

February 13, 2018 BOS Direction on Cannabis Ordinance

Executive Summary

PERSONAL CULTIVATION

Board Directives:

- ✓ Allow personal outdoor cultivation up to 6 plants on 5 acre minimum parcels in RA (Estate and Rural).
- ✓ Allow personal outdoor cultivation up to 6 plants in AG, AE, FR, TPZ zoning districts. No minimum parcel size was determined for these zones.
- ✓ Do not allow any outdoor cultivation in R1, R2, R3, RA (Res), and RA (Estate and Rural) less than 5 acres.
- ✓ For all zones, require a setback of 100 feet from the property line.
- ✓ Require a residence on or adjacent to the parcel where personal cultivation plants are planted.

Additional clarification needed from the BOS:

- Is the 6 plants outdoors in lieu of, or in addition to, the state's allowance of 6 plants indoors?
- What should be the minimum parcel size for AG, AE, FR, TPZ zones?
- Should personal cultivators be required to participate in a registry for tracking purposes?
- Should personal cultivation be shielded from the public right of way? (not neighbors)

Staff to research and return with a decision point, information, or recommendation:

- Add an additional setback from a neighboring residence (Ask Sonoma, other counties how this has worked for them).
- Require security features such as locked gates, fences and screening but not opaque fencing and consult with stakeholders to ensuring feature requirements are clearly articulated and understandable.

COMMERCIAL CULTIVATION

Board Directives:

- ✓ Allow medical commercial cultivation in AG, AE, FR zones only with a minimum setback of 100 feet from the property line.
- ✓ Allow outdoor cultivation on minimum parcel size of 5 acres.
- ✓ Allow indoor cultivation and mixed light (with odor control features) on minimum parcel size of 2 acres.
- ✓ Allow cultivation to be noncontiguous on the permitted site.
- ✓ Allow nurseries on AG, AE zoned parcels with a use permit.
- ✓ Require a permitted residence on or adjacent to any parcel with cultivation activity.
- ✓ Do not allow adult-use commercial cultivation at this time.

Additional clarification needed from the BOS:

- Is 10,000 square feet the maximum outdoor cultivation size?
- Are the commercial cultivation limits the absolute maximum cultivation amounts per parcel and how can these limits be allocated (e.g., indoor, outdoor or a combination of both)?
- Are the commercial cultivation limits in addition to, or part of, the State's allowance of 6 plants indoors?

Staff to research and return with a decision point, information, or recommendation:

- A tiered minimum parcel size for state license types based on the parameters above.
- Limit Small cultivation licenses to 100 plants.
- Maximum size for nursery operations.
- Explore residency options including prioritizing local residents for permit expedition.

COMMERCIAL SUPPLY CHAIN

Board Directives:

- ✓ Focus on cultivation ordinance first.
- ✓ Consider supply chain activities after cultivation regulations are adopted.

OTHER DECISION POINTS

Board Directives:

- ✓ Allow non-remuneration cultivation through a specific permit with commercial requirements and setbacks with a plant and area allowance for up to five qualified patients.
- ✓ Provide a cure or grace period to correct code violations if cannabis permit applicant has applied for all as-built permits needed to bring the property up to code prior to issuing the cannabis permit. The grace period does not apply to cannabis rules.
- ✓ Require a 1,000 foot setback from the property line of sensitive uses (e.g., schools, parks, child care centers, etc.) to the property line of any cannabis related activities.
- ✓ Include nuisance language to provide standards for lights, noise, etc.

Staff to research and return with a decision point, information, or recommendation:

- Compare existing ordinance language regarding setbacks to sensitive uses to the state's language.
- Local authorization process/requirements (temp licenses).
- Provisions to protect ground and surface waters in the permitting process.
- Tax measure for the November ballot.
- Consult with technical industry advisors to ensure the new ordinance is understandable.
- Enforcement provisions with strong fines/penalty system.
- Surface water protections particularly in the Martis Valley – research a moratorium on areas where surface water may be threatened.
- Setback variance procedure for irregular lots.
- Bond requirement to pay for restoration/reclamation of cultivation sites.
- Provisions regarding use of generators, especially diesel generators.