



# County of Santa Cruz

---

## COMMISSION ON THE ENVIRONMENT

701 OCEAN STREET, ROOM 400, SANTA CRUZ, CA 95060-4073

(831) 454-2580 FAX: (831) 454-2131 TDD/TTY CALL - 711

August 31, 2016

The Honorable Bruce McPherson, Chair  
Santa Cruz County Board of Supervisors  
701 Ocean Street, Fifth Floor  
Santa Cruz, CA 95060

### **Subject: Proposed Ordinance Regarding the Commercial Cultivation of Medical Cannabis**

Dear Chair McPherson and Members of the Board:

At its July 27, 2016 meeting, the Commission on the Environment (COE) discussed their review of the proposed ordinance regarding the commercial cultivation of medical Cannabis (proposed ordinance). This letter is to provide the Board of Supervisors with our comments and recommendations on the proposed ordinance.

The COE commends County staff on a thoughtful and detailed proposed ordinance that addresses many of the concerns raised by the COE and the Fish and Wildlife Advisory Commission in previous letters to the Board. Given the history and potential for environmental damage related to Cannabis cultivation, the COE recommends the following revisions to the proposed ordinance to maintain County environmental quality:

#### § 7.128.030:

The definitions section of the proposed ordinance should include a definition for "approved on-site source" for water.

#### § 7.128.070 (B) (7):

In creating the Licensing Program, policies should be established to require or strongly incentivize the use of an established set of Best Management Practices (BMPs) to enhance water conservation, soil retention, habitat conservation, energy conservation, storm and irrigation water runoff management, and application of organic farming practices. The County Resource Conservation District (RCD) is an excellent source for BMP information and implementation advice. Additional expertise on Best Management Practice implementation can be obtained from California viticulture organizations, the Mendocino County Resource Conservation District<sup>1</sup>, and the California Regional Water Quality Control Board<sup>2</sup>. A strong

---

<sup>1</sup> Watershed Best Management Practices for Cannabis Growers and other Rural Gardeners, Mendocino County Resource Conservation District, March 2016.

<sup>2</sup> California Regional Water Quality Control Board Central Valley Region Order R5-2015-0113 Waste Discharge Requirements General Order for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities  
California Regional Water Quality Control Board North Coast Region Order 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region

program of increasing adherence to BMP implementation is central to protecting the environment from Cannabis cultivation impacts.

A third-party certification program should be developed to reward cultivators who go beyond licensing requirements to adopt practices that conserve water, soil, energy and habitat. Again, the County RCD is a valuable source of information and expertise in this regard.

§ 7.128.110 (B)(1)(a)(x):

The licensing process should include minimum educational requirements to provide applicants with a working knowledge of Best Management Practices and environmental processes, so that licensees can recognize and prevent habitat loss, erosion, water contamination, energy inefficiency and other environmental damage. This could be in the form of a materials packet with subsequent license testing to verify comprehension.

In addition, the licensing process should require a "Cultivation Site Environmental Quality Plan" that lists potential environmental impacts at the site and the Best Management Practices that will be implemented to prevent environmental damage.

§ 7.128.110 (C) (2):

Any changes to the "Cultivation Site Environmental Quality Plan" should be submitted with Renewal License Applications.

Renewal License Applications should include an evaluation of the level of compliance with and effectiveness of the "Cultivation Site Environmental Quality Plan," along with a description of any environmental impacts that have occurred during the previous license year.

§ 7.128.110 (G) (1) (c):

Conditions related to the identification and implementation of Best Management Practices and the implementation of the "Cultivation Site Environmental Quality Plan" should be included in this section.

§ 7.128.110 (G) (3) (g):

Typo: the word "feet" should be added after "(100)."

§ 7.128.110 (G) (4) (m):

The restriction that "Licensees must utilize energy efficient cultivation methods" should be more stringent and specific, given the energy intensive nature of indoor Cannabis cultivation. Cannabis cultivation energy use is of great concern at a time when the County acknowledges the importance of energy conservation in its adopted Climate Action Strategy. The Licensing Program should establish increasingly stringent requirements for energy efficient lighting and heating fixtures, on-site alternative energy generation, and other methods to reduce the large energy demand of Cannabis cultivation. These energy efficiency measures should go beyond Title 24 requirements.

Energy audits should be required of all licensed cultivation operations.

Though not specifically recommended for the proposed ordinance, we note that in November 2012, Arcata voters passed Measure I, which directs PG&E to collect a 45% tax for excessive energy use (over 600% of residential baseline in a month). This measure was passed to control the excessive energy use associated with Cannabis cultivation.

§ 7.128.110(G)(4)(n):

The requirements addressing sensitive species and habitat should be more specific. Suggested language could state: Cannabis cultivation activities are required to comply with all Federal, State or local environmental protection laws, including, but not limited to, laws protecting threatened and endangered species, sensitive habitats, water quality, air quality, and cultural/archeological resources, and obtain any and all required permits.

The Santa Cruz County Commission on the Environment is aware of the substantial threats to local water, soil, habitat, and sensitive species posed by past and current Cannabis cultivation operations, and is aware of the large energy demands of indoor (and some outdoor) grows. We expect that accepting the recommendations above will significantly reduce environmental damage from Cannabis cultivation in Santa Cruz County as the industry evolves over the coming years.

Thank you for considering these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hunt", with a long horizontal flourish extending to the right.

John Hunt, Vice Chair  
Santa Cruz County Commission on the Environment