



# Cannabis Cultivation Ordinance Update

BOS Meeting

February 13, 2018

Presented by

Sean Powers, CDA Director

# Today

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- Objective: Discuss decision point questions and receive direction from the BOS on long-term cannabis cultivation regulations
- Quick review
- BOS discussion
- Public comment
- BOS discussion with decision point questions
  - Provide direction to County Counsel to begin drafting a revised ordinance
- No action items
- Today is one of many additional steps

# Quick Review

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- Published RFP for a facilitator in December 2016
- Approved contract with MIG in April 2017
- 10 CAG meetings between May 2017 and December 2017
- 2 joint Board / CAG meetings
- Board received CAG report on January 9, 2018
  - CAG recommendation summary table included in this agenda for quick reference
  - CAG is one piece of the input process
- Original plan called for 8 CAG meetings

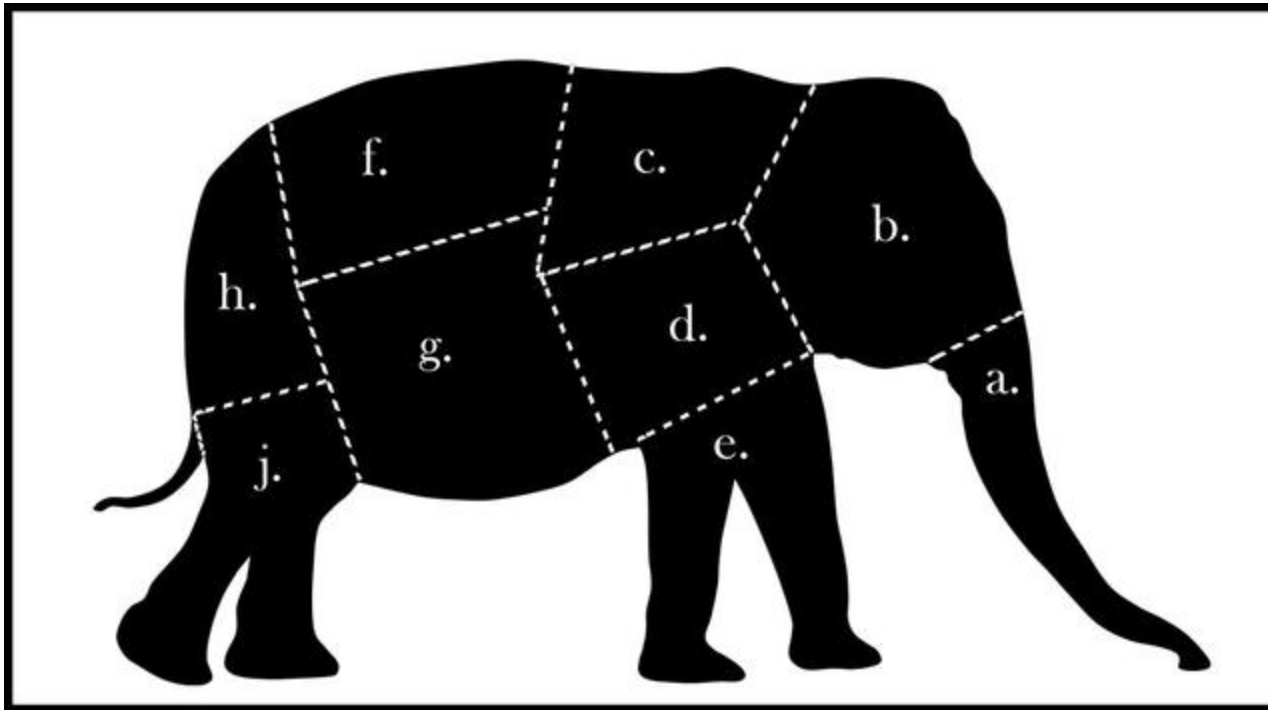
# Quick Review cont'd

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- State regulations
  - Proposition 64 in November 2016
  - Emergency regulations in June 2017 (SB-94)
  - Emergency Medicinal and Adult-Use Cannabis Regulations in November 2017
  - Additional changes are expected by mid-2018
  - Additional rounds of clean up language
- Will not have an adopted ordinance in early 2018 but instead provide policy direction

# One bite at a time

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# Challenges

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- Complex and changing regulatory environment
- State of the State regulations
  - Supply chain regulations
  - Other surprises
- Establishing right fit of cannabis activities for the County
- Regulate an emerging and developing commercial cannabis industry

# BOS Decision Point Topics

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- Personal cultivation
- Zoning
- Setbacks
- Medical- and Adult-Use
- Commercial cultivation
- Commercial cannabis supply chain
- Non-Remuneration
- Residence requirement
- Transition period
- Additional items brought up by the Board

# BOS Discussion Framework

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- From prior BOS meetings
  - Focus on cultivation
  - Protect neighborhoods
  - Mitigate impacts
  - Establish appropriate activities
  - Regulate a developing commercial cannabis industry
- Discuss at a high and broad level
- Provide Board direction to County Counsel
- Range of numbers are appropriate in lieu of precision on key items



# BOS Discussion

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# Public Comment

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# BOS Decision Points

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- Fill in the blank
- Yes or no
- Zoning reference sheet
- Personal cultivation
- Commercial cultivation
- Commercial cannabis supply chain
- Non-Remuneration
- Residence requirement
- Transition period
- Youth setback
- Additional items brought up by the Board

# Personal Cultivation

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- Prop. 64 allows indoor cultivation for up to 6 plants
- Allow personal **outdoor** cultivation...
  - Up to \_\_ plants
  - On \_\_ acre(s) minimum parcel size
  - \_\_ zoned parcels
  - Not in \_\_ zone(s)
  - Setback of \_\_ feet from property line
  - Requires a residence on or adjacent to parcel?
  - Require fences, locked gates, and screening?
- See *CAG recommendation 1.1 to 1.6*

# State License Review

## Outdoor Cultivation (partial list)

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- Requires **M** or **A** designation
- **Specialty Cottage** - up to 25 mature plants
- **Specialty Outdoor** – up to 5,000 sq. ft. or less of total canopy or up to 50 mature plants on noncontiguous plots
- **Small Outdoor** - between 5,001 and 10,000 sq. ft. of total canopy
- **Medium Outdoor** - between 10,000 sq. ft. and 1 acre of total canopy
- **Nursery** – solely a nursery (cloning and seed propagation)
- [https://static.cdfa.ca.gov/MCCCP/document/CalCanna\\_bis%20FAQ%20Medicinal-Adult-Use\\_web\\_8.24.17.pdf](https://static.cdfa.ca.gov/MCCCP/document/CalCanna_bis%20FAQ%20Medicinal-Adult-Use_web_8.24.17.pdf)

# Commercial Cultivation

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- Allow medical?
- Allow adult-use?
- Allow commercial cultivation in \_\_\_ zone(s) only
- Minimum parcel size of \_\_\_ acre(s)
- Minimum setback of \_\_\_ ft. from the property line
- Develop a tiered minimum parcel size and setback by the size of the commercial cultivation activity linked to the State license type?
- Allow noncontiguous activity with 1 primary permit holder as long as the total cultivation fits within the regulation?
- See *CAG recommendation 3.1 to 3.7*

# Commercial Cultivation

- Develop a tiered minimum parcel size and setback by the size of the cultivation activity linked to the State license type
- Outdoor

Type	Amount	Min. Parcel Size	Setback
Specialty Cottage	25 plants / 500 sq. ft.	__ acres	__ ft. from property line
Specialty	50 plants / 5,000 sq. ft.	__ acres	__ ft. from property line
Small	5,001 to 10,000 sq. ft.	__ acres	__ ft. from property line

Type	Amount	Parcel Size	Setback
Nursery	_____ sq. ft.	N/A? Require a CUP?	__ ft. from the property line

# Commercial Cannabis Supply Chain

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- Focus on cultivation?
- Allow medical?
- Allow adult-use?
- Require a use permit?
- Allow commercial cannabis supply chain in \_\_\_\_ zone(s) only
- Prohibit volatile manufacturing licenses (State License Type 7)?
- See *CAG recommendation 4.1 to 4.6*



# Other decision points

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- Non-Remuneration (gifting for medical purposes only)
  - Specific permit with commercial requirements and setbacks with a plant and area allowance for up to five qualified patients?
  - See *CAG recommendation 2.1 to 2.4*
- Residence requirement
  - Require a permitted residence on or adjacent to any cultivation activity?
  - Do not require residency (i.e. live in County)?
  - See *CAG recommendation 1.4 (personal) and 3.7 (commercial)*

# Other decision points cont'd

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- Transition period
  - Provide a cure or grace period to correct land use, zoning, and/or building code violations?
  - Does not apply to cannabis rules
  - See *CAG recommendation 7.1*
- Youth setback
  - 600 ft. setback from the property line of any active school, park, child care center, or youth-oriented facility to the property line of any cannabis-related activities?
  - See *CAG recommendation 5.1*

# Other decision points cont'd

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- Additional items brought up by the Board
  - TBD
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# Questions

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