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
  o Outdoor
  o Indoor
  o 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

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>State License Type</th>
<th>Industrial Park</th>
<th>Limited Urban Industrial</th>
<th>Heavy Industrial</th>
<th>Limited Rural Industrial</th>
<th>Commercial Office</th>
<th>Neighborhood Commercial</th>
<th>Retail Business and Services</th>
<th>General Commercial</th>
<th>Limited Commercial</th>
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<tr>
<td></td>
<td></td>
<td>MP</td>
<td>M1</td>
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<td>Testing/Laboratories</td>
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<td>Level 1 - nonvolatile solvents</td>
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<tr>
<td>Level 2 - volatile solvents</td>
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<td>Dispensary/Retail Sales</td>
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<td>Storefront and Delivery</td>
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<td>Transportation Facilities</td>
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</tbody>
</table>

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

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

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

<table>
<thead>
<tr>
<th>Land Use</th>
<th>State License Type</th>
<th>Land Intensive Agriculture</th>
<th>Land Extensive Agriculture</th>
<th>Diverse Agriculture</th>
<th>Resources and Rural Development</th>
<th>Ag and Residential</th>
<th>Rural Residential</th>
<th>Industrial Park</th>
<th>Limited Urban Industrial</th>
<th>Heavy Industrial</th>
<th>Limited Rural Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesale (outdoor)</td>
<td>4</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
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</tr>
<tr>
<td>Wholesale (indoor/greenhouse)</td>
<td>4</td>
<td>CUP²</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
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<td>CUP</td>
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</tbody>
</table>

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

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

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

<table>
<thead>
<tr>
<th>Land Use</th>
<th>MAXIMUM CULTIVATION AREA (square feet or plant)</th>
<th>Min Parcel Size</th>
<th>State License Type</th>
<th>Land Intensive Agriculture</th>
<th>Land Extensive Agriculture</th>
<th>Diverse Agriculture</th>
<th>Resources and Rural Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage</td>
<td>25 plants</td>
<td>2 ac</td>
<td>1C</td>
<td>ZP</td>
<td>ZP</td>
<td>ZP</td>
<td>MUP</td>
</tr>
<tr>
<td>Specialty Outdoor</td>
<td>5,000 sq. ft. or 50 plants</td>
<td>3 ac</td>
<td>1</td>
<td>CUP</td>
<td>ZP</td>
<td>ZP</td>
<td>CUP</td>
</tr>
<tr>
<td>Small Outdoor</td>
<td>5,001 - 10,000</td>
<td>5 ac</td>
<td>2</td>
<td>CUP</td>
<td>ZP</td>
<td>ZP</td>
<td>CUP</td>
</tr>
<tr>
<td>Medium Outdoor</td>
<td>10,001 - 43,560</td>
<td>10 ac</td>
<td>3</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Land Use</th>
<th>MAXIMUM CULTIVATION AREA (square feet)</th>
<th>Land Intensive Agriculture</th>
<th>Land Extensive Agriculture</th>
<th>Diverse Agriculture</th>
<th>Resources and Rural Development</th>
<th>Industrial Park</th>
<th>Limited Urban Industrial</th>
<th>Heavy Industrial</th>
<th>Limited Rural Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage</td>
<td>500</td>
<td>LIA</td>
<td>ZP</td>
<td>ZP/2ac</td>
<td>MUP</td>
<td>ZP</td>
<td>ZP</td>
<td>ZP</td>
<td>ZP</td>
</tr>
<tr>
<td>Specialty Indoor</td>
<td>501 - 5,000</td>
<td>ZP</td>
<td>ZP</td>
<td>ZP/2ac</td>
<td>MUP</td>
<td>ZP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Small Indoor</td>
<td>5,001 - 10,000</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP/2ac</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Medium Indoor</td>
<td>10,001 - 22,000</td>
<td>ZP</td>
<td>ZP</td>
<td>ZP/2ac</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
</tbody>
</table>

ZP - Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit
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## Mixed Light Commercial Cultivation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>MAXIMUM CULTIVATION AREA (square feet)</th>
<th>State License Type</th>
<th>Land Intensive Agriculture</th>
<th>Land Extensive Agriculture</th>
<th>Diverse Agriculture</th>
<th>Resources and Rural Development</th>
<th>Limited Urban Industrial</th>
<th>Heavy Industrial</th>
<th>Limited Rural Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage</td>
<td>2,500</td>
<td>1C</td>
<td>ZP²</td>
<td>ZP</td>
<td>ZP</td>
<td>MUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Specialty Mixed Light</td>
<td>2,501 - 5,000</td>
<td>1B</td>
<td>CUP²</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Small Mixed Light</td>
<td>5,001 - 10,000</td>
<td>2B</td>
<td>CUP²</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Medium Mixed Light</td>
<td>10,001 - 22,000</td>
<td>3B</td>
<td>—</td>
<td>—</td>
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<td>CUP</td>
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</tr>
</tbody>
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ZP - Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit
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Commercial Cultivation in RR & AR

Recommendation:
• 2 acre minimums
• Minor Use Permits
• 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
  o No more than 15% of property size

• Not qualifying use
  o Does not count toward 50% agricultural area minimum
  o 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:
  o Grounds for permit revocation
  o 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:
  o Sanitation and hygiene standards
  o Product handling and storage standards
  o Labeling standards
  o Labeling and advertising that does not target children and youth
  o 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