

# 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.