



PROCEEDINGS OF THE COUNTY OF SANTA CRUZ BOARD OF SUPERVISORS

SPECIAL MEETING -- February 05, 2018

ACTION SUMMARY MINUTES

APPROVED

1. CALL TO ORDER / ROLL CALL – 9:00 AM

Attendee Name	Title	Status
John Leopold	First District Supervisor	Present
Zach Friend	Chair, Second District Supervisor	Present
Ryan Coonerty	Vice Chair, Third District Supervisor	Present
Greg Caput	Fourth District Supervisor	Present
Bruce McPherson	Fifth District Supervisor	Present

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

No one addressed the Board during Oral Communications

4. Consider staff presentation on proposed amendments to Santa Cruz County Code Chapter 7.128 regarding licenses for non-retail commercial cannabis businesses, and Chapter 13.10 relating to non-retail commercial cannabis uses, accept public comments on the proposals, provide direction to staff regarding environmental review and content of the program to be considered at a public hearing of the Planning Commission on February 28, 2018 for its recommendation, and schedule a public hearing of the Board of Supervisors on March 13, 2018, beginning at 9:00 AM or thereafter to consider adoption of the program, as outlined in the memorandum of the Planning Director

- 1) Considered and discussed the staff presentation, accepted public comments on proposed amendments;
- 2) PROVIDED direction to staff regarding modifications to the proposal in concept, in order to confirm the content of the proposed Non-Retail Commercial Cannabis Regulatory Program that will be the subject of public hearings before the Planning Commission and the Board of Supervisors, as follows:
 - With the exception of CA zoned properties, the level of review in the use chart in [Chapter] 13.10 for any cannabis cultivation start at least at a level 4 or 5 in order to ensure noticing for neighbors of a new cannabis use;
 - To address best management and operational practices plan, and to strengthen the deterrents for use of rodenticides and pesticides, add:

subsection "a," under **Section VI, 13.10.650 B, 3**, that says, "Best Management and Operational Practices Plan" that states, "All non-retail commercial cannabis uses shall comply with the provisions of a Best Management and Operational Practices Plan that include the following: ____" [add the text of the Plan after "the following:"]; and

in **7.128.090, 1, a, xi** "License required," which states the requirement for a license shall be, "A completed Best Management Plan and Operational Practices Plan", and add after that, "consistent with the provisions of 13.10.650, B, 3, a.", and that this draft management plan be available for the Planning Commission hearings going forward;
 - Reduce the amount of proposed tree clearing allowed on TP zoned properties, and look at including language that takes into account land previously cleared for past uses that could allow use for commercial cultivation operation to the extent that no additional trees are removed/disturbed;
 - In **7.128.090, A 2, (b)**, - under "Required Findings," add that the Environmental Review [EIR] is completed and "determined that issuance of the license would not have a significant,

Minutes - February 05, 2018

unmitigated effect on water supply, biotic resources, or other sensitive environmental resources";

- Make the EIR public comments available so everyone can read them;
 - Planning Commission to consider consistency between CDFA and County regulations for the definition of canopy, nursery, mixed light greenhouses, as well as reducing liability in instances of co-location;
 - Sharpen the definition of co-location and definitional terms around the TP zoned land to allow that previous development may be considered;
 - Allow manufacturing without a connection to a dispensary in C2 zoned area with the approval of the Licensing Manager;
 - Add language around advertising and the additional piece about revocation of licenses for interaction with minors, tougher language regarding not gearing advertising to minors;
 - Clarify residency requirements, owner of the property or designee such as an employee, in line with the intent of ensuring responsible oversight
 - Include local tax break or other accommodation for compassionate uses, to help those in need who are unable to purchase this product;
 - Keep out of residential areas, fix zoning issues related to SU designation where there is an underlying R General Plan designation, and clarify the language in line with original intent of the Board;
 - Restore set-back requirements to 200' from habitable structure, instead of 100';
 - For the co-location component, add language to clarify the limit on existing structures for outdoor grow license;
 - Look at the state regulation regarding nursery designated parcels and structures, and consider defining whether it only occur on existing structures within those parcels within the state definition;
 - Limits on the construction of new hoop houses in the coastal zone
- 3) CONFIRMED that the Cannabis Program shall be structured consistent with the statutory exemption provided through SB 94, which amended Business and Professions Code section 26055 to provide that the California Environmental Quality Act (CEQA) process does not apply to adoption of local cannabis program regulations if the regulations provide for discretionary issuance of cannabis licenses and/or permits and that environmental review will be conducted in association with such discretionary actions; and confirm that it is not necessary to prepare and certify a Final Environmental Impact Report (EIR) from the Draft EIR (DEIR) that was circulated for public review and comment on the earlier-proposed Cannabis Program;
- 4) DIRECTED the Planning Commission to hold a public hearing on the proposed Cannabis Program at its meeting of February 28, 2018, and to prepare a recommendation for Board consideration; and
- 5) DIRECTED staff and the Clerk of the Board to set a public hearing for the Board meeting of March 13, 2018 to consider the Planning Commission recommendation and the proposed Cannabis Program regulations, and to carry out public noticing of the public hearing as required by law for consideration of General Plan and zoning ordinance amendments

RESULT:	APPROVED WITH ADDITIONAL DIRECTION [UNANIMOUS]
MOVER:	Ryan Coonerty, Third District Supervisor
SECONDER:	John Leopold, First District Supervisor
AYES:	Leopold, Friend, Coonerty, Caput, McPherson

