

**CANNABIS ADVISORY GROUP MEETING
JULY 25, 2018**

OVERVIEW OF PLANNING COMMISSION RECOMMENDATIONS

ISSUE #1: NEIGHBORHOOD COMPATIBILITY

The Planning Commission recommended requiring use permits for cultivation on properties under 10 acres in size in non-industrial zones to provide notice to neighbors and opportunity to be heard in the decision making process. Zoning permits would continue to be allowed on properties over 10 acres within agricultural zones.

The Commission also recommended allowing appeals of all zoning permits (Section 26-88-250(m) of the Draft Ordinance). Currently the Zoning Code allows appeal of zoning permits issued by Permit Sonoma. This new language would provide consistency and allow appeal of zoning permits issued by the Department of Agriculture. The appeal body would be the Board of Zoning Adjustments (BZA). Note that this appeal process would be ministerial and the BZA's authority would be limited to determining if the project met the ministerial standards contained within the Zoning Code.

The Planning Commission Recommendation includes a new setback from schools for indoor cultivation in agricultural and resource zones of 600 ft. The Commission discussed increasing all setbacks for ministerial cultivation permits, including setbacks from property lines and neighboring residences, but ultimately recommended that issue be further analyzed in Part 2 due to the need for further outreach and staff analysis.

Code Enforcement Penalties

The Commission recommended a change to the Zoning Code to clarify that most civil penalties for cannabis-related violations to be applied on a daily basis. The existing code establishes the amount of civil penalties that can be charged but does not clearly state if these are one time fees or if they can be applied on a daily basis.

ISSUE #2: ALIGNMENT WITH STATE LAW

The Planning Commission recommended the following amendments to better align to State Law and the State's Emergency Regulations:

1. Allow adult use/recreational cannabis operations ;
2. Modify how cultivation is measured to follow state regulations using "canopy" and include a maximum allowance of 25% in additional area for propagation with a use permit and 5% with a zoning permit;
3. Harmonize definitions and ordinance language to align with State Law and State Emergency Regulations regulating cannabis operations including adding new license types and amending definitions (See Attachment A, Exhibit A).



ISSUE #3: INCLUSION COMBINING DISTRICT

The Planning Commission considered and recommended the Cannabis Inclusion Combining District as a tool for possible future application to parcels that do not have eligible zoning for cannabis cultivation. A range of policy options were considered and the draft Inclusion Combining District is recommended as follows:

- a) When combined with a Rural Residential (RR) or Agriculture and Residential (AR) Zone subject to all of the following criteria:
 - o Property is located within Planning Area 4 or 6 (West County);
 - o Property is five (5) acres in size or larger;
 - o Maximum cultivation canopy shall be limited to Cottage sizes for indoor, mixed light, and outdoor or any combination thereof shown in Table 1;
 - o The operator shall reside full-time on the property where the cultivation operation is occurring; and
 - o The operation meets all requirements within Sections 26-88-250 through 256.

- b) When combined with a Limited Commercial (LC) Zone subject to all of the following criteria:
 - o Property is five (5) acres in size or larger;
 - o Cultivation is limited to indoor and mixed light;
 - o Maximum canopy shall be limited as shown on Table 1 for indoor, mixed light, or any combination thereof provided that the total canopy does not exceed the maximum for the parcel size;
 - o No cannabis dispensary or laboratory is located onsite;
 - o No other visitor serving commercial uses are located onsite; and
 - o The operation meets all requirements within Sections 26-88-250 through 256.

All cannabis uses would be required to meet the standards within the Cannabis Zoning Ordinance including setbacks to schools, surrounding residences, security plans, odor control, etc. The Inclusion Zone would be applied through a Zone Change application process which requires a public hearing process, environmental review, and final decision by the Board. No projects are being proposed for the rezoning at this time.

A total of 651 Rural Residential and Agriculture Residential parcels maybe eligible for rezoning to the Inclusion District. Of these 87 are zoned Rural Residential and 564 are Agriculture and Residential.

ISSUE #4: EXCLUSION COMBINING DISTRICT

The Commission considered a variety of policy options and recommended the creation of the Cannabis Exclusion Combining District. This zone would be used to exclude cannabis uses on properties that meet one or more of the criteria listed below. For instance, this tool could be used to restrict cannabis within a certain area due to environmental sensitivity or neighborhood compatibility issues.



Draft Criteria for Exclusion Combining District

- c) Areas where there is inadequate road access or other conflicts;
- d) Areas where the prevalence or concentration of cannabis operations is detrimental to the residential character of area;
- e) Areas where the commercial or industrial uses are to be protected from conversion to cannabis uses;
- f) Areas where, because of topography, access, water availability or vegetation, there is a significant fire hazard;
- g) Areas with sensitive biotic resources or where significant environmental sensitivity exists; or
- h) Other areas where the Board of Supervisors determines that it is within the public interest to prohibit cannabis uses.

ISSUE #5: OTHER RECOMMENDED AMENDMENTS

As part of the Commission's deliberation, a few additional issues were discussed and the following recommendations were included.

Cannabis Permit- Extend Length of Term

The Commission voted to extend the term of new cannabis permits from 1 year to 2 years for Zoning Permits and 5 years for Use Permits. The primary reason for longer term permits was due to the substantial investment needed to obtain the permit and implement the conditions.

Allow Transferability of Permits

The Commission concurred with staff and the Board Ad Hoc to allow transfer of permits between operators/businesses on the same site similar to other land use permits. Due to changes in state law cannabis businesses have been required to change their corporate structure from non-profit to for profit. Additionally, many cannabis businesses have begun partnering with other entities or bringing on new investors in order to fund permitting and development. Not applying restrictions on permit transfer and instead requiring notification to the County enables cannabis businesses to adjust to the changing landscape and consistent with other land use permits. Because cannabis permits would be limited term, it is not anticipated that this policy would negatively impact implementation and enforcement of the Cannabis Program, provided that any change in ownership or control is properly documented.

Separation Criteria- Setback to Public Parks

The Commission requested policy options to address potential issues with the measurement and reduction opportunities related to larger regional parks. The existing separation criteria requires a 1,000 foot setback from parks for outdoor and mixed light (greenhouse) cannabis cultivation sites measured from the property line of the park to the property line of the parcel with the cannabis use.



The Commission recommended changing the measurement to require 1,000 feet from the cultivation site instead of the property line to property line separation. The Commission also recommended allowing flexibility to grant a setback reduction on a case by case basis, provided there is an equivalent physical separation and that the operation is not visible from the park.

PC Recommended Part 2 Items

Part 2 of the Cannabis Ordinance Update will include a more thorough review of neighborhood compatibility and other implementation efforts and will require robust outreach and staff analysis. Part 2 will begin in September 2018 and will likely take 12-18 months. The Planning Commission recommended that the Board consider the following in Part 2:

- Increased setbacks for ministerial permits
- Allow shared cannabis processing-only on agricultural land
- Allow more than one acre of cannabis per property
- Establish setbacks for cannabis cultivation from rural residential (RR), agricultural and residential (AR), and other excluded zones
- Allow dispensaries within industrial properties

