

ORD21-0004 – Comprehensive Cannabis Program Update Summary of Deliberations and Recommendations

August 7th, September 17th & 18th, Planning Commission Hearings

This document summarizes deliberations and topic-specific votes from the August 7th, September 17th and 18th Planning Commission Hearings. This document is purely intended to inform the Board of Supervisors and the public of prior deliberations and assist in the Board's deliberations. This document also serves as a comparison between the current ordinance, the proposal brought forth by staff, and the Planning Commission's recommendations where they deferred from staff's original proposal.

The Planning Commission adopted Resolution No. 25-10, and the following action was approved by a 5-0-0-0 vote at the September 18th Hearing.

Approve the Resolution recommending the Board of Supervisors (1) certify the Final Environmental Impact Report, (2) adopt the general plan amendment, and (3) adopt amendments to the Cannabis Land Use Ordinance, with the following changes to:

Exhibit A, General Plan Amendment:

- Policy AR 4-d is amended to expressly exclude cannabis in the Right to Farm Ordinance

Exhibit B, Zoning Ordinance:

- Retain 10-acre minimum parcel size
- Retain cap of 9 dispensaries
- Add a cannabis exclusion combining zone with criteria to address inadequate road access, existing residential uses, intense odor from overconcentration, fire hazard, low water supply.
- Clarify maximum attendees is per activity day for Cannabis Visitor Serving Activities
- 1,000-foot setbacks from residential zoning districts
- Add cap of 9 for direct to customer delivery from distribution facilities (delivery only)

General Plan Amendment	PC Recommendations (Straw Vote)
Current Program	
The General Plan does not consider cannabis an agricultural use.	3-2; General Plan Amendment as proposed, with the following modification; Right to Farm not applicable to cannabis uses
Proposed Program	
The General Plan Amendment would redefine cannabis as "controlled agriculture" and adopt the certain proposed policies to guide its regulation. The County's Right to Farm Ordinance would apply to cannabis. Cannabis would be considered an agricultural use and a prime agricultural use under the County's Williamson Act Uniform Rules	

Cannabis Cultivation and Uses in the Agricultural and Resource zones	PC Recommendations (Straw Vote)
Current Program	
10-acre minimum parcel size	3-2; Retain 10-acre minimum parcel size
Proposed Program	
5-acre minimum parcel size	

Cannabis Cultivation and Uses in the Agricultural and Resource zones	PC Recommendations (Straw Vote)
Current Program	
1-acre maximum canopy per parcel 1-acre maximum canopy per operator	5-0; 10% canopy per parcel; Eliminate can per operator
Proposed Program	
Maximum canopy 10% per parcel No cap	
Current Program	
Ministerial Permitting Pathway - Outdoor: 10,000 sq ft - Indoor: 500 sq ft - Mixed-Light: 2,500 sq ft	5-0; Approve crop swap provisions
Proposed Program	
Allow ministerial permitting pathway through crop swap provisions	
Current Program	
Accessory uses include propagation, self-transport and processing	5-0; Allow accessory uses as proposed
Proposed Program	
Allow accessory uses generally, including: propagation, research and development, processing, limited manufacturing, packaging and labeling, distribution, farm retail sales, and other similar support uses as determined by the director.	
Current Program	
Temporary hoop houses allowed	5-0; Allow temporary and permanent hoop houses
Proposed Program	
Allow both temporary and permit hoop houses	
Current Program	
Cap of 9 centralized processing facilities	5-0; Eliminate cap
Proposed Program	
Eliminate cap	
Current Program	
Outdoor and Mixed Light: 100 ft (Property Line), 300 ft (offsite residence), 1,000 ft from sensitive uses Indoor: Comply with Base Zone District, 600 ft from Schools (K-12) Includes a Park Setback Exception (Sensitive Use setback)	5-0; Increase residential and incorporated City Boundary setback to 1,000 ft and adopt discretionary criteria for cannabis Exclusion Zones 3-2; No setback exception for sensitive uses (as proposed)
Proposed Program	
Property Line Setback: 100 ft Residential Land Use Setback & Incorporated City Boundary Setback: 600 ft Sensitive Use Setback: 1,000 ft (Eliminate Park setback exception)	
Current Program	
Not applicable	5-0; Approve provisions for existing permits as proposed
Proposed Program	
The following setbacks apply to an application that was approved or deemed complete prior to the effective date of this Ordinance - Base zone setback for existing cannabis structures. - Property Line Setback: 100' for all new/expanded uses - Setback from offsite residences on residentially zoned parcels Setback: 300' (outdoor, mixed light or outdoor event areas) - Sensitive Use Setback: subject to sensitive use applied at the time of approval	

Cannabis Cultivation and Uses in the Agricultural and Resource zones	PC Recommendations (Straw Vote)
Current Program	
Prohibition on tasting, promotional activities and events related to commercial cannabis activities.	5-0; Allow visitor serving activities and events as proposed; Clarify the maximum attendees is per activity day for visitor serving activities
Proposed Program	
Allow for Periodic Special Events to include cannabis consumption or sale when incidental to the primary purpose of the event. Allow for Cannabis Visitor Serving Activities and Events (Use Permit) in the Agricultural and Resource Zones consistent with standards in Section 26-18-270.	

Cultivation and Supply Chain Uses in the Commercial and Industrial Zones	PC Recommendations (Straw Vote)
Current Program	
Operator Qualifications (age 21, background check, criminal history, ownership documentation)	5-0; Eliminate Operator Qualifications
Proposed Program	
Eliminate Operator Qualifications from the Zoning Code & defer to DCC State Licensing	
Current Program	
Compliance with Track and Trace Program	5-0; Eliminate Track & Trace provision
Proposed Program	
Eliminate compliance with DCC Track and Trace Program requirement from the Zoning Code	
Current Program	
Use Permit required for all uses	5-0; Allow most uses by right with exceptions specified by code
Proposed Program	
Allow most uses by right in these zones; except for Cultivation (where sewer or water is unavailable) and Testing Laboratories in C3	
Current Program	
Term Limits (UPC – 5 years)	5-0; Eliminate term limits
Proposed Program	
Eliminate term limits	
Current Program	
Setbacks for Cultivation in these zones: 600 ft, indoor cultivation from schools 1,000 ft, mixed light all sensitive uses	5-0; Eliminate setbacks for cultivation in these zones
Proposed Program	
No setbacks required; as cultivation would be contained within structures	
Current Program	
Prohibition on Volatile Manufacturing	5-0; Allow volatile manufacturing in the Industrial and C3 Zones
Proposed Program	
Remove prohibition on volatile manufacturing in the Industrial and C3 Zones	
Current Program	
Cannabis distribution prohibits delivery (delivery only allowed from storefront retail/dispensary)	5-0; Allow delivery with distribution
Proposed Program	4-1; Apply a cap of 9 for direct to customer delivery from distribution facilities (delivery only)
Allow delivery with distribution in the Industrial and C3 Zones	

Storefront Retail (Dispensaries) in Commercial Zones	PC Recommendations (Straw Vote)
Current Program	
Cap of 9 Dispensaries in the Unincorporated County	5-0; Retain cap of 9 Storefront retailers
Proposed Program	
No Cap	
Current Program	
Use Permit required for all uses	5-0; Allow storefront retail by right
Proposed Program	
Allow most uses by right	
Current Program	
Term Limits	5-0; Eliminate term limits
Proposed Program	
No term limits	
Current Program	
Setbacks for Dispensaries • 1,000 ft from residential zoning • 1,000 ft from other Storefront retailers (i.e., dispensaries) • 500 ft from a smoke shop • 1,000 ft from sensitive uses • Setback waiver allowed	5-0; Eliminate setback requirements for storefront retailers
Proposed Program	
No Setbacks required for storefront retailers	
Current Program	
Hour of Operation requirements for storefront retailers	5-0; Eliminate Hours of Operation requirements from the Zoning Code
Proposed Program	
Eliminate Hours of Operation requirements from the Zoning Code; defer to DCC State Licensing	
Current Program	
Customer access and age requirements	5-0; Eliminate Customer Access and Age Requirements from the Zoning Code
Proposed Program	
Eliminate customer access and age requirements from the Zoning Code; defer to DCC State Licensing	
Current Program	
Prohibition of visible signage which explicitly advertises cannabis	3-2; Remove signage standards from the Zoning Code
Proposed Program	
Remove specific signage requirement from storefront retailer Zoning Code standards; Compliance with Article 84 of the Zoning Code; defer to DCC restrictions on advertising and marketing to limit possible exposure to persons under 21	
Current Program	
Requires submittal of a Security Plan for storefront retailers	5-0; Eliminate security requirements for storefront retailers, defer to DCC
Proposed Program	
Eliminate security plan requirement from the Zoning Code; defer to DCC State Licensing and storefront retailer security requirements	

Storefront Retail (Dispensaries) in Commercial Zones	PC Recommendations (Straw Vote)
Current Program	
Ventilation System required to prevent offsite odors	5-0; Implement mitigation measure for offsite odors associated with consumption.
Proposed Program	
Ventilation system not required for storefront retailers associated with retail floor area (package cannabis products). (Mitigation Measure 3.3-4b implements ventilation requirements related to indoor smoking; if consumption (which includes smoking) is allowed at dispensaries, a ventilation system would be required consistent with this Mitigation Measure).	
Current Program	
Consumption not allowed	5-0; Allow consumption at storefront retailers
Proposed Program	
Allow consumption at storefront retailers	

Personal Cultivation	PC Recommendations (Straw Vote)
Current Program	5-0; Allow up to 6 plants for adult use and medical personal cultivation
Distinguishes between adult and medical use; Adult Use: 6 plants, Medical Use: 100 sq ft, no plant limit	
Proposed Program	
No longer distinguishes between adult use or medical and allows for up to 6 plants accessory to a residential unit in all zoning districts	