

# Medical Cannabis Land Use Ordinance

## ORD15-0005

**Planning Commission**

**October 13, 2016**

**Hearing 1**



# Goals of the Ordinance

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- Provide protection of health, safety, and environmental resources while balancing the need to provide safe access to medicine for qualified patients.
- Provide regulatory path to daylight underground industry with emphasis on providing greater opportunity for small growers and agricultural diversification.

# Ordinance Overview



- Phase I- Initial Ordinance
- Environmental Review
- Medical Only
- Multi-Tenant Operations Allowed
- Residency Requirements
- Annual Permit Renewal

# Ordinance Overview

- Cultivation Standards
  - ▣ Business Requirements
  - ▣ Site Development Criteria
  - ▣ Operational Criteria
  
- Ag Commissioner BMPs
  
- Health Permit for Manufacturing and Dispensaries

# Personal Cultivation

- 6 plants total, max of 3 outdoors
  - (maximum of 100 square feet)
- Not permitted in R2 and R3
- Restrict access to children and pets
- Not within dwellings
- Written permission from landlord
- Patient must reside on property

# Permit Types

- **Zoning Permit (ZP)**: ministerial permit subject to standards, individual permit CEQA exempt.
- **Minor Use Permit (MUP)**: discretionary permit with added conditions, subject to CEQA, administrative approval, hearing may be waived.
- **Conditional Use Permit (CUP)**: discretionary permit with added conditions, public hearing, subject to CEQA.

# Outdoor Commercial Cultivation

Land Use	SIZE LIMIT (Max Square Feet of total canopy or cultivation size)	Min Parcel Size	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential
				<b>LIA</b>	<b>LEA</b>	<b>DA</b>	<b>RRD</b>	<b>AR</b>	<b>RR</b>
Cottage	25 plants	2 ac	1C	ZP	ZP	ZP	MUP	MUP	MUP
Specialty Outdoor	5,000 sq. ft. or 50 plants	3 ac	1	CUP	ZP	ZP	CUP	—	—
Small Outdoor	5,001 - 10,000	5 ac	2	CUP	ZP	ZP	CUP	—	—
Medium Outdoor	10,001 - 43,560	10 ac	3	CUP	CUP	CUP	CUP	—	—

ZP- Zoning Permit- Permitted use if standards are met (CEQA exempt)

MUP- Minor Use Permit- Noticing and CEQA required

CUP- Conditional Use Permit- Noticing and CEQA required

# Indoor Commercial Cultivation

Land Use	SIZE LIMIT (Max Square Feet of total canopy or cultivation size)	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial
		LIA	LEA	DA	RRD	AR	RR	MP	M1	M2	M3
Cottage	500	ZP <sup>2</sup>	ZP	ZP	MUP	MUP	MUP	ZP	ZP	ZP	ZP
Specialty Indoor	501 - 5,000	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	—	—	MUP	MUP	MUP	MUP
Small Indoor	5,001 - 10,000	—	—	—	—	—	—	CUP	CUP	CUP	CUP
Medium Indoor	10,001 - 22,000	—	—	—	—	—	—	CUP	CUP	CUP	CUP

ZP- Zoning Permit- Permitted use if standards are met (CEQA exempt)

MUP- Minor Use Permit- Noticing and CEQA required

CUP- Conditional Use Permit- Noticing and CEQA required

<sup>2</sup> Cultivation allowed only in existing legally established structures



# Mixed Light Commercial Cultivation

Land Use	SIZE LIMIT (Max Square Feet of total canopy or cultivation size)	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential
			<b>LIA</b>	<b>LEA</b>	<b>DA</b>	<b>RRD</b>	<b>AR</b>	<b>RR</b>
Cottage	2,500	1C	ZP <sup>2</sup>	ZP	ZP	MUP	MUP	MUP
Specialty Mixed Light	2,501 - 5,000	1B	CUP <sup>2</sup>	CUP	CUP	CUP	—	—
Small Mixed Light	5,001 - 10,000	2B	CUP <sup>2</sup>	CUP	CUP	CUP	—	—
Medium Mixed Light	10,001 - 22,000	3B	—	—	—	—	—	—

ZP- Zoning Permit- Permitted use if standards are met (CEQA exempt)

MUP- Minor Use Permit- Noticing and CEQA required

CUP- Conditional Use Permit- Noticing and CEQA required

<sup>2</sup> Cultivation allowed only in existing legally established structures

# Cannabis Nurseries

Land Use	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Ag and Residential	Rural Residential	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial
		LIA	LEA	DA	RRD	AR	RR	MP	M1	M2	M3
Wholesale (outdoor)	4	CUP	CUP	CUP	CUP	—	—	—	—	—	—
Wholesale (indoor/greenhouse)	4	CUP <sup>2</sup>	CUP	CUP	CUP	—	—	—	CUP	CUP	CUP

CUP- Conditional Use Permit- Noticing and CEQA required

<sup>2</sup> Cultivation allowed only in existing legally established structures

# Cannabis Support Uses

LAND USE	State License Type	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial	Commercial Office	Neighborhood Commercial	Retail Business and Services	General Commercial	Limited Commercial
		MP	M1	M2	M3	CO	C1	C2	C3	LC
<b>Testing/Laboratories</b>	8	CUP	CUP	CUP	CUP	—	—	—	CUP	CUP
<b>Manufacturing</b>										
Level 1 - nonvolatile solvents	6	CUP	CUP	CUP	CUP	—	—	—	—	—
Level 2 - volatile solvents	7	—	—	—	—	—	—	—	—	—
<b>Dispensary/Retail Sales</b>										
Storefront and Delivery	10	—	—	—	—	—	CUP	CUP	—	CUP
Dispensaries	10A	—	—	—	—	—	CUP	CUP	—	CUP
<b>Distribution Facilities</b>	11	—	CUP	CUP	—	—	—	—	—	—
<b>Transportation Facilities</b>	12	—	CUP	CUP	—	—	—	—	—	—

CUP- Conditional Use Permit- Noticing and CEQA required

# Cannabis Dispensaries

- Separation Criteria (1000 ft to 600 ft)
- Eliminate Level I/Level II Distinction
- Allow the sale of vaporizing devices
- Allow the sale clones and starter plants
- Allow the sale edible products
- Allow deliveries
- Keep Cap of 9

# Policy Discussion Papers

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- Personal Cultivation
- Proposition 64 “AUMA”
- Cultivation in Rural Residential Zones
- Cultivation in Agricultural Zones
- Cultivation in Resources and Rural Development (RRD)
- Cannabis Support Uses (Industrial Zones)
- Dispensaries

# Next Steps

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- PC Meeting Oct 27<sup>th</sup>
- PC Meeting Nov 3<sup>rd</sup>
  
- Public Workshop Dec 2<sup>nd</sup>
  
- BOS Meeting Dec 6<sup>th</sup>
- BOS Meeting Dec 13<sup>th</sup>

# Questions and Public Comment

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- Email: [Cannabis@Sonoma-county.org](mailto:Cannabis@Sonoma-county.org)
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