## 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 7<sup>th</sup>, September 17<sup>th</sup> and 18<sup>th</sup> 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 18<sup>th</sup> 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
Proposed Program	Amendment as proposed,
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	with the following modification; Right to Farm not applicable to cannabis uses

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
Proposed Program	minimum parcel size
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	5-0; 10% canopy per parcel;
1-acre maximum canopy per operator	Eliminate can per operator
Proposed Program	
Maximum canopy 10% per parcel	
No cap	
Current Program	F. O. Ammunia and a suita
Ministerial Permitting Pathway	5-0; Approve crop swap
Outdoor: 10,000 sq ft  Indoor: 500 sq ft	provisions
• Indoor: 500 sq ft	
Mixed-Light: 2,500 sq ft  Proposed Programs	
Proposed Program	
Allow ministerial permitting pathway through crop swap provisions	
Accessory uses include propagation, self-transport and processing	5-0: Allow accossory uses
Proposed Program	5-0; Allow accessory uses as proposed
Allow accessory uses generally, including: propagation, research and development,	ας μισμοσεά
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
Proposed Program	permanent hoop houses
Allow both temporary and permit hoop houses	permanent noop nouses
Current Program	
Cap of 9 centralized processing facilities	5-0; Eliminate cap
Proposed Program	o, Emmate cap
Eliminate cap	
Current Program	
Outdoor and Mixed Light: 100 ft (Property Line), 300 ft (offsite residence), 1,000 ft from	5-0; Increase residential
sensitive uses	and incorporated City
Indoor: Comply with Base Zone District, 600 ft from Schools (K-12)	Boundary setback to 1,000
Includes a Park Setback Exception (Sensitive Use setback)	ft and adopt discretionary
Proposed Program	criteria for cannabis
Property Line Setback: 100 ft	Exclusion Zones
Residential Land Use Setback & Incorporated City Boundary Setback: 600 ft	
Sensitive Use Setback: 1,000 ft (Eliminate Park setback exception)	3-2; No setback exception
	for sensitive uses (as
	proposed)
Current Program	
Not applicable	5-0; Approve provisions for
Proposed Program	existing permits as
The following setbacks apply to an application that was approved or deemed complete	proposed
prior to the effective date of this Ordinance	
Base zone setback for existing cannabis structures.	
Property Line Setback: 100' for all new/expanded uses	
<ul> <li>Setback from offsite residences on residentially zoned parcels Setback: 300' (outdoor, mixed light or outdoor event areas)</li> </ul>	
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 Program	proposed; Clarify the maximum attendees is per activity day for visitor serving activities
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 &
Proposed Program	Trace provision
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
Proposed Program	right with exceptions
Allow most uses by right in these zones; except for Cultivation (where sewer or water is unavailable) and Testing Laboratories in C3	specified by code
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:	5-0; Eliminate setbacks for
600 ft, indoor cultivation from schools	cultivation in these zones
<ul> <li>1,000 ft, mixed light all sensitive uses</li> </ul>	
Proposed Program	
No setbacks required; as cultivation would be contained within structures	
Current Program	
Prohibition on Volatile Manufacturing	5-0; Allow volatile
Proposed Program	manufacturing in the
Remove prohibition on volatile manufacturing in the Industrial and C3 Zones	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
Allow delivery with distribution in the Industrial and C3 Zones	direct to customer delivery from distribution facilities (delivery only)

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
Proposed Program	Storefront retailers
No Cap	
Current Program	
Use Permit required for all uses	5-0; Allow storefront retail
Proposed Program	by right
Allow most uses by right	
Current Program	
Term Limits	5-0; Eliminate term limits
Proposed Program	
No term limits	
Current Program	
Setbacks for Dispensaries	5-0; Eliminate setback
1,000 ft from residential zoning	requirements for storefront
<ul> <li>1,000 ft from other Storefront retailers (i.e., dispensaries)</li> </ul>	retailers
500 ft from a smoke shop	
• 1,000 ft from sensitive uses	
Setback waiver allowed	
Proposed Program	
No Setbacks required for storefront retailers	
Current Program	
Hour of Operation requirements for storefront retailers	5-0; Eliminate Hours of
Proposed Program	Operation requirements
Eliminate Hours of Operation requirements from the Zoning Code; defer to DCC State Licensing	from the Zoning Code
Current Program	
Customer access and age requirements	5-0; Eliminate Customer
Proposed Program	Access and Age
Eliminate customer access and age requirements from the Zoning Code; defer to DCC State Licensing	Requirements from the Zoning Code
Current Program	
Prohibition of visible signage which explicitly advertises cannabis	3-2; Remove signage
Proposed Program	standards from the Zoning
Remove specific signage requirement from storefront retailer Zoning Code standards;	Code
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
Proposed Program	requirements for storefront
Eliminate security plan requirement from the Zoning Code; defer to DCC State Licensing and storefront retailer security requirements	retailers, defer to DCC

Storefront Retail (Dispensaries) in Commercial Zones	PC Recommendations (Straw Vote)
Current Program	
Ventilation System required to prevent offsite odors	5-0; Implement mitigation
Proposed Program	measure for offsite odors associated with consumption.
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	
Distinguishes between adult and medical use; Adult Use: 6 plants, Medical Use: 100 sq ft, no plant limit	5-0; Allow up to 6 plants for adult use and medical personal cultivation
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	