

Medical Cannabis Program Ordinances and Policies

Board of Supervisors
December 13, 2016



Recommended Actions

- Adopt the Negative Declaration and Approve the Medical Cannabis Land Use Ordinance
- Adopt a Resolution amending the Uniform Rules
- Adopt the Medical Cannabis Health Ordinance
- Adopt the Cannabis Business Tax Ordinance
- Approve the use of \$400,000 of Contingency Funds to place the measure on the ballot



Land Use Ordinance

- Support Uses
- Dispensaries
- Commercial Cultivation in Ag and Industrial
 - Outdoor
 - Indoor
 - Mixed Light
- Commercial Cultivation in Rural Residential
- Personal Cultivation



Cannabis Support Uses

- Manufacturer: Processes raw agricultural product into a concentrate, edible or topical product
- Testing Laboratory: Tests for concentration, pesticides, mold, and other contaminants
- Distribution: Procures, sells, and transports medical cannabis between other licensed entities
- Transporter: Transfers medical cannabis between permitted business locations



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
Testing/Laboratories	8	CUP	CUP	CUP	CUP	—	—	—	CUP	CUP
Manufacturing										
Level 1 - nonvolatile solvents	6	CUP	CUP	CUP	CUP	—	—	—	—	—
Level 2 - volatile solvents	7	—	—	—	—	—	—	—	—	—
Dispensary/Retail Sales										
Storefront and Delivery	10	—	—	—	—	—	CUP	CUP	—	CUP
Dispensaries	10A	—	—	—	—	—	CUP	CUP	—	CUP
Distribution Facilities	11	CUP	CUP	CUP	—	—	—	—	—	—
Transportation Facilities	12	CUP	CUP	CUP	—	—	—	—	—	—

CUP- Conditional Use Permit- noticed before Planning Commission; CEQA, can add conditions

² Within existing previously developed areas or legally established structures built (finalized) prior to January 1, 2016



Cannabis Nurseries

Production of clones, immature plants, seeds, and other agricultural products used for cultivation

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 ²	CUP	CUP	CUP	—	—	CUP	CUP	CUP	CUP

CUP- Conditional Use Permit- noticed before Planning Commission; CEQA, can add conditions

² Within existing previously developed areas or legally established structures built (finalized) prior to January 1, 2016



Dispensaries

Existing County Code	Proposed Ordinance
Level 1 and Level 2 distinction with patient limits	Distinction and patient limit eliminated
1,000 ft. separation criteria from school, park or businesses that cater to children	600 ft. separation criteria from school, park, child care center, and drug rehabilitation center
Deliveries not allowed	Deliveries allowed per use permit
Sale of consumption devices not allowed	Vaporizers allowed per health permit
Sale of edibles not allowed.	Sale of edibles allowed per health permit

No change to the following provisions:

- Permitted in commercial zoning districts (C1, C2, and LC)
- 1,000 separation criteria from another dispensary or smoke shop
- Cap of 9
- Onsite consumption not permitted



Commercial Cultivation

Planting, growing, harvesting, drying, curing, grading, or trimming of cannabis

Primary considerations:

- Zoning districts
- Minimum lot sizes
- Setbacks
- Separation from sensitive uses



Outdoor Commercial Cultivation

Land Use	MAXIMUM CULTIVATION AREA (square feet or plant)	Min Parcel Size	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development
				LIA	LEA	DA	RRD
Cottage	25 plants	2 ac	1C	ZP	ZP	ZP	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- Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit

MUP- Minor Use Permit or Hearing Waiver, CEQA applies unless Cat Exempt: can add conditions

CUP- Conditional Use Permit- noticed before Planning Commission; CEQA, can add conditions



Indoor Commercial Cultivation

Land Use	MAXIMUM CULTIVATION AREA (square feet)	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial
		LIA	LEA	DA	RRD	MP	M1	M2	M3
Cottage	500	ZP ²	ZP	ZP/2ac	MUP	ZP	ZP	ZP	ZP
Specialty Indoor	501 - 5,000	CUP ²	CUP ²	CUP/2ac ²	CUP ²	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- Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit

MUP- Minor Use Permit or Hearing Waiver, CEQA applies unless Cat Exempt: can add conditions

CUP- Conditional Use Permit- noticed before Planning Commission; CEQA, can add conditions



Mixed Light Commercial Cultivation

Land Use	MAXIMUM CULTIVATION AREA (square feet)	State License Type	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial
			LIA	LEA	DA	RRD	M1	M2	M3
Cottage	2,500	1C	ZP ²	ZP	ZP	MUP	CUP	CUP	CUP
Specialty Mixed Light	2,501 - 5,000	1B	CUP ²	CUP	CUP	CUP	CUP	CUP	CUP
Small Mixed Light	5,001 - 10,000	2B	CUP ²	CUP	CUP	CUP	CUP	CUP	CUP
Medium Mixed Light	10,001 - 22,000	3B	—	—	—	—	CUP	CUP	CUP

ZP- Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit

MUP- Minor Use Permit or Hearing Waiver, CEQA applies unless Cat Exempt: can add conditions

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Commercial Cultivation in RR & AR

Recommendation:

- Minor Use Permits
- 2 acre minimums
- 1 permit maximum

Primary considerations:

- Whether to allow in RR & AR zoning districts
- Minimum parcel sizes
- Setbacks
- Cultivation area size limitations
- Indoor vs. outdoor vs. mixed light
- Notice (300 ft., 600 ft., 1,000 ft.)
- Inclusion and/or exclusion zones



Personal Cultivation

Recommendation:

- 100 sq. ft. per residence
- 6 plant limit on nonmedical
- No outdoor in dense residential and multiunit

Primary considerations:

- Plant count
- Outdoor vs. indoor
- Separation from sensitive uses
- Setbacks



Uniform Rules

- Land Conservation Act Contracts: tax benefit for long term protection of lands
- Allow cultivation as compatible use
 - No more than 15% of property size
- Not qualifying use
 - Does not count toward 50% agricultural area minimum
 - No beneficial tax treatment for cultivation area
- Only agricultural contracted lands, not open space



Cannabis Business Tax Ordinance

- Medical and nonmedical
- General tax
- Non payment:
 - Grounds for permit revocation
 - May require prepayment
- March 7, 2017, election
- Ability to increase and decrease rates by ordinance up to maximum



Medical Cannabis Health Ordinance

- Medical cannabis dispensary permits
- Edible cannabis product manufacturer permits
- Elements:
 - Sanitation and hygiene standards
 - Product handling and storage standards
 - Labeling standards
 - Labeling and advertising that does not target children and youth
 - Tracking standards for recall purposes



Public Comment & Action

- Adopt the Medical Cannabis Health Ordinance
- Adopt the Cannabis Business Tax Ordinance
- Approve the use \$400,000 of Contingency Funds to place the measure on the ballot





Website: <http://sonomacounty.ca.gov/Cannabis>

