

To the Members of the Cannabis Cultivation Choices Committee,

In order to solve the ongoing issues in the County regarding the cultivation of cannabis for medical use, we submit the following suggestions. They are written in an attempt to address the concerns of committee members (such as preserving community values and our environment), while also considering upcoming changes in California's medical cannabis industry. They are merely suggestions based upon information gathered from cultivators locally and in other areas, and upcoming state and local regulations.

Personal Use Cultivation

1. 100 square feet per patient,
 - a. Up to five patients may cultivate collectively, for a total of 500 square feet,
 - i) If more than two patients/200 square feet of collective cultivation the garden will need to meet to be determined regulations to prevent disturbance of neighbors while still providing sufficient patient access,
 - b.
 - c. No license/permit required, no fees,

No limitation on number of plants.

"Family Farms"/Small scale commercial cultivation

Require licenses but with lower barrier of entry (costs) and additional regulations for higher brand standards for quality and environmental health.

Residency requirement,

Directed towards "community standards and best practices."

Allowed in RA zoning,

2. Tier One, Small Family Farms-
 - a. 1,000 square feet,
 - b. 3rd party certification,
3. Tier Two, Medium Family Farms-
 - a. Up to 2,500 square feet,
 - b. 3rd party certification,
4. Tier Three, Large Family Farms-
 - a. Up to 5,000 square feet, (*matches with State Tier 1 license*)

- b. Stricter requirements (zoning, setbacks, etc.), more thorough application process, and larger fees than tier one,
- c. 3rd party certification and single initial inspection prior to license issuance, agree to inspection upon complaint or evidence of possible violation,

Commercial Cultivation

5. Tier Four- Small Commercial Cultivation,

- a. Up to 10,000 square feet, (*matches State Type 2 license*),
- b. Stricter zoning, visibility and setback requirements than Family Farms,
- c. Higher fees relative to Family Farmers,
 - i) Yearly renewal fee,
- d. Additional fees-
 - i) If applicant is not a County resident (or corporation registered out of County),
 - ii) If applicant is affiliated with dispensary based outside of Santa Cruz County,
- e. 3rd party certification, annual inspection, submit to random or un-announced inspection by any county official,

6. Tier Five- Large Commercial Cultivation,

- a. Up to 44,000 square feet outdoor, 22,000 square feet indoor or in light supplemental greenhouses (*max allowed by MMRSA for Tier 3 licensees*),
- b. Conditional Use Permit and Public Hearing Required,
- c. Strictest zoning and setback requirements,
- d. Biannual inspections, submit to un-announced random inspections, agree to inspection upon complaint or evidence of possible violation,
- e. Highest application and renewal fees,
- f. Additional fees-
 - i) If applicant is not a County resident,
 - ii) If applicant is affiliated with dispensary based outside of Santa Cruz County,

OTHER POSSIBLE IDEAS FOR COMMERCIAL GARDENS

- a. *Possibly tiers for...*
 - (1) *Breeders- cultivators who only produce seeds and clones or develop new genetics,*
 - (2) *Charitable organizations- such as WAMM, Santa Cruz Veteran's Alliance, that donate significant amounts of medicine to patients in need, provide educational services, etc.*
 - (3) *Rare and Exotic Cannabinoid growers and researchers (CBD, THCA, etc.),*
- b. *Incentivize participation through the establishment of a "Farmer's Market," CSA and cooperative distribution model.*

NON-CULTIVATION ISSUES AND IDEAS: In addition to giving these recommendations regarding cultivation regulations, we strongly urge the County to create a licensing program for non-dispensary medical marijuana businesses (such as edible products, salves, tinctures, cannabis concentrates and other medical cannabis products) in anticipation for the enactment of MMRSA. MMRSA expressly contemplates and allows for such activities, but process of acquiring state licenses will require a showing of compliance with local regulations, which is not currently possible because those regulations do not exist. The need for these regulations is equally pressing as adoption of cultivation guidelines due to the timeline established in MMRSA.

Sincerely,

Patrick Malo, on behalf of Cannabis Advocates Alliance,

**Santa Cruz Cannabis Zoning Matrix v 1.0
by Cannabis Advocates Alliance
Created: September 18, 2015**

Open Source Cannabis Initiative Outline:

Where as

Definitions

Types of Licenses and Costs

BONUS New Types Such as Research, Farmers Markets, Public Consumption

Zoning Matrix

Enforcement through 3rd Party Certification

Taxation Mechanism

Basic Zone Districts

Summary of Uses The following list is provided to give a general idea of the uses allowed in each zone district. Most non-residential uses are allowed only with a development permit (use approval), approved by the County. A building permit is also required for a use involving new construction or structural additions and remodels. For a complete list of uses allowed in any given zone district and the level of review required, contact the Zoning Counter at (831) 454-2130, between the hours of 1:00 p.m. and 4:00 p.m.daily.

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Multi-Family Residential | groups, mobile home parks, home occupations, 2 cats and 1 dog per dwelling. | | | | | | | | | | | | | | | | | |
| PA Professional-Administrative Office | Banks, community facilities, travel agencies, medical, insurance, real estate and executive offices, nursing homes, and conference facilities. | N | N | N | N | N | N | N | N | N | N | N | N | Y | Y | Y | Y | Y |
| VA Visitor Accommodations | Hotels, motels, inns, conference centers, organized camps, vehicle and tent camping parks. | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| CT Tourist Commercial | Gas stations, restaurants, and visitor accommodations. | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| C-1 Neighborhood Commercial | Animal grooming, banks, barber & beauty shops, small repair shops, print shops, shoe repair, offices (not exceeding 50% of the building area), fitness centers, restaurants, bookshops, bicycle shops, hardware stores, jewelry stores, pet shops, clothing stores, and stationery stores. Multi-family residential as a mixed use up to 50% of floor area. | N | Y | N | N | N | N | N | N | N | Y | N | N | Y | Y | Y | Y | Y |
| C-2 Community Commercial | All uses permitted in the "C-1" zone plus veterinary clinics (without overnight boarding), offices, indoor theaters, and retail sales involving large areas such as appliance showrooms, automobile supply stores, department stores, and garden supply stores. Plus hotels, motels, and inns. Multi-family residential as a mixed use up to 50% of floor area. | N | Y | N | N | N | N | N | N | N | Y | N | N | Y | Y | Y | Y | Y |

| | | | | | | | | | | | | | | | | | | |
|--|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | Protection Ordinance. | | | | | | | | | | | | | | | | | |
| W Watsonville Utility Prohibition | Designated to prevent the provision of urban services to undeveloped/rural areas west of the City of Watsonville, so as to discourage urban development in the farmlands, wetlands and other environmentally sensitive areas in the Coastal Zone west of Watsonville. | | | | | | | | | | | | | | | | | |

AB-243:

SEC. 4.

Chapter 3.5 (commencing with Section 19300) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 3.5. Medical Marijuana Regulation and Safety act

Article 1. Definitions

19300.

This act shall be known and may be cited as the Medical Marijuana Regulation and Safety Act.

19300.5.

For purposes of this chapter, the following definitions shall apply:

(a) "**Accrediting body**" means a nonprofit organization that requires conformance to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing.

(b) "**Applicant**," for purposes of Article 4 (commencing with Section 19319), means the following:

(1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, "**owner**" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

(3) If the applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

(c) "**Batch**" means a specific quantity of medical cannabis or medical cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(d) "**Bureau**" means the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(e) "**Cannabinoid**" or "**phytocannabinoid**" means a chemical compound that is unique to and derived from cannabis.

(f) "**Cannabis**" means all parts of the plant *Cannabis sativa* Linnaeus., *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(g) "**Cannabis concentrate**" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(h) "**Caregiver**" or "**primary caregiver**" has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

(i) "**Certificate of accreditation**" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

(j) "**Chief**" means Chief of the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(k) "**Commercial cannabis activity**" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 19319, related to qualifying patients and primary caregivers.

- (l) "**Cultivation**" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (m) "**Delivery**" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.
- (n) "**Dispensary**" means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.
- (o) "**Dispensing**" means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.
- (p) "**Distribution**" means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this chapter.
- (q) "**Distributor**" means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.
- (r) "**Dried flower**" means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (s) "**Edible cannabis product**" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.
- (t) "**Fund**" means the Medical Marijuana Regulation and Safety Act Fund established pursuant to Section 19351.
- (u) "**Identification program**" means the universal identification certificate program for commercial medical cannabis activity authorized by this chapter.
- (v) "**Labor peace agreement**" means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant's business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation,

employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

*(w) "**Licensing authority**" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the license.*

*(x) "**Cultivation site**" means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.*

*(y) "**Manufacturer**" means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as described in subdivision (ae), or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.*

*(z) "**Testing laboratory**" means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:*

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.

(2) Registered with the State Department of Public Health.

*(aa) "**Transporter**" means a person issued a state license by the bureau to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the bureau between facilities that have been issued a state license pursuant to this chapter.*

*(ab) "**Licensee**" means a person issued a state license under this chapter to engage in commercial cannabis activity.*

*(ac) "**Live plants**" means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.*

*(ad) "**Lot**" means a batch, or a specifically identified portion of a batch, having uniform character and quality within specified limits. In the case of medical cannabis or a medical cannabis product produced by a continuous process, "lot" means a specifically identified amount produced in a unit of time or a quantity in a manner that ensures its having uniform character and quality within specified limits.*

*(ae) "**Manufactured cannabis**" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.*

(af) "**Manufacturing site**" means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

(ag) "**Medical cannabis,**" "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(ah) "**Nursery**" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.

(ai) "**Permit,**" "**local license,**" or "**local permit**" means an official document granted by a local jurisdiction that specifically authorizes a person to conduct commercial cannabis activity in the local jurisdiction.

(aj) "**Person**" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ak) "**State license,**" "**license,**" or "**registration**" means a state license issued pursuant to this chapter.

(al) "**Topical cannabis**" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the Health and Safety Code.

(am) "**Transport**" means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

19300.7.

License classifications pursuant to this chapter are as follows:

(a) Type 1 = Cultivation; Specialty outdoor; Small.

(b) Type 1A = Cultivation; Specialty indoor; Small.

(c) Type 1B = Cultivation; Specialty mixed-light; Small.

- (d) Type 2 = Cultivation; Outdoor; Small.*
- (e) Type 2A = Cultivation; Indoor; Small.*
- (f) Type 2B = Cultivation; Mixed-light; Small.*
- (g) Type 3 = Cultivation; Outdoor; Medium.*
- (h) Type 3A = Cultivation; Indoor; Medium.*
- (i) Type 3B = Cultivation; Mixed-light; Medium.*
- (j) Type 4 = Cultivation; Nursery.*
- (k) Type 6 = Manufacturer 1.*
- (l) Type 7 = Manufacturer 2.*
- (m) Type 8 = Testing.*
- (n) Type 10 = Dispensary; General.*
- (o) Type 10A = Dispensary; No more than three retail sites.*
- (p) Type 11 = Distribution.*
- (q) Type 12 = Transporter.*

State cultivator license types issued by the Department of Food and Agriculture include:

- (1) **Type 1**, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on non contiguous plots.*

- (2) **Type 1A**, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.
- (3) **Type 1B**, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.
- (4) **Type 2**, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (5) **Type 2A**, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (6) **Type 2B**, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (7) **Type 3**, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- (8) **Type 3A**, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- (9) **Type 3B**, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- (10) **Type 4**, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

SB-643 Analysis and Breakdown by Mickey Martin

(g) State cultivator license types issued by the Department of Food and Agriculture include:

- **Here we go.... The different types of cultivation licenses. 10 of them. Count it. These are the licenses regulated under the Department of Food and Ag.**

(1) Type 1, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

- **So 5,000 square feet of outdoor canopy (think 50ft x 100ft) or 50 mature plants....**

(2) Type 1A, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

- **So 5,000 square feet of indoor canopy (think 50ft x 100ft).... If you do two lights per tray, and a tray is 32 square feet, by my calculations you can have 312 lights?**

(3) Type 1B, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

- **So 5,000 square feet of indoor greenhouse canopy using supplemental lighting (think 50ft x 100ft)....**

(4) Type 2, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

- **Outdoor gardens above 5,000 sq ft but below 10,000... so up to 100ft x 100ft of canopy. No plant limits.**

(5) Type 2A, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

- **Indoor gardens above 5,000 sq. ft. in canopy up to 10,000 sq. ft of canopy. Like I said, 5,000 square feet could be 312 lights in normal trays, so this means up to 624 lights maybe? “small indoor.” Hahahahaha.**

(6) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

- **Greenhouses using supplemental lighting for gardens over 5,000 sq ft, but below 10,000 sq ft of canopy.**

(7) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

- **An outdoor farm that is over 10,000 sq ft of canopy up to 1 acre! An acre is 43,560 in case you were wondering. Like 100 ft x 430 feet. Notice that the DFA will limit the amount of these fairly large farms.**

(8) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

- **So indoor spots over 10,000 sq ft of canopy (like 600 plus lights) up to 22,000 sq ft (about 1,300 plus lights). The DFA will also limit the amount of these licenses.**

(9) Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

- **Greenhouse facilities that use supplemental lighting with canopies over 10,000 sq ft, but under 22,000 sq ft. There will be limits on the amount of these licenses issued.**

(10) Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

- **How did the nurseries get off so easy? So they have no apparent canopy size, and can theoretically grow 1 million mothers. Not a bad deal.**

19332.5. (a) Not later than January 1, 2020, the Department of Food and Agriculture in conjunction with the bureau, shall make available a certified organic designation and organic certification program for medical marijuana, if permitted under federal law and the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

- ***They are hoping by 2020 that the Feds will get their shit together, and the State will implement certified organic standards for weed. I do not think this is stating that it is required, but that there will be a program similar to organic standards for fruits and veggies.***