriculture specialists, medical providers and politicians

In short I think the board should postpone this vote until after the 2016 vote on legalization and take into consideration what myself and other members of the community opinions are on the matter since you are elected officials.

with that being said I know that the proper education is still being presented to you and I appreciate the boards attention to this matter

Alicia Murillo

From: cdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 4:27 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Drew

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

I am a current prop 215 patient and I am seriously concerned about the availability of medicine for me and my fellow prop 215 holders. I do not want the prohibition of cultivation because I feel that it will seriously impact the quality and availability of good medicine for the people.
Thank you.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 4:24 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : Carolyn Post

Email : cpostina@gmail.com

Address : 330 Larkin Valley Road
Watsonville CA 95076

Phone : 831-761-2253

Comments :

I am concerned about the potential impacts on our children, our quality of life, and on public safety if large scale commercial cannabis cultivation is sanctioned in our county. I support Exhibit A as it returns us to 10 x 10 foot grows which are more manageable.

I have two main concerns with Exhibit B: I am concerned about the "at any one time" language in the 10,000 square foot cultivation restriction on cannabis businesses. A second or third grow per business would render two or three times the cannabis necessary to meet the medical needs of residents of Santa Cruz County. Our county would then be providing cannabis to other counties and even other states. I am also concerned about the opaque fencing language. We need to protect our children. The fencing needs to be permanent fencing that cannot be cut with wire cutters, or visqueen that can be cut with a box cutter. The enclosure needs to be permanent, at least six feet high, and secured with a lock.

We need very tight regulations to protect our children, the quality of life in the county, and the environment. We are counting on our supervisors to balance the needs of all members of the community, not one particular special interest group at the expense of others.

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 4:23 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of
Supervisors

Item Number : 56.00

Name : Cynthia Galt

Email : Not Supplied

Address : Larkin Valley CA 95076

Phone : Not Supplied

Comments :

Ordinance considering water issues County growth Management Plan
with Cannabis Growing additional use of water 17.01 D&
Title 16 Environmental and Resource Protection- Individual water wells?

I SUPPORT EXHIBIT A

Alicia Murillo

From: cbdbosmail@co.santa-cruz.ca.us
Sent: Monday, March 23, 2015 4:37 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/24/2015

Meeting Type : County Board of Supervisors

Item Number : 56.00

Name : Karen King

Email : Not Supplied

Address : Not Supplied

Phone : Not Supplied

Comments :

Hi my name is Karen I am a local business owner, mother of two, and medical cannabis patient.

I've been using medical cannabis as a patient for seven years now for sciatica and insomnia, The pharmaceutical medications for this is condition have many negative effects on me and are less effective than certain varieties of medical cannabis that I am able to obtain from the collective that is providing for me.

The proposed legislation will significantly limit my access to different varieties of medicine which has me extremely concerned since my dispensary members have informed me they use approximately 75 to 100 different providers to service my needs.

Please reconsider passing any new legislation that would limit the amount of providers able to grow my medicine.

In addition I'm also concerned about the proposed tax increase I am expected to pay. There are no taxes on pharmaceutical medicine why are there taxes on plant-based medicine?

Thank you for your time I hope you hear the publics voice