



County of Santa Cruz
Cannabis Licensing Office
701 Ocean Street, Room 520
Santa Cruz, CA 95060
831-454-3833
Cannabisinfo@santacruzcounty.us



January 28, 2022

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

AGENDA: February 9, 2022
ITEM: 07

SUBJECT: Public hearing to review and provide recommendation to the Board of Supervisors on proposed amendments to County Code Section 13.10.650, regarding non-retail commercial cannabis operations.

Members of the Planning Commission:

The purpose of this item is for the Planning Commission to conduct a public hearing and provide a recommendation to the Board of Supervisors related to proposed changes to the non-retail commercial cannabis regulations of Santa Cruz County Code Section 13.10.650 related to setbacks in the commercial agricultural zone district. In addition to minor amendments to the Chapter 13.10.650 to clarify two sections of text.

INTRODUCTION

From the passage of the original ordinance in 2018 regarding the regulation of non-retail cannabis licensing activities, which was created with significant community and Board input over a two-year process, the Cannabis Licensing Office has been committed to balancing the needs of the industry with environmental protection and neighborhood preservation throughout the County. As such, the original ordinance has been amended several times since its inception as core questions and issues have arisen while the industry grows and matures.

In May 2018, the Board adopted the first non-retail cannabis licensing ordinance, which contained setbacks to sensitive receptors. Those setbacks applied to all zone districts and included:

- 200 ft setback for indoor cultivation from any habitable structure on a neighboring parcel;
and
- 400 ft setback for outdoor cultivation from any habitable structure on a neighboring parcel.

In June 2019, the Board adopted changes to the non-retail cannabis licensing ordinance which included various updates to align the County Ordinance with State law, including the addition of nursery and processor license types.

In June 2020, the Board adopted additional changes to the non-retail cannabis licensing program which clarified that cannabis cultivation is an agricultural activity, it allowed cannabis

cultivation and distribution in the commercial agricultural (CA) zone as a principally permitted use in line with other commercial agricultural operations, and per the Board's direction the setbacks in the CA zone district were decreased to 100 feet for all types of cultivation.

On August 24, 2021, the Cannabis Licensing Office (CLO) presented a quarterly report on licensing activities for the 2021-21 fiscal year. At that meeting, a Board member identified and elevated community concerns regarding neighborhood conflicts arising from cannabis cultivation in the Commercial Agricultural (CA) zone that were adjacent to or near residentially zoned properties. The Board requested the following from the Cannabis Licensing Office:

- To evaluate the impacts of a potential code modification to non-retail cannabis cultivation which would prohibit cultivation of cannabis on a CA property that is adjacent to residential zoned parcels and within 500 feet of such parcels;
- To report on applicants and existing license holders which would be in conflict with this potential code modification including how many there are and potential mitigation measures;
- To bring back language which would institute a moratorium on applications in process and any potential new licensees while the Board deliberated on the above proposed prohibition and County Code changes;
- To create a noticing applicability and community input process for non-retail license applicants which mirrors the process approved for the retail operations; and,
- To provide options for the Board to consider which would help the cannabis industry or increase tax revenue.

On September 14, 2021, staff provided for the Board's consideration an interim urgency ordinance to impose a temporary moratorium on the issuance of cannabis business licenses on CA parcels adjacent to residentially-zoned parcels. In addition, staff provided details on the number of CA zoned parcels (773) and applicants in process (29) that would be impacted by the suggested prohibition of cannabis cultivation in the (CA) zone that were adjacent to or within 500 feet of a residentially-zoned parcel. Analysis included all General Plan zoned parcels which would allow for a residential dwelling including the designations RA (Residential Agriculture), RR (Rural Residential), R-1 (Single-Family Residential), RM (Multifamily Residential), RB (Ocean Beach Residential), and SU (Special use).

At that meeting, the Board adopted a temporary moratorium on the issuance of cannabis business licenses on CA parcels that are within 500 feet of a residence on a residentially-zoned parcel. Additionally, the Board requested that staff return with an analysis of the proposed prohibition in the CA and an assessment of the impacts a 500-foot setback from a residential structure (rather than parcel line) would have and that SU designations be removed from consideration during the analysis. It was also noted during Board discussion that RA properties over 5 acres are allowed to grow a limited amount of cannabis per the current ordinance and that staff would also analyze those RA parcels over 5 acres in relation to the CA parcel prohibitions.

At the October 19, 2021 Board of Supervisors meeting, the Cannabis Licensing Office (CLO) presented the analysis requested by the Board at the August 24, 2021 meeting. At that meeting, the Board considered extending the moratorium and various options for changes to the setbacks in the commercial agricultural zone district. The Board chose not to extend the moratorium and requested staff changes the setbacks for outdoor cultivation in the CA zone back to the original distance and reduce nursery setbacks to 50 ft.

DESCRIPTION AND ANALYSIS

The proposed changes will increase the minimum setback distance for outdoor cultivation activities in the CA zone district from 100 to 400 ft. The proposed changes will also reduce the setback for nursery operations in the CA zone district from 100 to 50 ft. The distance specified is the length from the cultivation area to any habitable structure on a neighboring parcel.

The proposed setback change for outdoor cultivation operations will align the setback for the CA zone district with all other zone districts which cultivation is allowed (agriculture, residential agriculture, special use, timber production, commercial services, light industrial, heavy industrial and mineral extraction industrial). The proposed setback change for nursery operations in the CA zone district reflects the agricultural policies related to all commercial nurseries. Cannabis nurseries are similar to nurseries for other annual plant species. Nursery cannabis plants are juvenile, which means they have not begun the flower or reproductive process. Cannabis plants are not odorous during the juvenile phase of the plant lifecycle and have very little value.

The proposed amendments to County Code are part of the process to continually refine the objectives the Board had originally envisioned for the program.

COASTAL ACT CONSISTENCY

The proposed amendments will not result in any loss of coastal access nor will they result in any negative impacts to public viewsheds within the Coastal Zone. The proposed amendments reflect the need to balance land use interest in the County, with the County's agricultural protections. The amendments therefore meet the requirements of, and are consistent with, the County's certified Local Coastal Program (LCP) and the California Coastal Act. However, as an amendment to the County Code Chapter 13.10.650, the implementation of the proposed amendments is considered a "Coastal Implementing ordinance" and will therefore require review and certification by the Coastal Commission subsequent to approval by the Board of Supervisors.

ENVIRONMENTAL REVIEW

Staff has determined that the proposed ordinance amendments are exempt from CEQA, as they do not have potential for significant environmental impacts. Following final adoption of the proposed ordinance by the Board of Supervisors, a Notice of Exemption will be filed with the Clerk of the Board (Exhibit B).

NEXT STEPS

Following the public hearing and recommendation to the Board of Supervisors by the Planning Commission, the proposed ordinance amendments will be returned to the Board of Supervisors, and after Board adoption the proposed amendments will be submitted to the Coastal Commission for certification. The ordinance will go into effect countywide following approval by the Coastal Commission.

RECOMMENDATION

It is therefore RECOMMENDED that your Commission:

1. Conduct a public hearing on the proposed amendments;
2. Consider proposed amendments to County Code Section 13.10.650; and;
3. Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors approve the CEQA exemption (Exhibit B), adopt the proposed amendments (Exhibit C), and direct submittal of the amendments to the Coastal Commission for certification.

Exhibits:

- A. Planning Commission Resolution
- B. Proposed CEQA Notice of Exemption
- C. Santa Cruz County Code Amendments, Clean
- D. Santa Cruz County Code, Strikeout/Underline

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner:
Duly seconded by Commissioner:
The following Resolution is adopted:

**PLANNING COMMISSION RESOLUTION RECOMMENDING ADOPTION OF
PROPOSED AMENDMENTS TO SANTA CRUZ COUNTY CODE SECTION
13.10.650 -REGARDING COMMERCIAL CANNABIS BUSINESS.**

The Santa Cruz County Planning Commission hereby finds and declares:

WHEREAS, the Board of Supervisors of the County of Santa Cruz (the "Board") directed the Cannabis Licensing Office ("CLO") and the Planning Department to prepare amendments to various sections of the Santa Cruz County Code ("SCCC") to revise outdoor cannabis cultivation setbacks to their original distance and reduce setbacks for nursery operations, both changes are only applicable to the commercial agricultural zone district; and

WHEREAS, on October 19, 2021, the Board of Supervisors directed the CLO to propose revisions to the Cannabis Program, specifically sections in SCCC 13.10, to revise the cultivation setbacks in the commercial agricultural zone district; and

WHEREAS, the Board of Supervisors direct the Planning Commission to hold a public hearing on the proposed changes to the Cannabis Program; and

WHEREAS, the Planning Commission finds that the proposed amendments are consistent and compatible with the Santa Cruz County General Plan and all components of the Local Coastal Program implementing ordinances; and

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Act section 15061(b)(3) because the proposed modification are covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors, and thereafter submitted to Coastal Commission for certification, confirm that a Notice of Exemption is appropriate under CEQA (Exhibit B); and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the proposed amendments to 13.10.650 of the Santa Cruz County Code (Exhibit C).

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz,
State of California, this 9th day of February 2022 by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel



County of Santa Cruz
Cannabis Licensing Office
701 Ocean Street, Room 520
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831-454-3833
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NOTICE OF EXEMPTION

To: Clerk of the Board
Attn: Stephanie Cabrera
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Project Name: Non-retail Commercial Cannabis Update

Project Location: Countywide

Assessor Parcel No.: N/A

Project Applicant: County of Santa Cruz Cannabis Licensing Office

Project Description: The project updates the Santa Cruz County Code for Non-retail commercial cannabis businesses in the Commercial Agricultural zone district.

Agency Approving Project: County of Santa Cruz Board of Supervisors

County Contact: Samuel LoForti

Telephone No. 831-454-3426

Date Completed: January 27, 2022

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above described project on _____, 2022 (date) and found the project to be exempt from CEQA under the following criteria:

Exempt status: (check one)

- ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- ☒ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
- ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.

☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: 15282(h)

☐ **Categorical Exemption**

Class 1

Reasons why the project is exempt:

The proposed amendments reflect minor changes to the existing County Code regulations and do not have potential for significant environmental impacts; the amendments are therefore exempt from environmental review per CEQA §15061(b)(3).

Signature: _____ Date: _____ Title: Cannabis Licensing Manager

ORDINANCE NO. _

AN ORDINANCE AMENDING CHAPTER 13.10.650 OF THE SANTA CRUZ COUNTY CODE REGARDING NON-RETAIL COMMERCIAL CANNABIS OPERATIONS

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

WHEREAS, the Board of Supervisors of the County of Santa Cruz (the “Board”) directed the Cannabis Licensing Office (“CLO”) and the Planning Department to prepare amendments to various sections of the Santa Cruz County Code (“SCCC”) to revise outdoor cannabis cultivation setbacks to their original distance and reduce setbacks for nursery operations, both changes are only applicable to the commercial agricultural zone district; and

WHEREAS, on October 19, 2021, the Board of Supervisors directed the CLO to propose revisions to the Cannabis Program, specifically sections in SCCC 13.10, to revise the cultivation setbacks in the commercial agricultural zone district; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent and compatible with the Santa Cruz County General Plan and all components of the Local Coastal Program implementing ordinances; and

WHEREAS, the proposed amendments to the SCCC are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Act section 15061(b)(3) because the proposed modification are covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.;

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

SECTION I

Subsections (C)(3)(h) and (C)(4) of Section 13.10.650 of the Santa Cruz County Code is hereby amended to read:

13.10.650 Non-retail commercial cannabis uses.

(C) (3) (h) Total cannabis cultivation area on any parcel shall not exceed the limit applicable under the currently valid license for cultivation on the parcel, subject to approval of the Licensing Official, as follows:

Zone/Class	Single Licensee	Co-Located (with approval of Licensing Official)
CA/Class CA*	For single licensees on a single parcel, up to 2.5 percent of the size of the parcel may be utilized for canopy, immature plant growth areas and/or nursery operations, not to exceed 22,000 square feet. An additional 1.25 percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both, not to exceed eleven thousand (11,000) square feet. Cultivation area shall not exceed 22,000 square feet, for outdoor cultivation, within the coastal zone.	<p>For co-location on parcels smaller than 20 acres, up to five percent of the size of the parcel may be dedicated to canopy, immature plant growth areas and/or nursery operations, not to exceed one acre total among all licensees. An additional 2.5 percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both, not to exceed twenty-two thousand (22,000) square feet. Cultivation area shall not exceed one acre, for outdoor cultivation, within the coastal zone.</p> <p>For co-location on parcels 20 acres or larger where cultivation is conducted outdoors or requires new structural development, up to five percent of the size of the parcel may be utilized for canopy, immature plant growth areas and/or nursery operations, not to exceed two acres total among all licensees. An additional 2.5 percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both, not to exceed one acre. Cultivation area shall not exceed two acres, for outdoor cultivation, within the coastal zone.</p> <p>For co-location on parcels 10 acres or larger where cultivation takes place solely within structures existing as of November 2016, cannabis cultivation area limits will be set by the Licensing Official.</p>
A/Class A	For single licensees on a single parcel, up to 1.5 percent of the size of the parcel, not to exceed 10,000 square feet.	<p>For co-location on parcels smaller than 20 acres, up to three percent of the size of the parcel, not to exceed 10,000 square feet total among all licensees.</p> <p>For co-location on parcels 20 acres or larger, up to 1.5 percent of the size of the</p>

		parcel, not to exceed 22,000 square feet among all licensees.
RA/Class RA	<p>Up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet on parcels between five and 10 acres in size.</p> <p>Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet on parcels larger than 10 acres.</p>	<p>For co-location on parcels between five and 10 acres in size, up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet.</p> <p>For co-location on parcels larger than 10 acres, up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.</p>
C-4/Class C-4 M/Class M	<p>Canopy may not to exceed 22,000 square feet. Immature plant growth area may not exceed 11,000 square feet. Inside the Coastal Zone cultivation area shall not exceed 22,000 square feet.</p>	<p>Canopy may not to exceed 22,000 square feet. Immature plant growth area may not exceed 11,000 square feet. Inside the Coastal Zone cultivation area shall not exceed 22,000 square feet.</p>
TP/Class TP**	<p>Up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet on parcels between five and 10 acres in size.</p> <p>Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet on parcels larger than 10 acres.</p>	<p>For co-location on parcels between five and 10 acres in size, up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet.</p> <p>For co-location on parcels larger than 10 acres, up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.</p>
SU-AG, SU-R-R, SU-R-M/Class SU	Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.	Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.
SU-I/Class SU	22,000 square feet.	22,000 square feet.
CG (CA, A, RA, TP and SU- R-R, R-M or AG)/Class CG	500 square feet.	Not eligible for co-location.

* The Cannabis Licensing Official may set a larger cannabis cultivation area in CA zone districts, subject to any of the following criteria (see also SCCC 7.128):

- (i) Cultivation occurs on a single parcel, indoors, not inside the Coastal Zone or within one mile beyond the Coastal Zone.
- (ii) Development, including all site disturbance necessary to construct, reconstruct or remodel the building(s) and infrastructure to serve the buildings, including but not limited to parking, access, turn around, water supply, equipment, and storage, occurs only where the ground is covered with existing impermeable surface. The impermeable area where development will occur must have been duly permitted or be legally non-conforming

pursuant to 13.10.260, 13.10.261, 13.10.262, and 13.10.265, and must have existed prior to April 18, 2019.

(iii) Development of an indoor cultivation structure on a CA parcel will include additional conditions of approval to ensure protection of agricultural resources.

****With a TP license, canopy may only be expanded on eligible sites to the maximum size identified in (i) and (ii) above upon specific application to expand, and only in conjunction with the additional restrictions set forth in subsection (B)(9)(b) of this section.**

(4) Setbacks.

(a) Commercial cannabis cultivation shall not be allowed within 600 feet of (i) a municipal boundary; (ii) a school, a day care center, or youth center; (iii) a library; (iv) an alcohol or drug treatment facility; or (v) any park other than a State park located within the urban area defined by the Urban Services Line.

(b) Commercial cannabis cultivation shall not be allowed within one-quarter mile of a school if pesticides may be applied using aircraft, air blast sprayers, sprinklers, dust, powder, fumigants, or any other method which may cause the pesticide to travel outside of the property boundary.

(c) Indoor commercial cannabis cultivation shall not be allowed within 200 feet of any habitable structure on a neighboring parcel. Outdoor commercial cannabis cultivation shall not be allowed within 400 feet of any habitable structure on a neighboring parcel, except in the CA zone district where indoor commercial cannabis cultivation shall not be allowed within 100 feet of any habitable structure on a neighboring parcel or within 50 feet of any habitable structure on a neighboring parcel for nursery operations.

(d) Commercial cannabis cultivation shall not be allowed within 300 feet of a State park located within the urban area defined by the Urban Services Line.

(e) On parcels ranging in size from one to five acres, commercial cannabis cultivation shall not be allowed within 100 feet of a public right-of-way. This setback does not apply when the cultivation is entirely indoors.

(f) On parcels ranging in size from five to 10 acres, commercial cannabis cultivation shall not be allowed within 200 feet of a public right-of-way. This setback does not apply when the cultivation is entirely indoors.

(g) On parcels over 10 acres in size, commercial cannabis cultivation shall not be allowed within 300 feet of a public right-of-way. This setback does not apply when the cultivation is entirely indoors.

(h) Commercial cannabis cultivation shall not be allowed within 100 feet of a perennial stream.

- (i) Commercial cannabis cultivation shall not be allowed within 50 feet of an intermittent stream or within the setbacks required by SCCC 16.30 (Riparian Corridor and Wetlands Protection) or SCCC 16.32 (sensitive habitats).
- (j) Commercial cannabis cultivation shall not be allowed within 50 feet of an ephemeral stream or within the setbacks required by SCCC 16.30 (Riparian Corridor and Wetlands Protection) or SCCC 16.32 (sensitive habitats).
- (k) Commercial cannabis cultivation shall not be allowed within 100 feet of the high water mark of a lake, estuary, lagoon, or natural body of standing water.
- (l) For purposes of this section, “school” means any licensed preschool or any public or private school providing instruction in kindergarten or grades one to 12, inclusive, but does not include any private school in which education is primarily conducted in private residences.
- (m) For purposes of this section, “park” means any playground, hiking or riding trail, recreational area, beach, community center or building, historic structure or facility, conservation land, biological mitigation area, or open space owned, managed or controlled by any public entity or conservation entity such as a nonprofit land trust.
- (n) The distance specified in this subsection for municipal boundaries, schools, day care centers, youth centers, libraries, and drug treatment facilities shall be the horizontal distance measured in a straight line from the municipal boundary, school, library, park, and drug treatment facility to the closest line of the parcel on which cannabis is being cultivated.
- (o) The distance specified in this subsection for public rights-of-way, streams, and habitable structures shall be the horizontal distance measured in a straight line from the public right-of-way, streams and water areas, or habitable structure and the growing area on the cultivation site.
- (p) Exceptions. Excluding setbacks required by SCCC 16.30 or SCCC 16.32, exceptions to the rules set forth herein for setbacks may be allowed subject to a Level 5 approval process with a finding, upon recommendation of the Licensing Official, that the exception is appropriate because physical conditions specific to the cultivation site (such as topography or intervening structures or vegetation) reduce the setback distance necessary to protect the public interest. Notwithstanding the foregoing, no exception shall be granted allowing a setback of less than 100 feet from a habitable structure on a neighboring parcel, except that in the M-1 and C-2 zone districts, the setback from a legal nonconforming habitable structure on a neighboring parcel may be reduced to below 100 feet or eliminated, subject to a Level 5 approval process under this subsection (C)(4)(p).
- (q) Exceptions to the rules set forth herein for setbacks may be allowed, for indoor cultivation operations in the C-4 and M-1 zones, within the Rodeo Gulch Area Zoning

Overlay, subject to a recommendation of the Licensing Official, that the exception is appropriate because physical conditions specific to the cultivation facility (such as topography or intervening vegetation or structures, etc.) reduce the setback distance necessary to protect the public interest.

ORDINANCE NO. _

AN ORDINANCE AMENDING CHAPTER 13.10.650 OF THE SANTA CRUZ COUNTY CODE REGARDING NON-RETAIL COMMERCIAL CANNABIS OPERATIONS

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

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WHEREAS, on October 19, 2021, the Board of Supervisors directed the CLO to propose revisions to the Cannabis Program, specifically sections in SCCC 13.10, to revise the cultivation setbacks in the commercial agricultural zone district; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent and compatible with the Santa Cruz County General Plan and all components of the Local Coastal Program implementing ordinances; and

WHEREAS, the proposed amendments to the SCCC are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Act section 15061(b)(3) because the proposed modification are covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.;

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

SECTION I

Subsections (C)(3)(h) and (C)(4) of Section 13.10.650 of the Santa Cruz County Code is hereby amended to read:

13.10.650 Non-retail commercial cannabis uses.

(C) (3) (h) Total cannabis cultivation area on any parcel shall not exceed the limit applicable under the currently valid license for cultivation on the parcel, subject to approval of the Licensing Official, as follows:

Zone/Class	Single Licensee	Co-Located (with approval of Licensing Official)
CA/Class CA*	For single licensees on a single parcel, up to 2.5 percent of the size of the parcel may be utilized for canopy, immature plant growth areas and/or nursery operations, not to exceed 22,000 square feet. An additional 1.25 percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both, not to exceed eleven thousand (11,000) square feet. Cultivation area shall not exceed 22,000 square feet, for outdoor cultivation, within the coastal zone.	<p>For co-location on parcels smaller than 20 acres, up to five percent of the size of the parcel may be dedicated to canopy, immature plant growth areas and/or nursery operations, not to exceed one acre total among all licensees. An additional 2.5 percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both, not to exceed twenty-two thousand (22,000) square feet. Cultivation area shall not exceed one acre, for outdoor cultivation, within the coastal zone.</p> <p>For co-location on parcels 20 acres or larger where cultivation is conducted outdoors or requires new structural development, up to five percent of the size of the parcel may be utilized for canopy, immature plant growth areas and/or nursery operations, not to exceed two acres total among all licensees. An additional 2.5 percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both, not to exceed one acre. Cultivation area shall not exceed two acres, for outdoor cultivation, within the coastal zone.</p> <p>For co-location on parcels 10 acres or larger where cultivation takes place solely within structures existing as of November 2016, cannabis cultivation area limits will be set by the Licensing Official.</p>
A/Class A	For single licensees on a single parcel, up to 1.5 percent of the size of the parcel, not to exceed 10,000 square feet.	<p>For co-location on parcels smaller than 20 acres, up to three percent of the size of the parcel, not to exceed 10,000 square feet total among all licensees.</p> <p>For co-location on parcels 20 acres or larger, up to 1.5 percent of the size of the</p>

		parcel, not to exceed 22,000 square feet among all licensees.
RA/Class RA	<p>Up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet on parcels between five and 10 acres in size.</p> <p>Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet on parcels larger than 10 acres.</p>	<p>For co-location on parcels between five and 10 acres in size, up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet.</p> <p>For co-location on parcels larger than 10 acres, up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.</p>
C-4/Class C-4 M/Class M	Canopy may not to exceed 22,000 square feet. Immature plant growth area may not exceed 11,000 square feet. Inside the Coastal Zone cultivation area shall not exceed 22,000 square feet.	Canopy may not to exceed 22,000 square feet. Immature plant growth area may not exceed 11,000 square feet. Inside the Coastal Zone cultivation area shall not exceed 22,000 square feet.
TP/Class TP**	<p>Up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet on parcels between five and 10 acres in size.</p> <p>Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet on parcels larger than 10 acres.</p>	<p>For co-location on parcels between five and 10 acres in size, up to 1.25 percent of the size of the parcel, not to exceed 5,100 square feet.</p> <p>For co-location on parcels larger than 10 acres, up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.</p>
SU-AG, SU-R-R, SU-R-M/Class SU	Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.	Up to 1.25 percent of the size of the parcel, not to exceed 10,000 square feet.
SU-I/Class SU	22,000 square feet.	22,000 square feet.
CG (CA, A, RA, TP and SU- R-R, R-M or AG)/Class CG	500 square feet.	Not eligible for co-location.

* The Cannabis Licensing Official may set a larger cannabis cultivation area in CA zone districts, subject to **any of** the following criteria (see also SCCC 7.128):

- (i) Cultivation occurs on a single parcel, indoors, not inside the Coastal Zone or within one mile beyond the Coastal Zone.
- (ii) Development, including all site disturbance necessary to construct, reconstruct or remodel the building(s) and infrastructure to serve the buildings, including but not limited to parking, access, turn around, water supply, equipment, and storage, occurs only where the ground is covered with existing impermeable surface. The impermeable area where development will occur must have been duly permitted or be legally non-conforming

pursuant to 13.10.260, 13.10.261, 13.10.262, and 13.10.265, and must have existed prior to April 18, 2019.

(iii) Development of an indoor cultivation structure on a CA parcel will include additional conditions of approval to ensure protection of agricultural resources.

****With a TP license, canopy may only be expanded on eligible sites to the maximum size identified in (i) and (ii) above upon specific application to expand, and only in conjunction with the additional restrictions set forth in subsection (B)(9)(b) of this section.**

(4) Setbacks.

(a) Commercial cannabis cultivation shall not be allowed within 600 feet of (i) a municipal boundary; (ii) a school, a day care center, or youth center; (iii) a library; (iv) an alcohol or drug treatment facility; or (v) any park other than a State park located within the urban area defined by the Urban Services Line.

(b) Commercial cannabis cultivation shall not be allowed within one-quarter mile of a school if pesticides may be applied using aircraft, air blast sprayers, sprinklers, dust, powder, fumigants, or any other method which may cause the pesticide to travel outside of the property boundary.

(c) Indoor commercial cannabis cultivation shall not be allowed within 200 feet of any habitable structure on a neighboring parcel. Outdoor commercial cannabis cultivation shall not be allowed within 400 feet of any habitable structure on a neighboring parcel, except in the CA zone district where **indoor** commercial cannabis cultivation shall not be allowed within 100 feet of any habitable structure on a neighboring parcel **or within 50 feet of any habitable structure on a neighboring parcel for nursery operations.**

(d) Commercial cannabis cultivation shall not be allowed within 300 feet of a State park located within the urban area defined by the Urban Services Line.

(e) On parcels ranging in size from one to five acres, commercial cannabis cultivation shall not be allowed within 100 feet of a public right-of-way. This setback does not apply when the cultivation is entirely indoors.

(f) On parcels ranging in size from five to 10 acres, commercial cannabis cultivation shall not be allowed within 200 feet of a public right-of-way. This setback does not apply when the cultivation is entirely indoors.

(g) On parcels over 10 acres in size, commercial cannabis cultivation shall not be allowed within 300 feet of a public right-of-way. This setback does not apply when the cultivation is entirely indoors.

(h) Commercial cannabis cultivation shall not be allowed within 100 feet of a perennial stream.

- (i) Commercial cannabis cultivation shall not be allowed within 50 feet of an intermittent stream or within the setbacks required by SCCC 16.30 (Riparian Corridor and Wetlands Protection) or SCCC 16.32 (sensitive habitats).
- (j) Commercial cannabis cultivation shall not be allowed within 50 feet of an ephemeral stream or within the setbacks required by SCCC 16.30 (Riparian Corridor and Wetlands Protection) or SCCC 16.32 (sensitive habitats).
- (k) Commercial cannabis cultivation shall not be allowed within 100 feet of the high water mark of a lake, estuary, lagoon, or natural body of standing water.
- (l) For purposes of this section, “school” means any licensed preschool or any public or private school providing instruction in kindergarten or grades one to 12, inclusive, but does not include any private school in which education is primarily conducted in private residences.
- (m) For purposes of this section, “park” means any playground, hiking or riding trail, recreational area, beach, community center or building, historic structure or facility, conservation land, biological mitigation area, or open space owned, managed or controlled by any public entity or conservation entity such as a nonprofit land trust.
- (n) The distance specified in this subsection for municipal boundaries, schools, day care centers, youth centers, libraries, and drug treatment facilities shall be the horizontal distance measured in a straight line from the municipal boundary, school, library, park, and drug treatment facility to the closest line of the parcel on which cannabis is being cultivated.
- (o) The distance specified in this subsection for public rights-of-way, streams, and habitable structures shall be the horizontal distance measured in a straight line from the public right-of-way, streams and water areas, or habitable structure and the growing area on the cultivation site, ~~without regard to intervening structures.~~
- (p) Exceptions. Excluding setbacks required by SCCC 16.30 or SCCC 16.32, exceptions to the rules set forth herein for setbacks may be allowed subject to a Level 5 approval process with a finding, upon recommendation of the Licensing Official, that the exception is appropriate because physical conditions specific to the cultivation site (such as topography or intervening structures or vegetation) reduce the setback distance necessary to protect the public interest. Notwithstanding the foregoing, no exception shall be granted allowing a setback of less than 100 feet from a habitable structure on a neighboring parcel, except that in the M-1 and C-2 zone districts, the setback from a legal nonconforming habitable structure on a neighboring parcel may be reduced to below 100 feet or eliminated, subject to a Level 5 approval process under this subsection (C)(4)(p).
- (q) Exceptions to the rules set forth herein for setbacks may be allowed, for indoor cultivation operations in the C-4 and M-1 zones, within the Rodeo Gulch Area Zoning

Overlay, subject to a recommendation of the Licensing Official, that the exception is appropriate because physical conditions specific to the cultivation facility (such as topography or intervening vegetation or structures, etc.) reduce the setback distance necessary to protect the public interest.