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**ORDINANCE NO. 5473****AN ORDINANCE AMENDING SECTION 7.128.110(C)(1) OF THE
SANTA CRUZ COUNTY CODE REGARDING NON-RETAIL
COMMERCIAL CANNABIS OPERATIONS**

The Board of Supervisors of the County of Santa Cruz (the “Board”) hereby finds and declares the following:

WHEREAS, the Board directed the Cannabis Licensing Office (“CLO”) to prepare amendments to Santa Cruz County Code (“SCCC”) Chapters 7.128 and 13.10 in order to increase the cannabis cultivation canopy allocation for operators who remain in good standing; and

WHEREAS, on November 14, 2023, the Board reviewed a letter emphasizing sustainable growth, economic development, and responsible cannabis regulation, in alignment with the 2023 Sustainability Plan updates. The Board discussed this letter and directed the CLO to conduct public meetings across various districts to collect public opinion; and

WHEREAS, on June 4, 2024, CLO staff presented the results of its public outreach to the Board. The Board directed the CLO to draft ordinances related to the items in the November 14, 2023 letter while incorporating feedback from the public meetings and to then return to the Board for further consideration and direction; and

WHEREAS, on September 10, 2024, the Board reviewed ordinance options and directed staff to finalize changes and bring the ordinance to the Planning Commission for consideration; and

WHEREAS, on November 13, 2024, the Planning Commission recommended the Board approve the proposed amendments to SCCC section 13.10.650(C); and

WHEREAS, the proposed amendments to SCCC section 13.10.650(C) necessitate amendments to SCCC section 7.128.110(C) to keep SCCC sections 13.10.650(C) and 7.128.110(C) consistent with one another; and

WHEREAS, the proposed amendments to the SCCC are exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15301 and 15304, as the proposed amendments involve negligible or no expansion of use for existing facilities (CEQA Guideline 15301) and involve minor alterations in the condition of land, water, and/or vegetation (CEQA Guideline 15304); and

WHEREAS, the Board has found and determined 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;

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

SECTION I

Section 7.128.110(C)(1) of the Santa Cruz County Code is hereby amended to read as follows:

7.128.110 Cannabis cultivation licenses.

(C) Canopy and Cultivation Area Limits.

(1) Each licensee shall be subject to the following limits on maximum canopy and cultivation area, based on license class. The Licensing Official may place additional or further restrictions on canopy size or cultivation area to maintain consistency with other laws, agricultural uses, and neighborhood compatibility.

(a) Class CA License. Size of cultivation area allowed, subject to approval of the Licensing Official:

(i) Up to five percent of the size of the parcel may be utilized for canopy, immature plant growth areas and/or nursery operations. An additional two and one-half percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both. Cultivation area shall not exceed one acre, for outdoor cultivation, within the coastal zone.

(ii) After three years of continuous operations, the canopy, immature plant growth areas and/or nursery operations may be expanded up to 15 percent of the size of the parcel at the discretion of the Licensing Official. An additional 10 percent of the size of the parcel may be utilized for nursery operations or immature plant growth areas or some combination of both.

(iii) Exception to Cultivation Area Limits with Class CA License: On parcels where cultivation takes place solely within structures existing as of November 2016, cultivation area limits will be set by the Licensing Official.

(iv) Exception to cultivation area limits on existing impervious surfaces. The Licensing Official may approve a larger cultivation area than provided in subsections (C)(1)(a)(i) through (ii) of this section in CA zone districts when the cultivation meets the following criteria:

(A) Cultivation occurs on a single parcel, indoors, not in the coastal zone or coastal zone and one-mile buffer area.

(B) 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 impervious area where development will occur must have been duly permitted or be legally non-conforming pursuant to SCCC [13.10.260](#), [13.10.261](#), [13.10.262](#), and [13.10.265](#), and must have existed prior to April 18, 2019.

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

(b) Class A License. Size of cultivation allowed, subject to approval of the Licensing Official:

(i) 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.

(ii) On parcels 20 acres or larger, up to one and one-half percent of the size of the parcel, not to exceed 22,000 square feet among all licensees.

(c) Class RA License. Size of cultivation area allowed subject to approval of the Licensing Official:

(i) Up to one and one-quarter percent of the size of the parcel, not to exceed 5,100 square feet on parcels between five and 10 acres in size.

(ii) Up to one and one-quarter percent of the size of the parcel, not to exceed 10,000 square feet on parcels larger than 10 acres.

(d) Class C-4 and Class M Licenses. Size of cultivation area allowed subject to approval of the Licensing Official:

(i) Canopy may not exceed 22,000 square feet.

- (ii) Immature plant growth area may not exceed 11,000 square feet.
 - (iii) Cultivation area shall not exceed 22,000 square feet within the coastal zone.
- (e) Class TP Licenses. Size of cultivation area allowed subject to approval of the Licensing Official:
 - (i) Up to one and one-quarter percent of the size of the parcel, not to exceed 10,000 square feet.
 - (ii) After three years of continuous operations, canopy limits may be expanded up to 10 percent of the size of the parcel at the discretion of the Licensing Official.
 - (iii) With a TP License, cultivation area may only be expanded on eligible sites to the maximum size identified in subsections (C)(1)(e)(i) and (ii) of this section upon specific application to expand, and only in conjunction with the additional restrictions set forth in SCCC [13.10.650](#)(B)(9)(b).
- (f) Class SU Licenses. Size of cultivation area allowed subject to approval of the Licensing Official:
 - (i) On parcels with a General Plan land use designation of “AG” (Agriculture), “R-R” (Rural Residential), or “R-M” (Mountain Residential), up to one and one-quarter percent of the size of the parcel, not to exceed 10,000 square feet.
 - (ii) On parcels with a General Plan land use designation of “I” (Heavy Industry): 22,000 square feet.
 - (iii) After three years of continuous operations, canopy limits may be expanded up to 10 percent of the size of the parcel at the discretion of the Licensing Official.
- (g) Class CG Licenses. Size of cultivation area allowed, subject to approval of the Licensing Official: 500 square feet.

SECTION II

The adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 and 15304, as the proposed amendments involve negligible or no expansion of use for existing facilities (CEQA Guideline 15301) and involve minor alterations in the condition of land, water, and/or vegetation (CEQA Guideline 15304).

SECTION III

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to Santa Cruz County Code section 7.128.110(C) are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION IV

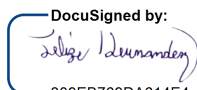
Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION V

This ordinance shall take effect in areas outside the Coastal Zone on the 31st day after the date of final passage and shall take effect in areas within the Coastal Zone on the 31st day after the date of final passage, or upon certification by the Coastal Commission, whichever is later.

PASSED AND ADOPTED this 28th day of January 2024, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: Supervisors Koenig, De Serpa, Cummings, Martinez and Hernandez
 NOES: None
 ABSENT: None
 ABSTAIN: None

DocuSigned by:

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2/10/2025

Felipe Hernandez
 Chairperson of the Board of Supervisors

Ordinance 5473

DocuSigned by:
Juliette Rezzato
466B074F3141450... 2/10/2025

ATTEST: _____

Juliette Rezzato
Clerk of the Board

APPROVED AS TO FORM:

Signed by:
Ryan Thompson
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Office of the County Counsel




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Certificate Pages: 4	Initials: 0	Sam LoForti
AutoNav: Enabled		701 Ocean Street
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)		Sam.LoForti@santacruzcountyca.gov
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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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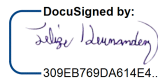
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Felipe.Hernandez@santacruzcountyca.gov

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Juliette Rezzato

Juliette.Rezzato@santacruzcountyca.gov

Chief Deputy Clerk of the Board of Supervisors
County of Santa Cruz

Security Level: Email, Account Authentication (None)

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Certified Delivery Events	Status	Timestamp
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Sam LoForti Sam.LoForti@santacruzcountyca.gov Cannabis Licensing Manager County of Santa Cruz Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: 3/1/2022 3:08:32 PM ID: b821828f-0fa2-440c-9b60-600891d419f2	<div>COPIED</div>	Sent: 2/10/2025 4:28:42 PM
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