

## MEMO

DATE: September 6, 2018

TO: Sonoma County Planning Commission

FROM: Amy Lyle, Supervising Planner

SUBJECT: Cannabis Ordinance Amendments, ORD18-0003

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On June 28<sup>th</sup> the Planning Commission provided a recommendation to the Board of Supervisors on the Cannabis Ordinance Amendments.

On August 7<sup>th</sup> the Board of Supervisors held a public hearing on the proposed cannabis amendments. In addition to reviewing the complete package of proposed amendments and the Planning Commission recommendations, the Board took straw votes on various policy options.

On August 20<sup>th</sup> the Board of Supervisors Ad Hoc Committee met and provided direction on one additional amendment that was not previously considered by the Commission as discussed below.

The Aug 7<sup>th</sup> Board of Supervisor's straw votes included:

1. **Cannabis Permit Requirements-** The Board of Supervisors voted to require a minimum lot size of 10 acres for all commercial cannabis cultivation operations in agricultural and resource zones (LIA, LEA, DA, and RRD). This motion included a pipeline provision that would allow applications for commercial cannabis cultivation operations that were deemed complete prior to the effective date of this ordinance to continue to be processed under the development criteria and minimum lot size in effect at the time their applications were deemed complete.

All approved cannabis permits (both zoning permits and use permits) prior to the effective date of the ordinance, or through this pipeline provision, may be renewed with a use permit. Note that this means zoning permits that do not meet the minimum parcel size under the new ordinance would need to apply a use permit to be renewed which would require public notification, environmental review, and allow the county to require conditions to address any issues.

2. **Exclusion Combining District-**The Board voted to reject the creation of Cannabis Exclusion Combining Districts.
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4. **Setbacks from Public Parks**-The Board voted to allow a reduction to the setback from public parks with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope; that no offsite impacts will occur; and that the cannabis operation is not accessible or visible from the park.
5. **Propagation Area Allowance**-The Board voted to allow up to a 25% propagation area, to support onsite cultivation, with a use permit. No additional propagation are would be permitted with a zoning permit.
6. **Term of Cannabis Land Use Permit**- The Board voted to extend the term of new cannabis permits from 1 year to 2 years for Zoning Permits, and 5 years for Use Permits.

After further review staff is recommending modifications related to ministerial permits (zoning permits). These recommended modifications include:

1. Retain the one year permit term for all ministerial permits
2. Retain the current requirement for Medical Cannabis cultivation for all ministerial permits

#### **Amendments Requiring Additional Consideration by the Planning Commission**

Staff has identified two items that need to be considered by the Planning Commission prior to the Board's final vote. First, on August 7<sup>th</sup>, after the straw votes were taken the Board provided additional direction to add a pilot program to allow centralized processing facilities on agricultural land in Sonoma Valley. This issue was not fully considered by the Planning Commission during their deliberations in June, 2018.

On August 20<sup>th</sup> the Ad Hoc Committee met and requested an amendment to eliminate the 24 hour notification requirement for inspections and monitoring of permitted operations. This issue was also not previously considered by the Planning Commission.

Government Code Section 65857 states the Board can approve, disapprove, or modify the Planning Commission's Recommended Ordinance but any modification that was not previously considered by the Commission must be referred back for report and recommendation.

#### **Centralized Processing on Agricultural Land**

On August 7<sup>th</sup> the Board asked staff to add an allowance for centralized processing facilities on agricultural land in Sonoma Valley. Centralized processing means "activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis" from off-site sources. The draft ordinance already includes the allowance for centralized processing-only facilities within industrial zones.

Staff recommends that this use be allowed with a conditional use permit within Sonoma Valley because there are other nearby cultivation applications that, if approved, could utilize this nearby land use. The use permit process would allow a case by case review of centralized processing projects including consistency with the General Plan and environmental impacts. This use might reduce impacts associated



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with transportation, air quality, and farmland protections because it reduces the need for onsite processing facilities at individual cultivation sites.

This change would be accomplished with the following footnote added to the Cannabis Land Use Table:

*Cannabis centralized processing facilities that serve cultivators on adjacent properties or in the immediate area may be permitted within Planning Area 9 (Sonoma Valley) but not within any adopted Area Plan.*

### **Site Visit 24 hour Notification Requirement**

The Cannabis Ad Hoc Committee met on August 20<sup>th</sup>, 2018 and recommended an additional amendment to the ordinance that was not previously considered. The amendment would eliminate the 24 hour notification requirement for inspections and monitoring of permitted operations. This would provide flexibility for staff to inspect without advance notice, although for safety it is current practice for staff to call in advance so the visit is expected. It should be noted this change only impacts inspections to permitted sites. Code enforcement staff does not have to adhere to any advance notice requirements for inspections.

The following amendments are recommended by the Cannabis Ad Hoc Committee:

#### Section 26-88-250 Commercial Cannabis Uses

*(k) Inspections. Premises shall be subject to inspections by appropriate local and state agencies, including but not limited to the Agriculture/Weights & Measures and Permit and Resource Management. Premises shall be inspected at random times for conformance with the county code and permit requirements. The inspection shall be conducted during regular business hours, ~~with at least 24 hours' notice.~~ If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the permit holder to immediately cease operations.*

#### Section 26-88-254 Operating Standards

*(g)(1) Compliance Inspections. All cultivation sites shall be subject to on-site compliance inspections by agencies having jurisdiction. The inspection shall be conducted during regular business hours, ~~with at least 24 hours' notice.~~*

**RECOMMENDATION:** Staff recommends the Planning Commission

1. Hear the Staff Presentation and take any public comments (though a hearing is not required, public comment on any item on the agenda is required); and
2. Adopt Resolution recommending these additional Zoning Code Amendments.

Attachment A: Revised Planning Commission Resolution



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