HERBAL CRUZ
happy healthy life

December 14, 2015

Dear C4 committee,

The directors of Herbal Cruz and the entire Herbal Cruz collective would like to thank you for your outstanding service to this community that you have provided in the last six months. As you guys have helped lay down the foundation, we all know there is much work to do ahead in constructing these licensing ordinances for our community. Some questions, concerns and suggested amendments are as follows from the Herbal Cruz collective...

1. Our first question comes on page 7, letter A. It reads "a valid state license is required under California law". When exactly will the state license be available to then allow us to qualify for the county license?

2. Our second concern is where it reads on page 9 "cultivation shall take place in a single area where total garden canopy may be easily measured, not spread throughout the parcel" A cannabis cultivator would need two separate areas on different light cycles for a vegetative area where genetics are kept and plants are started and a blooming area where more mature plants were brought to flower. This requires a dividing wall to separate light. As this reads currently it would then be defined as two separate areas and not qualify under this language. The language needs to allow for this cultivation process to be done while containing the square footage to the same general area.

3. Our next concern is also on page 9 where it reads "if the applicant provides evidence sufficient to the licensing official that the applicant has been cultivating medical cannabis on the parcel at issue since before January 2013, the licensing official may award the applicant a provisional license to cultivate medical cannabis for commercial purposes". First of all it needs to be well defined in the ordinance as to what qualifies as "evidence". Most cultivators I know don't want to prove they grew last season let alone four seasons ago. We believe this arbitrary date should be removed completely from 7.128. The "good actors" who had been waiting on county ordinances to develop to go out and find model properties that fit their ordinance (7.126) after this "January 2013" date would then be disqualified from obtaining these licenses. Allowing people in the industry to move out of the areas where the county did not want them and into the areas that fit cultivation ordinance 7.126 was a lot of the argument over the last couple years. This language goes against exactly what the county has been trying to accomplish. The "Good actors" who waited for the counties direction or moved there cannabis cultivation site in the last two years due to ordnance 7.126 would be getting penalized for such as where the illegal cultivators whom more than likely feed the black market would be rewarded. That just does not make sense.

4. Next is the line on page 10, letter C-"meeting the requirements of the MCCL program does not automatically entitle an applicant to receive a license". We believe that meeting the requirements should automatically qualify you for a license, it should not be left up to the whim of the county or the licensing official/ licensing officials' county coworkers to decide who they feel is appropriate to cultivate commercially for this county. If you fit the requirements and model of the MCCL program you should qualify for the license. The application needs to be approved or denied within a specific time frame instead of leaving it up in the air without an answer for months at a time. Our suggested timeframe is 45 days. Within 45 days the applicant should receive an approval or denial letter along with the reasoning for denial if that is the case. The 45 days should start on the date the application is turned in and will be stamped received by the county on that day. Reasoning for a denied application should absolutely be listed in the denial letter.

5. On page 11 under Submission of the Renewal License Application there are a couple concerning lines. Line (ii) reads "any law-enforcement or license enforcement activity related to the licensees operation during the past calendar year". Somewhere in that line we believe it should read that the "licensees found in violation" will not qualify for a renewal. Changing the language from "any law-enforcement or license enforcement activity" to "any licensee found in violation" is a big difference. Getting a visit to make sure you're in compliance and actually having a violations on the cultivating parcel are two very different things. A denial of a renewal license should only be considered if there are actual violations by the licensee, not just a visit from the sheriff's department because of an unreasonable neighbor.

6. Also on page 11 are a repeat of some of the same language issues we had earlier. Example Page 11, (V)... Both vegetative and blooming stages of the cannabis plant have to be accomplished in the same described "single area". This area has to have a dividing wall to separate the light cycles. Also a repeat of a concern is letter B on page 11. We once again believe it should be in the language that the licensing official has a 45 day window to approve or deny your application. We do not approve of it being an open ended application window where it can take several months on end for the county to get back to the applicant.

7. Page 13. As we mentioned earlier, letter A on page 13 has the arbitrary "January 2013" date that should be removed. A bigger concern is page 13 letter G where it reads "no cottage garden license may be issued to cultivate medical cannabis within 600 feet of a habitable structure on a neighboring parcel, municipal boundary, perennial stream, school or park". We believe all setbacks should remain in accordance with 7.126. The setbacks listed here are unnecessary and unreasonable for indoor cultivation. Indoor cultivation uses odor abatement technology, does not promote light pollution, is not noisy and cannot be seen from any public right of way or neighboring property. Knowing these facts we believe indoor cultivation on the appropriate parcel identified in 7.126 should continue to abide by the setbacks listed in 7.126. The distance should be measured from the nearest corner of the room being used to cultivate in-in a straight line to the closest habitable neighboring structure. Indoor cultivation should not have to abide by the same setbacks as greenhouse or outdoor cultivation. This should be well defined in this language being that several different cultivation techniques are going to be used under this licensing format.

8. Page 14 letter I- "No cottage garden license may be issued to cultivate medical cannabis within 600 feet of public right of way". Again we believe even for outdoor setbacks this is overkill and should be reduced however for indoor cultivation this is outrageous. Indoor cultivation should be no more than a 100 foot setback from any public right of way. There is no reason that a building I am cultivating on the inside of should need to be over 600 feet from a public-right–of–way.

9. Our final concern comes on page 16 letter C-"Previous violation by the applicant, or previous violation at the proposed cultivation site, of any provision of the Santa Cruz county code or state law related to the cultivation of cannabis will result in denial". If there have been violations on a proposed parcel prior to the current commercial cannabis cultivator wanting to apply for a license or cultivate on that parcel should not have any relevance on the current applicants approval or denial. If a previous commercial cannabis cultivator was not in compliance on a parcel and the landowner decided to now rent to a new farmer it is unfair to not only the landowner but the new farmer applicant to hold them accountable for past issues that may now at this point be brought into compliance or have nothing to do with the current farmer's applicant. At minimum any violations of noncompliance found on any parcel prior to 7.128 becoming law should be irrelevant to the application process. Any violations of 7.128 after it is actively law should absolutely be taken into consideration. However denying an applicant because the parcel itself had a violation prior to their even being a 7.128 ordinance does not seem fair or make much sense.

Once again the Herbal Cruz collective would like to thank the C4 committee on all of their hard work in helping to bring our community together on this issue.

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