ATTACHMENT 7

Board of Supervisors

October 28, 2025

POLICY OPTIONS & DISCUSSION PAPERS

The discussion papers included in this attachment cover a range of policy options. Topic areas include the following,

- Cannabis Cultivation and Cannabis Uses in the Agricultural and Resource Zones
- Cannabis Visitor Serving Activities
- Code Requirements which pertain to all Cannabis Uses
- Compatibility Setbacks
- Designation of Cannabis under the General Plan
- Minimum Parcel Size in the Agricultural and Resource Zones
- Storefront Retail (Dispensaries) & Non-Storefront Retail (Delivery Only)
- Permit Streamlining, Ministerial vs Discretionary Permitting Approaches
- Personal Cultivation

Cannabis Cultivation and Cannabis Uses in Agricultural and Resource Zones

The following policy options outline a range of text edits related to the proposed cannabis cultivation zoning code requirements in the Agricultural and Resource zones, see proposed Section 26-18-115. Some Policy Options listed below relate to the existing cannabis ordinance, see Sonoma County Code Section 26-88-254.

Policy Options.

A. Hoop Houses

This option would limit the use and development of hoop houses in support of cannabis cultivation, by either placing a per-parcel or countywide limit, or by prohibiting them in designated Scenic Resource areas.

Note. The DEIR found hoop houses to be consistent with the agricultural rural landscape of the County without requiring environmental mitigation. However, even absent a CEQA impact, the County may find it desirable to limit hoop house development for cannabis cultivation. While many operators use hoop houses and have commented that not using them puts the crop at risk of mold, wind, pesticide drift, etc., there are operators who do not use hoop houses, though the difference in cultivation practices could be due to location.

B. Modify or Limit Accessory Uses for Cannabis Cultivation.

The proposed program allows the following accessory uses to support onsite cannabis cultivation, such as: propagation, research and development, processing, manufacturing, packaging and labeling, and distribution. In the Agricultural and Resource zones, accessory retail for cannabis would be allowed in accordance with existing code sections for Farm Retail Sales (Sec. 26-18-140 & Sec. 26-88-215), except that food sampling, onsite cannabis consumption and the sales of cannabis and cannabis products grown offsite would be prohibited (Sec. 26-15-115(C)(4)(g)(2)). Cannabis accessory manufacturing would be limited to extraction using carbon dioxide, extraction by physical or mechanical means (e.g., ice and water), and infusion of non-ingestible products from site-grown cannabis (e.g., topicals) (Sec. 26-15-115(C)(4)(g)(1)). Policy options to prohibit non-cultivation accessory uses are included below.

1. Prohibit Accessory Manufacturing

This policy option would prohibit accessory manufacturing in the Agricultural and Resource zones. All manufacturing, including extraction, infusion, packaging, labeling, or a combination of these, would need to occur within Industrial zones. Prohibiting accessory manufacturing would not advance project objectives of encouraging business opportunities for the industry. Limited accessory manufacturing in these zones would allow operators to diversify their business model and reduce their reliance on third-party partners. Expanding the allowance of accessory uses, where appropriate, is a mechanism to increase business opportunities for the industry. This option would be consistent with General Plan Amendment Policy A to continue cannabis as a commercial use rather than re-defined as controlled agriculture under the General Plan. The allowance of limited accessory manufacturing is consistent with defining cannabis as

controlled agriculture because the use would be considered an agricultural support service which directly supports the onsite agricultural production. The industry has indicated that to maintain financial solvency and product quality control, operators need to be able to conduct accessory uses onsite, rather than relying on offsite third-party businesses to process or manufacture products from the onsite crop.

2. **Prohibit Accessory Retail (Farm Retail Sales)**
   This option would prohibit accessory retail consistent with the Farm Retail Sales provisions in the Agriculture and Resource zones. All retail sales would be limited to Storefront Retailers in the Commercial zones. This would limit cannabis operators' ability to diversify their businesses. This option would align with General Plan Amendment Policy Option A, to continue cannabis as a commercial use rather than re-defined as a controlled agriculture use under the General Plan. The allowance of limited farm retail sales is consistent with defining cannabis as controlled agriculture because the use would directly promote and market the sale of agricultural products grown onsite as encouraged by General Plan policies.

C. Retain Centralized Processing Cap of current Ordinance, Section 26-88-254(f)(5).
This option would retain the current Ordinance's cap of nine centralized processing facilities (Sec. 26-88-254(f)(5)) in agricultural areas of the unincorporated County. There are currently two permitted centralized processing facilities in agricultural areas. This option would limit higher intensity uses in agricultural lands. However, with the proposal to classify cannabis as controlled agricultural as well as existing and amended General Plan policies AR-5b, AR-5d, and AR-5e, which restrict development of agricultural support services, such as centralized processing, the need for such a policy option appears to be limited.

D. Impose a Countywide Cap on Cultivation Allowed.
This policy option could be adopted instead of or in addition to a per-parcel maximum canopy area and could apply to outdoor, mixed-light, indoor or any combination thereof. This policy option would impose a Countywide cap on cultivation area, such as.

1. **50 acres of cultivation allowed Countywide.**
2. **100 acres of cultivation allowed Countywide.**

Note. The DEIR studied 208 acres as the maximum cultivation area in the County. The EPS economic report commissioned by the County found the maximum supportable cultivation to be 104 acres based on market conditions. The highest acreage of cultivation which has been permitted in the County was 42 acres; currently, there are approximately 20 acres of permitted cultivation (mostly outdoor).

A county-wide cap likely would not affect where individual cultivation sites are located or how they are distributed countywide but could reduce overall impacts that are cumulative in nature, such as water use, odor generation, and agricultural promotional visitor-serving uses, including cannabis events.

Caps could also be imposed by Supervisorial District, or some other pre-determined geographical boundary, which could reduce potential overconcentration within specific areas.

E. Crop Swap Provisions.

The proposed program includes crop swap provisions which allow for a ministerial permitting pathway in the Agricultural and Resource zones. Crop swaps allow for the replacement of active cultivation or the reuse of existing nonresidential structures to be approved by zoning permit, when standards can be met (Sec. 26-18-115(C)(4)(h).

1. **Remove Crop Swap Provisions.**
   This option would eliminate the crop swap provisions; all cannabis cultivation in Agricultural and Resource zones would require a use permit. This option would increase the barrier for entry for potential applicants, as use permits require more time and money to process, which conflicts with project objectives. This option would allow for the greatest amount of public input and site-specific analysis on each permit application to provide more surety that approved permits would be compatible with the surrounding area.

2. **Disallow the reused of existing structures.**
   This option would disallow the reuse of existing structures for a cannabis operation under the proposed crop swap provisions, i.e., crop swaps would only apply to outdoor cultivation. This option would reduce intensification of crop swap operations by disallowing cultivation within structures (which often occurs year-round) and by disallowing accessory uses within structures (such as accessory retail, accessory processing, and accessory manufacturing).

F. Existing Permits and Uses

The proposed program (Sec. 26-18-115(C)(4)(c)(5)) addresses existing permits and uses which would be affected by the proposed setbacks by imposing current setbacks on existing uses and their expansion, except where new setbacks are less restrictive.

The proposed program would allow maximum flexibility and growth potential for current operations. By addressing existing uses through specific development standards, they would not be considered nonconforming because they would still comply with current regulations. Legal nonconforming status can put significant restrictions on the ability of an operation to evolve over time or potentially rebuild because the intent of policies governing nonconforming uses is for them to eventually phase out.

Alternative policy options would be as follows:

1. **Legal Nonconforming.** This option would limit further expansion to a one-time 10% allowance consistent with existing code requirement for Nonconforming Uses, Article 94. The one-time 10% expansion could be allowed within the proposed setbacks. This option would likely result in phase-out of nonconforming uses over time, as

nonconforming uses which cease for a continuous period of one year lose nonconforming status and cannot be reinitiated. Staff would recommend extending the timeline for outdoor cultivation before it expires by cessation to two years to allow growers to fallow for a year at a time.

2. **Setbacks would only apply to new or expanded uses.** The operation would not be allowed to expand any cannabis activities within proposed setbacks beyond those approved or deemed complete as of the effective date of the ordinance, including outdoor cultivation and all development used for the operation. An operator could continue currently approved (or deemed complete) uses but could not further expand the use into proposed setbacks. Under this policy option, current uses would be considered legal and not legal nonconforming, which means the use would not be terminated if it ceased operations and would not be subject to restrictions on repairs, maintenance, or reconstruction.

G. Maximum Canopy.

The proposed program limits the maximum canopy area to 10% of the parcel.

1. **Retain 1-acre cap per parcel.**
   This option would retain the current Ordinance's cap of 1 acre of cultivation per parcel (Sec. 26-88-254(f)(3)). A 1-acre cap per parcel disallows larger grows and therefore, ensures that no adjacent parcel would be next to a very large grow. However, this option also encourages operators to develop on multiple parcels to obtain more than an acre of cannabis; due to land value per acre, this often would result in operators being required to purchase or lease two smaller parcels and maximize the grow canopy on each. Conversely, the proposed 10% of parcel cultivation allowance would allow an operator who desired >1 acre of cultivation to locate all of that on one larger parcel, which may also allow the grow to be located further from adjacent parcels and further from residential uses on those adjacent parcels.

2. **Apply a >1-acre cap per parcel.**
   This option would allow a larger than 1-acre cap of cultivation allowed per parcel (e.g., 5 or 10 acres). A larger cap would provide potentially less separation to adjacent parcels from being near a large grow, depending on how large the cap is. A larger cap could also encourage operators to develop fewer parcels, although not necessarily larger parcels.

3. **No cap – remove the 1-acre cap and decline the proposed 10% of parcel area canopy allowance.**
   This option would remove a maximum canopy limitation. Maximum canopy would be limited by required setbacks and site constraints. This option would provide the most flexibility to cannabis operators and the least amount of separation for adjacent parcels from being near very large grow sites.

4. Alternative Maximum Canopy Limits

This option allows the maximum canopy percentage to be either reduced or increased and could include a percentage, a cap, a percentage up to a cap, a variable percentage based on parcel size, or any combination thereof. Examples, including both a 5-acre parcel and 10-acre parcel, are provided below.

Maximum Canopy					
Parcel Size	**5%**	**10%**	**20%**	**30%**	**1-acre cap**
5 acres	10,890 sf 0.25 acre	21,780 sf 0.5 acre	43,560 sf 1 acre	65,340 sf 1.5 acres	43,560 sf 1 acre
10 acres	21,780 sf 0.5 acre	43,560 sf 1 acre	87,120 sf 2 acres	130,680 sf 3 acres	43,560 sf 1 acre
50 acres	108,900 sf 2.5 acres	217,800 sf 5 acres	435,600 sf 10 acres	653,400 sf 15 acres	43,560 sf 1 acre
100 acres	217,800 sf 5 acres	435,600 sf 10 acres	871,200 sf 20 acres	1,306,800 sf 30 acres	43,560 sf 1 acre

Cannabis Visitor Serving Activities

The following policy options present several approaches to the allowance and permitting of cannabis events under the proposed program.

Background.

The current program prohibits consumption or events related to cannabis as stated in Section 26-88-250(c)(5):

> *Tasting, promotional activities, and events related to commercial cannabis activities are prohibited.*

To advance project objectives of regulating cannabis in agricultural lands more similarly to other agricultural uses and expanding business opportunities for the industry, the proposed program removes the above prohibition but sets restrictions and limitations on the use of cannabis events.

Proposed Program & Discussion.

Under the proposed program, the General Plan Amendment would redefine cannabis as controlled agriculture, a subset of agriculture. The Agricultural Resources Element of the General Plan acknowledges the benefits of visitor-serving uses to the long-term sustainability of the agricultural industry by promoting the sale and promotion of agricultural products. Goal AR-6 allows for new visitor-serving uses, so long as the visitor-serving use is limited in scale and location, provides a benefit to the agricultural industry and is compatible with the long-term agricultural use of the land. Agricultural tourism directly promotes the sale of agricultural products. Proposed Policy AR-6i puts limitations on cannabis consumption and only allows for consumption in conjunction with cannabis events or periodic special events and therefore limits open tasting rooms in the rural agricultural areas. The purpose of this limitation is to balance the need for the cannabis industry to benefit from promotional activities, while ensuring consumption is controlled to allow event holders to implement appropriate modes of visitor transportation and methods to control consumption amounts. This policy also allows for all other visitor serving uses including sales, promotion, education activities and tours like traditional agriculture. For additional discussion regarding relevant proposed and existing policies of the Agricultural Resources Element of the General Plan, please see the Policy Option discussion paper on the proposed General Plan Amendment.

The proposed program includes two separate categories of events: Cannabis Events, which require a use permit (agricultural promotional events associated with a cannabis operation or frequent events at a standalone facility), and Periodic Special Events for occasional events not associated with a cannabis land use permit. Cannabis events are more like wine-maker dinners (small events) and winery events (large events), while examples of Periodic Special Events include one-time weddings or an annual Emerald Cup.

Periodic Special Events. Periodic Special Events are currently regulated under Sec 26-22-120 of the Zoning Code, and are allowed by zoning permit in all Zoning Districts (AR, AS, C0, C1, C2, C3, DA, K, LC, LEA, LIA, M1, M2, M3, MP, PC, R1, R2, R3, RR, RRD, and TP), except prohibited in vacation rentals unless a use permit is obtained. Proposed zoning code changes will allow events which involve the sale or consumption of cannabis to be permitted under the Periodic Special Events code. Except for including

cannabis consumption within allowed event activities, no changes to how Periodic Special Events are allowed or permitted would result from the proposed ordinance update. A periodic special event zoning permit requires approvals by various other Permit Sonoma divisions and County Departments, including Building (building code compliance), Permit Sonoma Sanitation (portable toilets, trash, and noise), Encroachment (public right of way review), Fire Prevention (emergency services), Sonoma County Environmental Health (food service, including preparation or handling of food), Sonoma County Sheriff (traffic and safety) and California Highway Patrol (if located on a state highway). The approval process for a Periodic Special Event zoning permit includes a courtesy notice to surrounding landowners. As with all cannabis uses, a Periodic Special Event involving cannabis would require a state license from DCC. Periodic Special Events by zoning permit are limited to an average of two per year in any two-year period. Smoking at periodic special events is currently regulated by the following operating standard, in compliance with Chapter 32 standards regulating smoking and secondhand smoke. This operating standard would be equally applied to smoking (consumption) of cannabis at periodic special events.

> *Smoking is prohibited at public events, except in designated smoking areas. If smoking areas are designated, they shall be outdoors, at least 25 feet from non-smoking areas, no more than 5% of the event area, and posted as a smoking area and equipped with ash trays or ash cans. All dining areas, enclosed areas and areas where the public waits for entry or to be served shall be posted as "No Smoking."*

Cannabis Events. Cannabis Events would be considered agricultural promotional events and regulated under new Zoning Code Section 26-18-270. Cannabis Events could be proposed as part of a cultivation use permit or centralized processing use permit in the agricultural zoning districts (LIA-Land Intensive Agriculture, LEA-Land Extensive Agriculture, and DA-Diverse Agriculture) and the Resources and Rural Development Zoning District (RRD- note that centralized processing is not allowed in RRD). Cannabis events not associated with an onsite cultivation or centralized processing operation could also be proposed within those four zoning districts with a standalone Cannabis Events use permit. Cannabis Events under Sec. 26-18-270 would not be allowed in residential, commercial, or industrial zoning districts; however, periodic special events, as described above, are allowed in those zoning districts.

The Cannabis Events code section is intended to establish standards and maximum allowances for cannabis visitor-serving uses similar to the permitting of events at wineries. Although the code allows, for example, up to 104 small scale event days, the actual scope of visitor-serving uses for any given site would be determined through the use permit process involving a site-specific analysis to determine the appropriate number, size, and scale of events for that site. Additional restrictions and requirements may also be imposed by conditions of approval, where appropriate.

The DEIR includes numerous mitigation measures that would impact permitting of cannabis events. Cannabis events would not be allowed in the very high fire hazard severity zones of the state or local responsibility areas and all permitted event sites would require a site-specific fire protection and prevention plan with site-specific event standards reviewed and approved by the Fire Marshal and local fire district. Mitigation measures would also address potential odors from outdoor and indoor cannabis smoking, noise from outdoor amplified music, and impose strict lighting and glare standards.

Policy Options.

A. **No Events Allowed (Cannabis Events or Periodic Special Events).**
This option would not allow any events (Cannabis Events or Periodic Special Events) to include cannabis, cannabis sales, or cannabis consumption.

B. **Allow Periodic Special Events, not Cannabis Events**
This option would only allow for Periodic Special Events (Sec. 26-22-120) to include the sale of cannabis and cannabis consumption. This option would prohibit cannabis events that require a use permit and would not adopt proposed Section 26-18-270.

C. **Allow Cannabis Events, not Periodic Special Events**
This option would only allow for Cannabis Events permitted by use permit under proposed code Section 26-18-270. This option would prohibit cannabis events to be allowed under existing code provisions for Periodic Special Events and would not adopt revisions to code Section 26-22-120.

D. **Disallow Consumption at Events. (Periodic Special Events and/or Cannabis Events)**
Prohibit consumption at either or both Cannabis Events and Periodic Special Events. Sales of cannabis could still occur at events.

E. **Reduce the number or size of cannabis events allowed**
The proposed program sets a limit on number and size of cannabis events allowed with a use permit under proposed code Section 26-18-270. Small-scale events (25 or fewer attendees; or up to 50 attendees with a shuttle service provided) are allowed up to 104 event days a year. Large-scale events (greater than 25 attendees) are allowed up to 2 events per year with up to 2 event days each. This option would allow for the reduction in either the number of attendees at each event or allowable event days each year.

F. **Impose Term Limits on Cannabis Events**
This option would impose a term limit on Cannabis Events permitted by use permit under proposed code Section 26-18-270. For example, a 5-year term limit could be placed on events, so that when the term limit is up the applicant would need to reapply for a new Use Permit.

Term limits would allow future code changes related to events without creating long-term nonconforming uses. This option would also allow the County to not renew Cannabis Event permits for operators not operating in compliance with their Use Permit or Conditions.

G. **Allow tasting rooms.**
This option would allow for open tasting rooms similar to winery-style tasting rooms at cannabis operations. This option would allow for onsite consumption unrelated to onsite events, which ultimately could result in less control over consumption amounts and modes of transportation by tasting room operators.

Code Requirements Which Pertain to All Cannabis Uses

The following policy options outline a range of approaches to code requirements which pertain to all cannabis uses.

Policy Options.

A. Retain term limits of current Ordinance, Section 26-88-250(e).
This option would retain term limits of the current Ordinance. The current term limits are 5 years for a Use permit and 1 year for a Zoning Permit.

Note. Staff has proposed to remove term limits as it has not been proven to be a useful tool during implementation. It adds an additional cost to the applicant and additional workload for County staff. The proposed program aims to treat cannabis use permits similarly to Use Permits for other uses in the county in that Use Permits run with the land and could be used by subsequent businesses or operators. Term limits would likely make it easier to phase out or non-renew permits based on changed circumstances or policy goals; however, the converse of that flexibility is a lack of certainty for the industry. Even without term limits, the County may initiate permit revocation based on noncompliance with the code or permit.

B. Retain cap per operator of current Ordinance, Section 26-88-254(e).
This option would retain the current cap per operator requirements of the current Ordinance. Currently, a single operator cannot cultivate more than 1 acre of cannabis within the unincorporated County. The policy objective behind this restriction was to support small farmers. However, the County has found implementation difficult and ineffective as most permit applicants are LLC's or corporations and not individual people and such businesses may bring in new investors or otherwise change ownership, which requires continual tracking by the County. The proposed program update seeks to achieve the goal of supporting small farmers and a diversified industry by reducing barriers to entry and streamlining permitting, without regulating ownership directly.

Compatibility Setbacks in the Agriculture and Resource Zones

Background.
An objective of this Cannabis Program Update is to *ensure cannabis uses are compatible with areas of concentrated residential uses and ensure compatibility between cannabis and existing non-residential uses*. This project objective was developed out of the Cannabis Program Update Framework adopted by the Board of Supervisors in March of 2022. The Framework directed staff to evaluate options to increase compatibility between land uses and the neighborhoods they are located within or near, by developing separation criteria and determining what would constitute a "rural residential enclave."

Staff began the process to determine what would constitute a rural residential enclave by developing a data driven, quantitative set of criteria aimed to identify enclaves using geographic information systems (GIS) modeling. The intent of the development of rural residential enclaves was to identify pockets of clustered residential development that exist amongst larger agricultural parcels to exclude cannabis in those areas and apply a buffer so that cultivation on larger parcels around the enclaves would be sufficiently separated from the enclave. In this process, it was staff's objective to develop and apply a data driven objective approach implemented by the GIS modeling. Staff completed an extensive analysis to develop the criteria used in the final model, which are:

- General Plan Land Use Designation: Staff applied land use designations where residential uses are a primary (residential) or a principally permitted (agricultural or resource) use.
    - Urban Residential (UR), Rural Residential (RR), Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA), and Resources and Rural Development (RRD)
- Residential Density: Staff applied a density of 2 or less, which equates to one or more dwelling units per two acres, to represent enclaves of more dense residential development in what is overall a very rural county.
- Maximum Parcel Size: Staff applied a 2-acre maximum as a model target, which results in enclave parcels ranging from 0.1 acre up to 5 acres due to averaging across the enclave.
    - Staff initially considered various parcel sizes, ranging from one to five acres, and conducted research on 44 clusters of residential development located throughout the unincorporated County. Clusters evaluated were either formal subdivisions or identified by the US Census Bureau as "Census Designated Places." This review found that the average parcel size was under one acre (0.89 acre) and the median parcel size was about half an acre (0.57 acre).
    - Because the model uses parcel size as a target but includes parcels larger than the target size due to averaging, a larger target parcel size introduces greater variation in parcel size within an enclave.
    - To be more inclusive, while also minimizing potential size deviation from the target, staff used two acres as the maximum parcel size.
    - Using the two-acre maximum as the model target, parcel size ranges from 0.01 acre to 5.0 acres across most of the draft enclaves.
- Minimum Contiguous Parcel Number: Staff applied a minimum contiguous parcel number of 50.

- Like with parcel size, parcel number is a model target. Cluster analysis indicated that 75 parcels would likely represent a typical enclave in Sonoma County. However, to be more inclusive, staff selected 50 parcels as the minimum number.
- Using a 50-parcel minimum as the model target, the number of parcels per enclave across all draft enclaves ranges from 47 parcels to 4,637 parcels, with an average number of 566 parcels and a median of 328 parcels.

Staff presented Rural Residential Enclaves at a December 13, 2023, public informational meeting as described in the Rural Residential Enclaves Discussion Paper (Attachment 1). After this meeting, staff evaluated adjusting various model criteria, but ultimately determined that, regardless of the criteria used in the enclave model, most enclaves were located within or immediately adjacent to residential zoning or were adjacent to incorporated city boundaries. Therefore, implementing a setback from all residentially zoned areas and city boundaries would provide more separation from residential areas than the previously proposed Rural Residential Enclaves.

Proposed Program.

The proposed program would recategorize cannabis cultivation as an agricultural use. For traditional agriculture, it is recognized that agricultural operations at the agricultural-residential interface are the ones most at risk for conflict with and possible conversion to residential uses, and thus the operations most in need of protection. However, staff recognizes that the public sentiment around cannabis is distinct from traditional agriculture, particularly given its federal classification as a controlled substance, and has thus proposed that cannabis cultivation operations be setback from areas where concentrations of residential development occur. The Zoning Code does not require a minimum parcel size for Agricultural Crop Production and Cultivation (Sec. 26-18-020) within agricultural and resource zones. However, the zoning code does apply a minimum parcel size to agricultural uses which pertain to animal keeping, specifically, Confined Farm Animals applies a 2-acre minimum (Sec. 26-18-070), and Farm Animals applies limits to the number of animals allowed on parcels less than 5 acres in size (Sec. 26-18-080).

Staff's original proposal included the following setbacks in the land use Ordinance for cannabis cultivation in the Agricultural and Resource zones:

Sec. 26-18-115(C)(4)(c):

1. Property line setback. The cannabis premises must be setback at least 100 feet from each property line.
2. Residential Land Use setback. The cannabis premises must be setback at least 600 feet from all properties within Residential Zoning Districts including Low, Medium, and High Density Residential (R1, R2 & R3), Rural Residential (RR), Agriculture and Residential (AR), and Planned Community (PC).
3. Incorporated City boundaries. The cannabis premises must be setback at least 600 feet from incorporated City boundaries.
4. Sensitive Use setback.
    a. Distance. The cannabis premises must be setback at least 1,000 feet from each property line of a parcel with a sensitive use.

b. Definition of sensitive use. Sensitive uses include K-12 schools, public parks, day care centers, and alcohol or drug treatment facilities. In this section, a public park includes existing Federal Recreation Areas, State Parks, Regional Parks, Community Parks, Neighborhood Parks, and Class I Bikeways as designated in the Sonoma County General Plan, but not proposed public parks that have not yet been constructed.

Planning Commission Recommendation.
The Planning Commission recommended the following modifications to the proposed Ordinance:

- Apply a 1,000-foot setback from residential zones and incorporated city boundaries
- Apply a cannabis exclusion combining zone with discretionary criteria to address inadequate road access, existing residential uses, intense odor from overconcentration

Therefore, the following proposed setbacks in the land use Ordinance for cannabis cultivation in the Agricultural and Resource zones are amended as follows:

Sec. 26-18-115(C)(4)(c):

1. Property line setback. The cannabis premises must be setback at least 100 feet from each property line.
2. Residential Land Use setback. The cannabis premises must be setback at least ***1,000 feet*** from all properties within Residential Zoning Districts including Low, Medium, and High Density Residential (R1, R2 & R3), Rural Residential (RR), Agriculture and Residential (AR), and Planned Community (PC).
3. Incorporated City boundaries. The cannabis premises must be setback at least ***1,000 feet*** from incorporated City boundaries.
4. Sensitive Use setback.
    a. Distance. The cannabis premises must be setback at least 1,000 feet from each property line of a parcel with a sensitive use.
    b. Definition of sensitive use. Sensitive uses include K-12 schools, public parks, day care centers, and alcohol or drug treatment facilities. In this section, a public park includes existing Federal Recreation Areas, State Parks, Regional Parks, Community Parks, Neighborhood Parks, and Class I Bikeways as designated in the Sonoma County General Plan, but not proposed public parks that have not yet been constructed.

Additionally, the Planning Commission recommended establishing a Cannabis Exclusion Zone through a new Article 81 in Chapter 26 of the County Code (Exhibit 3-H of the Board Summary Report). This zone may be applied to any base zone district to prohibit cannabis uses on designated parcels and includes criteria related to inadequate road access, proximity to residential uses, odor from overconcentration, fire hazard, and low water supply. Proposed Article 81, Section 26-81-005 is as follows:

a. Areas where there is inadequate road access;
b. Areas where eliminating cannabis uses is beneficial to protecting existing residential uses;
c. Areas where odor is intensified due to overconcentration of cannabis uses;
d. Areas where because of topography, access or vegetation, there is a significant fire hazard;

e. Areas where groundwater use for irrigation of cannabis could result in overdraft or impacts to aquatic habitat; and
f. Other areas where the Board of Supervisors determines that it is in the public interest to prohibit the establishment and operation of cannabis uses.

Discussion.
The proposed program includes a 100-foot property line setback, a 1,000-foot setback from all residentially zoned parcels and incorporated city boundaries (a 600-foot was studied in the Environmental Impact Report) and continues to implement the 1,000-foot sensitive use setback adopted with the first cannabis ordinance with some amendments. The combination of these setbacks is intended to balance competing priorities of neighborhood compatibility while increasing economic opportunities for the industry. The proposed setbacks achieve this objective by creating a separation between cannabis uses and areas of dense parcels or high public use, i.e., centered around city boundaries and residential zones, and other areas of high public use, such as parks and schools.

Setbacks have been applied using an objective approach. For example, the original 600-foot residential setback was set at that distance based on air dispersion modeling conducted during development of the Yolo County Cannabis Land Use Ordinance. The modeling demonstrates that setbacks provide substantial decreases in odor concentrations and associated nuisance impacts, with increases in setback distances resulting in diminishing odor reductions. At 100 feet from a 1-acre outdoor cultivation site, there is an approximate 48 percent reduction in odor concentration; at 600 feet, there is an approximate 83 percent reduction in odor concentration. Beyond 600 feet, the slope of the model curve begins to flatten, resulting in comparatively less odor reduction with additional distance. At 1,000 feet, an approximate 86 percent reduction is achieved (an additional 3% over 600 ft).

The ordinance proposes all setbacks (100-foot property line, 1,000-foot residential land use, 1,000-foot incorporated city boundaries, and 1,000-foot sensitive use) to be measured from the cannabis premises. The cannabis premises is defined as: “The entire land area, including structures used for a cannabis operation, not including roads and driveways.” Measuring from the premises for the property line, residential land use, and incorporated city boundary setbacks, instead of just the outdoor and mixed-light cultivation areas, will provide greater separation from the cannabis operation in general and reduce the potential for negative impacts and complaints related to indoor cultivation and other accessory uses, which are not currently subject to setbacks. Staff also believes it will be easier to implement a setback to the entire footprint of the use rather than specific components within it. The sensitive use setback would also be measured from the premises instead of property line to property line. Under the current code, a large parcel that could appropriately accommodate cultivation is completely excluded because just a portion of the parcel is within 1,000 feet of a sensitive use. The proposed change would make these parcels eligible, while still ensuring that the cannabis operation is at least 1,000 feet away from sensitive uses.

The 300-foot setback from individual offsite residences is proposed to be eliminated as part of recognizing agriculture, which would include cannabis, as the primary use of agricultural land to which residential uses should be subordinate. Instead, staff propose to shift the focus from providing

separation from other agricultural parcels (which may contain residences but where the designated primary use of the land is agricultural, not residential) to providing separation from areas of concentrated residential uses in areas where residential uses are the designated primary use (all residential zoning districts). In addition, the 100-foot property line setback would provide at least 100 feet of separation between cannabis uses and offsite residences or businesses. Staff have found the current 300-foot setback difficult to implement, as it requires identifying the use of and measuring the distance from structures on properties not accessible to cannabis applicants, and residences are not always clearly identifiable on GIS for County staff.

This proposal is not intended to separate cannabis uses from individual residences or from residential zoning per se but is intended to provide separation between residential neighborhoods where concentrations of residences exist to reduce the potential for conflict. Residential zoning districts are areas where existing residential neighborhoods are located and where the County has placed a priority on the development of future residential uses. Thus, a residential land use setback is an appropriate mechanism for maintaining separation from and compatibility with concentrated residential uses.

The Policy Options (B-E) offer varying distance standards for the residential setback for decision makers to consider. Table A below demonstrates the acreage for which cannabis uses would be excluded by setbacks under various options. The policy options below are also shown on the maps included as Attachments (3-6) of this discussion paper. The setback distances presented in this discussion paper are not intended to be exhaustive and do not limit the range of distances decision makers may consider.

Table A – Related to Policy Options

Setback Type	Acreage within Setback					
	District 1	District 2	District 3	District 4	District 5	Countywide
600-foot Residential Zone	18,043	7,151	2,161	9,951	22,647	59,952
1,000-foot Enclave	6,410	3,217	209	3,256	13,344	26,436
1,000-foot Residential Zone	28,297	11,181	3,411	16,120	34,631	93,640
1,500-foot Residential Zone	40,176	15,858	4,720	23,880	48,162	137,796
2,000-foot Residential Zone	51,091	20,169	5,976	31,692	59,471	168,400

Sensitive Use Setback.

The proposed ordinance modifies the setback measurement by requiring the cannabis premises to be setback at least 1,000 feet from the property line of a parcel with the sensitive use. This amends the current method of measuring from property line to property line and instead emphasizes separation from the cannabis premises itself. Due to the change in measurement requirements, the proposed ordinance has removed the park setback exception allowance because it is not likely to be as necessary and will streamline implementation. In addition, the sensitive use setback under the proposed ordinance would apply to the entire cannabis premises in Agricultural and Resource zones, not just to outdoor and mixed light cultivation areas. The modified method of measurement would provide a more targeted separation between cannabis cultivation and sensitive uses and simplify implementation. No

sensitive use setback would be required for cultivation in industrial zones, consistent with the current ordinance's setback requirements for indoor cultivation in industrial areas.

Exclusion Zones.
The Planning Commission recommended establishing a cannabis exclusion combining zone, which would be implemented by a new Article 81 in Chapter 26. Exclusion zones effectively exclude certain uses and disclose specific limitations or restrictions on the property where a specific use or development standard otherwise would be allowed by the base zone. Exclusion zones can be defined by a set of objective criteria, as staff explored with enclaves, or with discretionary criteria. When exclusion zones are determined by discretionary criteria, they are implemented through a combining zone, which imposes an additional set of regulations and land restrictions on top of the base zoning. Rezoning to add a combining zone is a legislative process that can be initiated by the County or by members of the public through an application process.

As discussed above and in the Rural Residential Enclave discussion paper, staff explored using objective criteria to identify exclusion zones, known as residential enclaves. Because staff found that the identified residential enclaves predominantly overlapped with residential zoning, the proposed program instead proposes to continue the prohibition on cannabis uses within the rural and urban residential zones and imposes setbacks from all such residential zoning. The proposed prohibition in residential zones and residential setbacks effectively act as exclusion zones by restricting cannabis uses within their boundaries and providing a buffer, without requiring that a special combining district be added to parcels to implement it. Setbacks provide a buffer between land uses while exclusion zones generally exclude a specific land use on the parcels designated (usually by a combining district) as part of the exclusion zone.

The Planning Commission was concerned that the objective criteria used for enclaves and residential zoning alone would not always capture areas that were inappropriate for cannabis operations. For example, areas with certain topology may experience more extreme odor impacts that could justify prohibiting cannabis uses. This analysis is not possible at the countywide scale and so a smaller scale discretionary review would be valuable. Further, residential character can be difficult to gather from objective criteria and so exclusion zones could prove valuable at excluding cannabis in residential areas not captured by the setbacks where the residential nature and strong public sentiment could other lead to incompatibility between the two uses.

Another reason staff did not originally propose an exclusion zone similar to vacation rentals is that the intent is to address the environmental factors listed (e.g., fire hazard) through mitigation measures identified by the Environmental Impact Report. For example, one of the mitigation measures in the DEIR is to prohibit all cannabis uses except outdoor cultivation and accessory processing in the very high fire hazard severity zones. And unlike vacation rentals, which are largely permitted ministerially, most cannabis operations would require a use permit that includes discretionary and site-specific review related to access and resources such biotic resources, water, etc.

Since the Planning Commission recommended a set of criteria as outlined above and in Article 81, Exhibit 3-H, a combining zone overlay means that each parcel within the exclusion zone would require a

zone change to restrict current and future cannabis uses on the parcel. A zone change is a discretionary legislative decision. This policy option would allow members of the public to apply for and progress through the permit process for an exclusion zone in their desired area. In contrast, the proposed program establishes setbacks, rather than exclusion zones, to better balance neighborhood compatibility and industry opportunity using an equitable, objective, and streamlined approach.

Staff did not originally include exclusion zones in the original proposal. As discussed above and in the Rural Residential Enclave discussion paper, staff explored using objective criteria to identify exclusion zones, known as residential enclaves. Because staff found that the identified residential enclaves predominantly overlapped with residential zoning, the proposed program instead proposes to continue the prohibition on cannabis uses within the rural and urban residential zones and imposes setbacks from all such residential zoning. The proposed prohibition in residential zones and residential setbacks effectively act as exclusion zones by restricting cannabis uses within their boundaries and providing a buffer, without requiring that a special combining district be added to parcels to implement it.

Policy Options. The policy options presented below could be adopted individually or in any combination.

Residential Setbacks, Enclaves, and Exclusion Zones.

A. **(Proposed Program) Adopt the following setbacks in the Agricultural and Resource Zones and apply an Exclusion Zone by implementation of a new combining zone overlay, Article 81 of the Zoning Code.**

   Cannabis Cultivation, Setbacks. 26-18-115(C)(4)(c):
   Property line setback. The cannabis premises must be setback at least 100 feet from each property line.
   Residential Land Use setback. The cannabis premises must be setback at least 1,000 feet from all properties within Residential Zoning Districts including Low, Medium, and High Density Residential (R1, R2 & R3), Rural Residential (RR), Agriculture and Residential (AR), and Planned Community (PC).
   Incorporated City boundaries. The cannabis premises must be setback at least 1,000 feet from incorporated City boundaries.
   Sensitive Use setback. The cannabis premises must be setback at least 1,000 feet from each property line of a parcel with a sensitive use.

   Article 81, Cannabis Exclusion Zone, Section 26-81-005:
   - Areas where there is inadequate road access;
   - Areas where eliminating cannabis uses is beneficial to protecting existing residential uses;
   - Areas where odor is intensified due to overconcentration of cannabis uses;
   - Areas where because of topography, access or vegetation, there is a significant fire hazard;
   - Areas where groundwater use for irrigation of cannabis could result in overdraft or impacts to aquatic habitat; and
   - Other areas where the Board of Supervisors determines that it is in the public interest to prohibit the establishment and operation of cannabis uses.

B. Residential Zone Setback smaller than the proposed program.
This option would allow for a smaller than 1,000-foot setback between a cannabis premises and parcels with residential zoning. Please note that the setback distance cannot be reduced below 600 feet, as analyzed in the Environmental Impact Report

C. Article 81, Cannabis Exclusion Zone is not adopted.
This option would not adopt a Combining Zone overlay and discretionary criteria for an Exclusion Zone. This option would not allow members of the public to submit requests to the County for the establishment of exclusion zones.

D. Rural Residential Enclave Setback.
This option would implement the Rural Residential Enclave setbacks instead of the proposed residential zone setback (the enclave setback could be 600 feet, 1,000 feet, or a greater distance). Rural residential enclaves could be implemented by one of two ways; it could be applied as a combining zone, or a GIS mapping overlay maintained by the County. This setback could be implemented on its own, or in conjunction with the residential zone setback or exclusion zones.

E. Retain or Increase Setback from Individual Offsite Residences.
This option would retain or increase the current Ordinance's setback requirement from individual offsite residences and/or businesses at the current 300 feet or a greater distance

Sensitive Use Setbacks.

F. Retain Property Line to Property Line Setback Measurement for Sensitive Uses.
This option would retain the current Ordinance's parcel line to parcel line setback measurement methodology for sensitive uses. This would generally assure larger separation between cannabis uses and sensitive uses and, by not allowing cannabis uses on parcels that adjoin sensitive uses, may reduce the instances of shared access. However, it would reduce eligible parcels and foreclose the ability to use even very large parcels that could adequately separate the cannabis operation from the sensitive use

G. Retain or Expand Site-Specific Setback Exceptions.
The current ordinance has the ability for applicants to apply for a reduction to the park setback where there will be no offsite impacts due to topography, vegetation, or slope (Sec. 26-88-254(f)(6) and (8)). Similar exceptions could be added for other or all sensitive use setbacks and could apply parcel line to premises or parcel line to parcel line. Setback exceptions provide flexibility when site-specific circumstances support it; however, exceptions also mean less certainty for applicants and the community and often leads to less streamlined permitting.

Property Line Setbacks

H. Increase Property Line Setback.
This option would allow for the property line setback to be increased beyond the proposal of 100 feet. This setback is simpler to implement because it applies regardless of uses on neighboring parcels and can protect from incompatibility issues. However, if increased it can

also be very restrictive and over-inclusive (because it applies regardless of whether or how a neighboring parcel is used) and reduce the ability of applicants to strategically site development on the parcel.

I. Common Ownership.
This option would exempt contiguous parcels under common ownership from certain setback requirements (mainly applicable to the property line setback) for cannabis operations based on proof of contiguous ownership. Staff did not recommend this approach as ownership can change over time, resulting in nonconformance with required setbacks.

Attachments.
Attachment 1. Rural Residential Enclave Discussion Paper
Attachment 2. Modeling to estimate odor impacts at various buffer distances
Attachment 3. Residential Setback Map (Comparison of Policy Options)

DISCUSSION PAPER
RURAL RESIDENTIAL ENCLAVES

BACKGROUND

On March 15, 2022, the Board of Supervisors adopted the Cannabis Program Update Framework to direct and guide staff in its preparation of a draft ordinance supported by a Programmatic Environmental Impact Report to amend the Cannabis Land Use Ordinance and related regulations.

Item 7 of the Cannabis Program Update Framework summarizes the County's intent to increase compatibility between cannabis land uses and the neighborhoods they are located within or near. Specifically, Item 7b states:

> *Criteria to determine what constitutes a "rural neighborhood enclave" shall be developed and shall consider, at minimum, residential density, and community character. If designated rural neighborhood enclaves are adopted, the cannabis land use ordinance shall include maps of all such enclaves.*

These interfaces typically occur where clustered residential development comprised of subdivisions of smaller parcels create a comparatively dense residential landscape bordered by larger agricultural parcels with a much lower residential density. Setbacks are often used to establish a buffer between dissimilar land uses and to mitigate impacts generated by a particular land use, such as odor or noise, where such impacts can be decreased through distance from the source. Setbacks are an effective way to mitigate such impacts as they are applied to site design elements rather than regulating ongoing behaviors. Setback requirements from rural residential enclaves would ensure space between cultivation sites and densely developed residential areas.

OBJECTIVES

- Develop a data driven, quantitative set of criteria aimed at identifying rural residential enclaves throughout unincorporated Sonoma County to ensure neighborhood compatibility with cannabis operations located at the interface where predominantly residential land uses transition to predominantly agricultural and resource land uses (including commercial land uses allowed on these lands).

- Input criteria into a geographic information systems (GIS) data model to create enclave maps.

Staff considered various criteria and combinations of criteria, as outlined below, to determine the most effective pathway to develop a data driven method to identify rural residential enclaves.

ENCLAVE DEVELOPMENT

FINAL CRITERIA

The following criteria were input into a GIS data model to determine rural residential enclaves:

- General Plan Land Use Designation: Urban Residential (UR), Rural Residential (RR), Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA), and Resources and Rural Development (RRD)

- Residential Density Combining District: B6 2, B6 1.5, B6 1, all B6 combining districts with "DU", B7, and B8

- Maximum Parcel Size: 2 acres

- Minimum Contiguous Parcel Number: 50

GIS MODEL

The above criteria were input into the GIS model in a hierarchical order.

- Residential Density Combining District was REQUIRED as an exact data match; the model output could only include parcels which have one of the combining districts identified above.

- General Plan Land Use Designation was input as an exact data match but was not required; the model output could include parcels with alternate land use designations ONLY if the density above was met. This hierarchy was set after staff ran an initial model and discovered that some mobile home parks are located in areas with commercial or industrial land use designations.

- Maximum parcel size was input as a target for the model but is not a hard maximum; the model can include parcels that are greater than two acres if the calculated average in the enclave meets the two-acre maximum. However, the further away from the enclave "core" a parcel is, the lower the probability it meets the input criteria. Many of the draft enclaves do include parcels, often on the fringes, that are greater than 2 acres in size.

- Minimum contiguous parcel number was input as a target for the model but is not a hard minimum; the model can include parcel clusters that contain fewer than 50 parcels. As with maximum parcel size, the more parcel number deviates below the target of 50, the lower the probability it meets the input criteria. None of the proposed enclaves have less than 50 parcels.

Because the GIS data model requires a numerical input for both maximum parcel size and minimum contiguous parcel number in order to run, staff selected more conservative thresholds that would be most inclusive (i.e., would return the largest possible datasets). The model works by mathematically creating subsets of parcels that meet the above four criteria, where the first two criteria are required, and the second two criteria are mathematical targets. This means that the model could generate enclaves with parcels that are greater than two acres or that contain less than 50 parcels. The model sets a "geospatial core" for the center of each data subset it identifies and calculates the probability that each parcel it includes in the subset meets the criteria for inclusion. For example, parcels in the center of a mapped enclave would have a probability of 1.0, whereas parcels further from the center along the enclave boundaries may have a lower probability less than 1.0, depending on how much variation there is in the data for that particular enclave.

STAFF ANALYSIS

DEFINITIONS

The term “neighborhood” is not defined by the Sonoma County Zoning Code nor by the Sonoma County General Plan. Merriam-Webster defines a “neighborhood” as: the people living near one another, or a section lived in by neighbors and usually having distinguishing characteristics.

The term “community” is not defined by the Sonoma County Zoning Code nor by the Sonoma County General Plan. Merriam-Webster defines a “community” as: a group of people with common interests living in a particular area or, more broadly, as the area itself.

The terms “rural” and “urban” are not defined by the Sonoma County Zoning Code nor are they defined by the Sonoma County General Plan. The US Census Bureau defines an “urban area” as a geographical area which must encompass at least 2,000 housing units or have a population of at least 5,000. The US Census Bureau defines “Rural” as a geographical area which encompasses all population, housing, and territory not included within an urban area.

The term “enclave” is not defined by the Sonoma County Zoning Code nor is it defined by the Sonoma County General Plan. Merriam-Webster defines “enclave” as: a distinct territorial cultural or social unit enclosed within or as if within foreign territory.

CRITERIA DEVELOPMENT

GENERAL PLAN LAND USE DESIGNATION

The Land Use Element of the General Plan identifies the distribution, location, and extent of uses of land, includes allowed density and building intensity, and provides policies to guide growth, development, and use of land in accordance with specific land use designations. Considering the Land Use as a criterion is imperative as it reflects intended and projected development throughout the unincorporated County.

Related to development of residential enclaves, staff focused on land use designations where residential uses are a primary or a principally permitted use. Although residences may be located on land with a commercial, industrial, or public facilities land use designation, residential uses allowed in such areas are intended to be secondary to and supportive of the primary use (e.g., a live/work unit associated with a commercial land use, or a caretaker unit associated with an industrial or public land use). In some areas of the County, existing residential development may occur on land with a commercial or industrial land use designation. Such areas are often located adjacent to existing commercial or industrial development around urban fringes or city limits where the General Plan projects that residential uses will convert to another use over time, typically associated with an expansion of urban services or annexation into a city. For the purposes of identifying residential enclaves, industrial, commercial, and public land use designations were not included in the criteria.

For agricultural land use designations, the General Plan states that the primary use of the land must be agricultural and that residential uses, while allowed as principally permitted uses, must recognize that primary agricultural uses may create nuisance situations. Similarly, the General Plan states that the

primary purpose of the Resources and Rural Development land use designation is natural resource conservation, although low density residential uses are also allowed as principally permitted uses.

The General Plan Land Use Designations included as criteria in the development of enclaves are: Urban Residential (UR), Rural Residential (RR), Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA), and Resources and Rural Development (RRD).

ZONING DISTRICT

Parcel zoning is made up of multiple components, including the base zoning district, residential density, and combining districts. For example:

LIA B6 60 Z, SR VOH

- LIA (Land Intensive Agriculture) is the base zoning district
- B6 60 is the density, which allows one primary dwelling per 60 acres
- This zoning includes multiple combining districts, which further define or restrict allowed uses of the base zoning district:
  - Z – Accessory Dwelling Unit Exclusion
  - SR – Scenic Resources
  - VOH – Valley Oak Habitat

LC, TS

- LC (Limited Commercial) is the base zoning district
- No density because residences are not a primary or principally permitted use in LC
- TS (Traffic Sensitive) is the only combining district

Staff considered including specific base zoning districts as criteria for rural residential enclaves. However, the application of zoning districts did not provide an additional determining factor, as they generally coincide with the land use designation.

Although considered, zoning districts were not included in the criteria to develop rural residential enclaves.

RESIDENTIAL DENSITY COMBINING DISTRICTS

The General Plan Land Use Element includes standards for density and building intensity for each land use category. The Zoning Code then implements the General Plan's residential density for a particular parcel according to the residential density combining district portion of the parcel zoning.

Density is included in the zoning district by a combining district, including B6, B7, and B8. The B6 district specifies the maximum permitted density determined by gross acreage for all residential uses. For example, B6 20 allows one primary dwelling per 20 acres. In general, all legal parcels which allow residences as a primary or principally permitted use are allowed one primary dwelling per parcel, even if the parcel size is less than the zoning density (i.e., a parcel less than 20 acres in size with a B6 20 density is still allowed one primary residence). In areas where the General Plan has designated a higher level of residential density, the zoning density may include "DU" after the number, for example, B6 10 DU,

which allows 10 primary dwelling units per one acre, including multi-family structures such as apartment buildings.

The B7 and B8 combining districts signify that the lot has been frozen and cannot be further subdivided, usually as a result of a previous residential subdivision. Subdivision potential relates to residential density because parcels are generally allowed one primary dwelling per parcel, unless a recorded parcel map specifies a different residential development allotment. For B7 and B8, residential density can be inferred by parcel size, since no additional parcels can be created and each parcel would generally be allowed one primary dwelling (i.e., in most cases, a subdivided 2-acre parcel with a B7 would have a functional density of one primary dwelling per 2 acres).

Staff applied a B6 density of 2 or less, which equates to one or more dwelling units per two acres, to represent enclaves of more dense residential development in what is overall a very rural county. Residential density combining districts included as criteria in the development of enclaves are: B6 2 (one primary dwelling per 2 acres), B6 1.5 (one primary dwelling per 1.5 acres), B6 1 (one primary dwelling per 1 acre), and all combining districts with "DU" which indicate one or more dwellings per acre. B7 and B8 combining districts were also included in order to capture previous subdivisions that no longer have a B6 density in the parcel zoning.

PARCEL SIZE

The intent of the development of rural residential enclaves is to identify pockets of clustered residential development which exist amongst larger agricultural parcels to apply protections to parcels located near the boundaries of these residential clusters at the agricultural/residential interface. This pattern of development often results from the subdivision process. Residential subdivisions occur primarily on land designated for residential or agricultural uses to allow separate ownership of individual dwelling units and sometimes also to increase residential density through density bonuses or other mechanisms. Because the General Plan protects agricultural land for agriculture, subdivisions on agricultural land often employ a clustering design, where a number of smaller parcels intended primarily for residential uses are proposed along with one or more much larger parcels which are intended primarily to maintain agricultural uses. In many cases, a B7 or B8 density is then applied to subdivided parcels to prohibit additional residential development and preserve any larger parcels for agricultural uses.

As noted previously, the County does not have discrete definitions for a "neighborhood" or a "community;" however, both terms are generally accepted to describe groups of people living in a particular geographical area which may have distinguishing characteristics. Most residential subdivisions would fit this general definition. Furthermore, because residential subdivisions are intended for residential use, metrics related to parcel size and contiguous parcel number provide meaningful data to help identify common characteristics of clustered residential development within the unincorporated County.

Staff initially considered various parcel sizes, ranging from one to five acres. In order to determine the most appropriate maximum parcel size for enclaves, staff researched 44 clusters of residential development located throughout the unincorporated County. Many of these clusters were created through a formal subdivision process; others are within a "Census Designated Place" or CDP identified

by the US Census Bureau. For CDPs, staff delineated cluster research boundaries by grouping contiguous parcels of a similar size. This review found that the average parcel size was under one acre (0.89 acre) and the median parcel size was about half an acre (0.57 acre) in the sample areas.

If the parcel size criterium was set at one acre, the model would generate fewer and smaller enclaves with less variation in size between individual parcels. Conversely, a larger parcel size criterium (e.g., two acres) would generate more and larger enclaves with greater variability in size between individual parcels. Because the model uses parcel size as a target but includes parcels larger than the target size due to averaging, the larger the target parcel size is, the greater the amount of variation between parcels within the enclave. For example, a maximum parcel size of 3 acres could generate enclaves with parcels ranging in size from less than one acre up to 6 or 7 acres. Whereas a maximum parcel size of 5 acres could generate enclaves with parcels ranging in size from less than one acre up to greater than 10 acres. Enclaves generated using a larger minimum parcel size would restrict cannabis development in areas of lower residential density (i.e., parcels at the larger end of the size range) where the use may not be incompatible.

To be more inclusive, while also minimizing potential size deviation from the target, staff used two acres as the maximum parcel size in the development of enclaves.

> *Note: Using the two-acre maximum as the model target, parcel size ranges from 0.01 acre to 5.0 acres across most of the draft enclaves. Five enclaves contain mobile home parks on significantly larger parcels, ranging from 8.22 to 36.73 acres. Excluding the mobile home park sites, the average parcel size is 0.72 acre, and the median parcel size is 0.59 acre across all enclaves, very similar to the initial subdivision research numbers identified by staff.*

CONTIGUOUS PARCEL NUMBER

During the clustered development review described above, staff also compiled metrics related to contiguous parcel number. Clusters evaluated varied greatly in parcel number, ranging from 3494 parcels to 25 parcels, with an average number of 397 and a median of 142. However, staff noted that looking at a subset of clusters with 200 or fewer parcels, the average (77) and median (68) parcel numbers were similar and that 75 parcels would likely represent a typical enclave in Sonoma County.

A larger contiguous parcel number target would exclude smaller pockets of development and therefore generate fewer enclaves. To be more inclusive, staff selected 50 parcels as the minimum number for development of enclaves.

> *Note: Using a 50-parcel minimum as the model target, the number of parcels per enclave across all draft enclaves ranges from 47 parcels to 4,637 parcels, with an average number of 566 parcels and a median of 328 parcels.*

URBAN SERVICE AREA

Referencing 2023 population projections, 76 percent of the County's population (371,161) lives in the nine City Urban Service Areas (USAs) and the remaining 24 percent (115,605) lives in the unincorporated

area, outside of the City USAs. USAs also occur within the unincorporated County, generally bordering incorporated Cities with the exception of the Russian River area.

Staff considered including USAs in the criteria, as residential density is higher where urban services (i.e., public water and sewer) are available. However, staff determined that this criterion would not capture the pockets of rural development located away from cities. Therefore, Urban Service Areas were not included in the criteria to develop rural residential enclaves.

CENSUS INFORMATION

CENSUS DESIGNATED PLACE

The US Census Bureau defines a CDP (Census Designated Place) as a statistical equivalent of incorporated places to represent unincorporated communities that do not have a legally defined boundary or an active functioning governmental structure. Examples of CDPs include unincorporated communities, planned communities, military installments, and resort towns. A single location cannot be part of both an incorporated place and a CDP. Sonoma County's inland CDPs include the following: Geyserville, Cazadero, Guerneville, Monte Rio, Occidental, Forestville, Graton, Bodega, Valley Ford, Bloomfield, Petaluma Center, Penngrove, Temelec, El Verano, Boyes Hot Springs, Eldridge, Fetters Hot Springs – Agua Caliente, Glen Ellen, Kenwood, Fulton, and Larkfield-Wikiup. Staff used Census Bureau CDPs during the research phase to help identify residential clusters for review (described above in Parcel Size and Contiguous Parcel Number). However, staff noted that CDP boundaries often extended far beyond the residential core to include much larger parcels, and also that CDPs excluded areas surrounding Sebastopol and West Petaluma. Therefore, US Census Bureau Census Designated Places were not included in the criteria to develop rural residential enclaves.

URBAN DESIGNATION

The US Census Bureau defines Urban Areas as areas which represent densely developed territory and encompass residential, commercial, and other nonresidential urban land uses that encompass at least 2,000 housing units or at least 5,000 people. Urban Areas identified in Sonoma County generally follow the borders of incorporated Cities. Therefore, US Census Bureau Urban Areas were not included in the criteria to develop rural residential enclaves.

POPULATION DENSITY INFORMATION

US Census Bureau data for population density is collected and reported by Census Block. However, Census Block boundaries are not delineated based on population. In more rural areas, a single Census Block can contain parcels which vary substantially in size and underlying residential density. Conversely, a single city or residential community can be split into numerous Census Blocks. In addition, population data is reported as either a total for the block or averaged across the block; census data is not available per individual parcel. Therefore, neither Census Block boundaries nor census population data were useful in identifying specific clusters of parcels by population density. This led staff to instead incorporate residential density determined by zoning as a determining criterion (as described above in Residential Density Combining Districts). US Census Bureau population density information was not included in the criteria to develop rural residential enclaves.

COMMUNITY CHARACTER

A "community" is generally defined as a group of people living in a particular geographical area which may have distinguishing characteristics. Such characteristics might include a specific design aesthetic (e.g., similar architectural style or landscaping continuity, like street trees) or development orientation (e.g., residences laid out around a public space or in a series of cul-de-sacs). When present, these characteristics are specific to the residential development in which they are found as opposed to being common among residential developments in general, making it difficult to identify features that could be applied uniformly to all residential areas. In addition, data related to architectural design and various development features is generally not available from existing GIS or permitting data sources. Therefore, although staff did consider community character, the criteria developed instead relied on various datasets described above, and community character was not included in the criteria to develop rural residential enclaves.

ENCLAVE IMPLEMENTATION

APPLICATION

The GIS model identified 43 enclaves which met the criteria; maps of proposed enclaves are attached, separated by Supervisory District. All of the enclaves are located within areas with a General Plan designated Residential Land Use. None are located within Agricultural or Resource Land Use areas, although many enclaves abut agricultural areas and some in the Russian River area abut Resource Land Use areas. The staff recommendation for implementation of Rural Residential Enclaves is to require a 1,000-foot sensitive use setback between enclaves and cannabis uses located on rural lands. Rural Residential Enclaves will only apply to cannabis uses on Agricultural and Resource Zoned Lands (not Commercial or Industrial). Rural Residential Enclaves will require a 1,000-foot setback surrounding the identified enclaves measured from the border of the enclave. Parcels which are partially located within an enclave 1,000-foot setback may be eligible for cannabis permits if the cannabis operation can be located greater than 1,000 feet from the enclave boundary. The setback is not proposed to apply on Commercial or Industrial zoned parcels because cannabis uses in those zoning districts are generally fully contained and do not present the same sorts of compatibility concerns as cannabis uses on Agricultural and Resource zoned parcels.

NONCONFORMING USES:

Adoption of any new or expanded sensitive use setbacks is likely to result in existing operations and proposed projects already in the permit process being located within new setback boundaries. Policy options to address these nonconforming uses and pipeline permit applications will be developed for Board consideration later in the process. However, the types of options the Board could consider include but are not limited to: allowing existing operations to continue subject to limitations imposed on Nonconforming Uses in Zoning Code Sec 26-94-010 through 26-94-040; setting a sunset date for existing permits, after which the operations must be relocated on the property or ceased; allowing in-process permit applications to continue, either as proposed or with restrictions, or requiring in-process permit applications to withdraw or modify the project to meet current code requirements.

POLICY ALTERNATIVE TO ENCLAVES

Residential Zoning Setback: A 1,000-foot setback could be applied from all residentially zoned parcels instead of just residential enclaves. All enclaves are located in residential areas, where cannabis uses (other than personal use) are already prohibited, though not all residential zoning is within a mapped enclave. Standard setbacks are proposed to be 300 feet from property lines. The enclave setback of 1,000 feet would provide additional protection to certain residential areas. Alternatively, a 1,000-foot sensitive use setback could be applied between all residentially zoned parcels (not just those located in enclaves), and cannabis uses located on Agricultural or Resource Zoned lands. Cannabis uses located in Commercial or Industrial areas would not be subject to this setback. This policy option would provide greater protection for all residentially zoned parcels but would also further restrict cannabis development in areas of lower residential density where the use may not be incompatible.

DOCUMENTO DE DEBATE
ENCLAVES RURALES RESIDENCIALES

ANTECEDENTES

El 15 de marzo de 2022, la Junta de Supervisores adoptó el Marco de la Actualización del Programa de Cannabis para dirigir y orientar al personal en cuanto a la preparación de un proyecto de ordenanza apoyado por el Informe Programático de Impacto Ambiental para enmendar la Ordenanza del Uso del Suelo y reglamentos relacionados.

El punto 7 del Marco de Actualización del Programa de Cannabis resume la intención del Condado de incrementar la compatibilidad entre los usos del suelo para cannabis y los vecindarios en los cuales se encuentran o cerca de ellos. Específicamente, en el punto 7b se menciona:

> *Se deben desarrollar criterios para determinar lo que constituye un "enclave de vecindario rural" y estos deben considerar, como mínimo, la densidad residencial y el carácter comunitario. Si se adoptan enclaves de vecindarios rurales, la ordenanza del uso del suelo para cannabis debe incluir mapas de todos estos enclaves.*

Estas interfaces ocurren típicamente donde las urbanizaciones residenciales agrupadas, que se componen de subdivisiones o parcelas más pequeñas, crean un paisaje residencial relativamente denso, bordeado por parcelas agrícolas más grandes con una densidad residencial mucho menor. Se suelen usar retrocesos para establecer un espacio separador entre usos del suelo disimilares y para mitigar los impactos generados por un uso particular del suelo, como el olor o el ruido, en los casos en que tales impactos se puedan reducir mediante la distancia de la fuente. Los retrocesos son una forma eficaz de mitigar dichos impactos, ya que se aplican a los elementos de diseño del lugar en vez de regular los comportamientos en curso. Los requisitos de retrocesos desde los enclaves residenciales rurales garantizarían espacio entre los sitios de cultivo y las áreas residenciales densamente urbanizadas.

OBJETIVOS

- Desarrollar un conjunto de criterios cuantitativos y basados en datos destinados a identificar enclaves residenciales rurales en todo el condado de Sonoma no incorporado para garantizar la compatibilidad vecinal con las operaciones de cannabis situadas en la interfaz donde los usos del suelo predominantemente residenciales hacen la transición a usos del suelo predominantemente agrícolas y de recursos (incluidos los usos del suelo comerciales permitidos en estos terrenos).

- Introducir criterios en un modelo de datos de sistemas de información geográfica (GIS) para crear mapas de enclaves.

El personal consideró varios criterios y combinaciones de criterios, como se exponen a continuación, para determinar la vía más efectiva para desarrollar un método basado en datos para identificar los enclaves residenciales rurales.

DESARROLLO DE LOS ENCLAVES

CRITERIOS FINALES

Los siguientes criterios se introdujeron en un modelo de datos GIS para determinar los enclaves residenciales rurales:

- Designación de Uso del Suelo del Plan General Residencial Urbano (UR), Residencial Rural (RR), Agricultura Intensiva (LIA), Agricultura Extensiva (LEA), Agricultura Diversa (DA) y Recursos y Desarrollo Rural (RRD)

- Distrito combinado de densidad residencial: B6 2, B6 1.5, B6 1, y todos los distritos B6 combinados con “DU”, B7, y B8

- Tamaño máximo de parcela: 2 acres

- Número mínimo de parcelas contiguas: 50

MODELO GIS

Los criterios anteriores fueron introducidos al modelo GIS en orden jerárquico.

- El Distrito Combinado de Densidad Residencial era OBLIGATORIO como coincidencia exacta de datos; el resultado del modelo sólo podría incluir las parcelas que tengan uno de los distritos combinados identificados anteriormente.

- La designación de uso del suelo del Plan General se introdujo como coincidencia exacta de datos pero no era obligatorio; el resultado del modelo podría incluir parcelas con designaciones alternativas de uso del suelo SOLAMENTE si se cumpliera la densidad arriba indicada. Esta jerarquía se estableció después de que el personal realizara un modelo inicial y descubriera que algunos parques de casas móviles están situados en zonas con designaciones de uso del suelo comercial o industrial.

- El tamaño máximo de las parcelas se introdujo como objetivo para el modelo pero no es un máximo rígido; el modelo puede incluir parcelas de más de dos acres si la media calculada en el enclave cumple el máximo de dos acres. Sin embargo, cuanto más alejada del "núcleo" del enclave se encuentre una parcela, menor será la probabilidad de que cumpla los criterios de entrada. Muchos de los enclaves del proyecto sí incluyen parcelas, a menudo en la periferia, que superan los 2 acres de tamaño.

- El número mínimo de parcela contigua se introdujo como objetivo para el modelo, pero no es un mínimo rígido, el modelo puede incluir grupos de parcelas que contienen menos de 50 parcelas. Al igual que con el tamaño máximo de parcela, cuanto más se desvíe el número de parcelas por debajo del objetivo de 50, menor será la probabilidad de que cumpla los criterios de entrada. Ninguno de los enclaves propuestos tiene menos de 50 parcelas.

Debido a que el modelo de datos GIS requiere una entrada numérica tanto para el tamaño máximo de parcela y para el número mínimo de parcelas contiguas para poder ejecutarse, el personal seleccionó umbrales más conservadores que serían más inclusivos (es decir, mostrarían los conjuntos de datos más

grandes posibles). El modelo funciona mediante la creación matemática de subconjuntos que cumplen los cuatro criterios anteriores, en los que los primeros dos criterios son obligatorios y los segundos dos criterios son objetivos matemáticos. Esto quiere decir que el modelo podría generar enclaves con parcelas mayores de dos acres o que contengan menos de 50 parcelas. Este modelo establece un "núcleo geoespacial" para el centro de cada subconjunto que identifica y calcula la probabilidad de que cada parcela que se incluye en la subcategoría cumpla con los criterios de inclusión. Por ejemplo, las parcelas en el centro de un enclave cartografiado tendrían una probabilidad de 1.0, mientras que las parcelas más alejadas del centro a lo largo de los límites del enclave podrían tener una probabilidad inferior, menos de 1.0, dependiendo de cuánta variación hubiera en los datos para ese enclave particular.

ANALSIS DEL PERSONAL

DEFINICIONES

El término “vecindario” no está definido por el Código de Zonificación del condado de Sonoma ni por el Plan General del condado de Sonoma. El diccionario Merriam-Webster define un “vecindario” como: las personas que viven cerca unas de otras, o una sección habitada por vecinos y que suele tener características distintivas.

El término “comunidad” no está definido por el Código de Zonificación del condado de Sonoma ni por el Plan General del condado de Sonoma. El diccionario Merriam-Webster define una “comunidad’ como: un grupo de personas con intereses comunes que viven en un área particular o, más ampliamente, el área misma.

Los términos “rural” y “urbano” no están definidos por el Código de Zonificación del condado de Sonoma ni por el Plan General del condado de Sonoma. La Oficina del Censo de EE. UU. define un “área urbana” como un área geográfica que debe abarcar por lo menos 2000 unidades de vivienda o contar con una población de por lo menos 5,000 personas. La Oficina del Censo de EE. UU. define “rural” como un área geográfica que abarca toda la población, las viviendas y el territorio no incluidos dentro de un área urbana.

El término “enclave” no está definido por el Código de Zonificación del condado de Sonoma ni por el Plan General del condado de Sonoma. El diccionario Merriam-Webster define “enclave” como: una unidad territorial cultural o social diferenciada encerrada dentro o como si estuviera dentro de un territorio extranjero.

DESARROLLO DE LOS CRITERIOS

DESIGNACIÓN DE USO DEL SUELO DEL PLAN GENERAL

El Elemento del Uso del Suelo del Plan General identifica la distribución, ubicación y extensión de los usos del suelo, incluye la intensidad permitida de densidad y construcción, y proporciona políticas para orientar el crecimiento, el desarrollo y el uso del suelo conforme a las designaciones específicas del uso del suelo. Es esencial considerar el uso del suelo como criterio ya que refleja el desarrollo previsto y proyectado en todas las áreas no incorporadas del Condado.

En relación con el desarrollo de los enclaves residenciales, el personal se enfocó en las designaciones del uso del suelo donde los usos residenciales sean un uso primario o uno de los principales usos permitidos. Aunque las residencias pueden ubicarse en terrenos con una designación de uso del suelo comercial, industrial o de instalaciones públicas, los usos residenciales permitidos en estas zonas están destinados a ser secundarios y de apoyo al uso principal (por ej., una unidad de vivienda/trabajo asociada a un uso comercial del suelo, o una unidad de cuidador asociada a un uso industrial o público del suelo). En algunas áreas del Condado, el desarrollo residencial actual puede ocurrir en terrenos con una designación de uso del suelo comercial o industrial. Las áreas suelen ubicarse adyacentes a urbanizaciones comerciales o industriales actuales alrededor de los límites urbanos o municipales donde el Plan General proyecta que los usos residenciales se convertirán a otro uso con el tiempo, normalmente asociado a una ampliación de los servicios urbanos o a la anexión a una ciudad. Con el

propósito de identificar los enclaves residenciales, las designaciones de uso del suelo industriales, comerciales y públicas no se incluyeron en los criterios.

Para las designaciones de uso del suelo agrícola, el Plan General establece que el uso principal del terreno debe ser agrícola y que los usos residenciales, aunque están permitidos como usos principales, deben reconocer que los usos agrícolas principales pueden crear situaciones molestas. De igual manera, el Plan General establece que el propósito principal de la designación de uso del suelo para recursos y desarrollo rural es la conservación de recursos naturales, aunque también se permiten usos residenciales de baja densidad como usos principales permitidos.

Las designaciones de uso del suelo del Plan General incluidos como criterios en el desarrollo de los enclaves son: Residencial Urbano (UR), Residencial Rural (RR), Agricultura Intensiva (LIA), Agricultura Extensiva (LEA), Agricultura Diversa (DA) y Recursos y Desarrollo Rural (RRD).

DISTRITO DE ZONIFICACIÓN

La zonificación de parcelas está constituida de múltiples componentes, incluyendo el distrito de zonificación base, la densidad residencial y los distritos combinados. Por ejemplo:

LIA B6 60 Z, SR VOH

LIA (Agricultura Intensiva) es el distrito de zonificación base.
B6 60 es la densidad, que permite una residencia principal por cada 60 acres.
Esta zonificación incluye múltiples distritos combinados, que definen o restringen aún más los usos permitidos del distrito de zonificación base:

Z – Exclusión de unidad de vivienda accesoria
SR – Recursos paisajísticos
VOH – Habitad del roble del valle (Valley Oak)

LC, TS

LC (Comercial limitado) es el distrito de zonificación base.
Sin densidad porque las residencias no se consideran como uso principal o uso principal permitido.
TS (Sensible al tráfico) es el único distrito combinado.

El personal consideró la inclusión de distritos específicos de zonificación base como criterios para los enclaves residenciales rurales. Sin embargo, la aplicación de los distritos de zonificación no fue un factor determinante adicional, ya que suelen coincidir con la designación del uso del suelo.

Aunque se consideraron, los distritos de zonificación no se incluyeron en los criterios para desarrollar enclaves residenciales rurales.

DISTRITOS COMBINADOS DE DENSIDAD RESIDENCIAL

El Elemento del uso del suelo del Plan General incluye normas para la densidad y la intensidad de construcción para cada categoría de uso del suelo. El Código de Zonificación implementa

posteriormente la densidad residencial del Plan General de acuerdo con la porción del distrito de combinación de densidad residencial de la zonificación de la parcela.

La densidad se incluye en el distrito de zonificación mediante un distrito combinado, incluyendo B6, B7 y B8. El distrito B6 especifica la densidad máxima permitida determinada por la superficie bruta en acres para todos los usos residenciales. Por ejemplo, B6 20 permite una residencia principal por cada 20 acres. En general, se les permite a todas las parcelas legales que permiten residencias como uso principal o principal permitido de una residencia principal por parcela, incluso si el tamaño de la parcela es inferior a la densidad de zonificación (es decir, a una parcela de menos de 20 acres de tamaño con una densidad B6 20 se le sigue permitiendo una residencia principal). En las áreas donde el Plan General ha designado un mayor nivel de densidad residencial, la densidad de zonificación puede incluir “DU” después del número, por ejemplo B6 10 DU, lo cual permite 10 unidades de vivienda primaria por cada acre, incluyendo estructuras multifamiliares como edificios de apartamentos.

Los distritos combinados B7 y B8 significa que el lote se ha congelado y no puede subdividirse más, normalmente como resultado de una subdivisión residencial anterior. El potencial de subdivisión está relacionado con la densidad residencial porque las parcelas generalmente permiten una residencia principal por parcela, a menos que un mapa de parcelas registrado especifique una asignación de desarrollo residencial diferente. Para B7 y B8, la densidad residencial puede inferirse por el tamaño de la parcela, ya que no se pueden crear parcelas adicionales y a cada parcela se le permitiría generalmente una residencia principal (es decir, en la mayoría de los casos, una parcela subdividida de 2 acres con un B7 tendría una densidad funcional de una habitación principal por cada 2 acres).

El personal aplicó una densidad B6 de 2 o menos, lo cual equivale a una o más unidades de vivienda por cada dos acres, para representar enclaves de urbanizaciones residenciales más densas en lo que en general es un condado muy rural. Los distritos combinados de densidad residencial incluidos como criterios en el desarrollo de los enclaves son: B6 2 (una residencia principal por cada 2 acres), B6 1.5 (una residencia principal por cada 1.5 acres), B6 1 (una residencia principal por cada acre), y todos los distritos combinados con “DU”, los cuales indican una o más residencias por cada acre. Los distritos combinados B7 y B8 también se incluyeron para capturar las subdivisiones anteriores que ya no tienen una densidad B6 en la zonificación de parcelas.

TAMAÑO DE PARCELA

La intención del desarrollo de los enclaves residenciales rurales es la de identificar núcleos de desarrollo residencial agrupados que existen entre las parcelas agrícolas más grandes, para aplicar protecciones a las parcelas ubicadas cerca de los límites de estas agrupaciones residenciales en la interfaz agrícola/residencial. Este patrón de desarrollo suele resultar del proceso de subdivisión. La subdivisiones residenciales ocurren principalmente en terrenos designados para usos residenciales o agrícolas para permitir la propiedad separada de unidades de vivienda individuales y también a veces para aumentar la densidad residencial mediante bonificaciones de densidad u otros mecanismos. Ya que el Plan General protege los terrenos agrícolas para la agricultura, las subdivisiones en las tierras agrícolas suelen utilizar un diseño de agrupación, en los que se propone una cantidad de parcelas más pequeñas destinadas principalmente a usos residenciales junto con una o más parcelas más grandes destinadas principalmente a mantener los usos agrícolas. En muchos casos, se aplica una densidad B6 o B8 a las

parcelas subdivididas para prohibir el desarrollo residencial adicional y preservar las parcelas más grandes para usos agrícolas.

Como se mencionó anteriormente, el Condado no tiene definiciones concretas para un “vecindario” o una “comunidad”, sin embargo, ambos términos se aceptan generalmente para describir a grupos de personas que viven en una zona geográfica particular que pueda tener características distintivas. La mayoría de las subdivisiones residenciales encajaría en esta definición general. Es más, ya que las subdivisiones residenciales están destinadas para el uso residencial, las métricas relacionadas con el tamaño de la parcela y el número de parcela contigua proporcionan datos importantes para ayudar a identificar características comunes de desarrollos residenciales agrupados dentro de las áreas no incorporadas del Condado.

El personal consideró inicialmente varios tamaños de parcelas, desde uno a cinco acres. Para determinar el tamaño máximo de parcela más apropiado para los enclaves, el personal investigó 44 agrupaciones de desarrollo residencial ubicados en todo el Condado no incorporado. Muchas de estas agrupaciones fueron creadas a través de un proceso formal de subdivisión, otros se encuentran dentro de un “Lugar designado por el censo” o CPD identificado por la Oficina del Censo de EE.UU. Para los CDP, el personal delineó límites de investigación de las agrupaciones al agrupar parcelas contiguas de tamaño similar. Esta revisión encontró que el tamaño promedio de parcela es menos de un acre (0.89 acres) y que el tamaño medio de parcela es aproximadamente medio acre (0.57 acres) en las áreas de muestra.

Si se fijara el criterio del tamaño de una parcela a un acre, el modelo generaría menos enclaves y más pequeños con menos variación de tamaño entre parcelas individuales. Por el contrario, el criterio del tamaño de una parcela más grande (por ej., dos acres) generaría más enclaves y más grandes con mayor variación de tamaño entre parcelas individuales. Ya que el modelo utiliza el tamaño de parcela como objetivo pero incluye parcelas más grandes que el tamaño objetivo debido al promedio, mientras más grande sea el tamaño de la parcela objetivo, mayor variación habrá entre parcelas dentro del enclave. Por ejemplo, una parcela de tamaño máximo de tres acres generaría enclaves con parcelas que varían en tamaño desde menos de un acre hasta 6 o 7 acres. Mientras que una parcela de tamaño máximo de cinco acres generaría enclaves con parcelas que varían en tamaño desde menos de un acre hasta más de 10 acres. Los enclaves generados usando un tamaño de parcela mínimo más grande limitarían el desarrollo de cannabis en las áreas con menor densidad residencial, (es decir, parcelas en el extremo superior del rango de tamaño) donde el uso podría no ser incompatible.

Para ser más inclusivos, mientras minimizamos la desviación potencial del tamaño del objetivo, el personal utilizó dos acres como el tamaño máximo de parcela para el desarrollo de los enclaves.

> *Nota: Utilizando el máximo de 2 acres como el objeto modelo, el tamaño de las parcelas varía desde 0.01 acres a 5.0 acres en la mayoría de los proyectos de enclaves. Cinco enclaves contienen parques de casas móviles en parcelas mucho mayores, que varían desde 8.22 a 36.73 acres. Excluyendo los sitios de los parques de casas móviles, el tamaño promedio de las parcelas es de 0.72 acres, y el tamaño medio de las parcelas es de 0.59 acres en todos los enclaves, cifras muy similares a las de la investigación inicial de las subdivisiones identificadas por el personal.*

NÚMERO DE PARCELAS CONTIGUAS:

Durante la revisión de desarrollo agrupado descrito anteriormente, el personal también compiló métricas relacionadas con el número de parcelas contiguas. Las agrupaciones que fueron evaluadas variaron enormemente en cuanto al número de parcelas, que varían entre 3494 parcelas y 25 parcelas, con un número medio de 397 y una mediana de 142. Sin embargo, el personal notó que al investigar un subconjunto de agrupaciones con 200 o menos parcelas, el promedio (77) y la mediana (68) de números de parcelas fueron similares y que 75 parcelas representarían probablemente un enclave típico en el condado de Sonoma.

Un objetivo de mayor número de parcelas contiguas excluiría las zonas de desarrollo más pequeñas y, por tanto, generaría menos enclaves. Para ser más inclusivos, el personal seleccionó 50 parcelas como el número mínimo para el desarrollo de los enclaves.

> *Nota: Al utilizar un mínimo de 50 parcelas como el modelo objetivo, el número de parcelas por enclave en todos los proyectos de enclave varía desde 47 parcelas a 4637 parcelas, con un número promedio de 566 parcelas y una mediana de 328 parcelas.*

ÁREA DE SERVICIO URBANO

Tomando como referencia las proyecciones de población para 2023, el 76% de la población del Condado (371,161) vive en las nueve Áreas de Servicio Urbano (las USA) de las ciudades y el 24% restante (115,605) vive en el área no incorporada, fuera de las USA de las ciudades. Las USA también ocurren dentro del condado no incorporado, generalmente limítrofes con ciudades incorporadas a excepción de la zona del Russian River.

El personal consideró incluir las USA en los criterios, ya que la densidad residencial es mayor en las áreas donde hay servicios urbanos (como agua y alcantarillado públicos) disponibles. Sin embargo, el personal determinó que este criterio no capturaría las agrupaciones de desarrollo rural ubicadas fuera de las ciudades. Por lo tanto, las Áreas de Servicio Urbano no fueron incluidas en los criterios para desarrollar los enclaves residenciales rurales.

INFORMACIÓN DEL CENSO

LUGAR DESIGNADO POR EL CENSO

La Oficina del Censo de EE. UU. define un Lugar designado por el censo (CDP) como un equivalente estadístico de lugares no incorporados para representar las comunidades no incorporadas que no tienen un límite legalmente definido o una estructura gubernamental activa en funcionamiento. Los CDP incluyen, por ejemplo, comunidades no incorporadas, comunidades planificadas, instalaciones militares y pueblos turísticos. Una misma localidad no puede formar parte tanto de un lugar incorporado como de un CDP. Los CDP en el interior del condado de Sonoma incluyen los siguientes: Geyserville, Cazadero, Guerneville, Monte Rio, Occidental, Forestville, Graton, Bodega, Valley Ford, Bloomfield, Petaluma Center, Penngrove, Temelec, El Verano, Boyes Hot Springs, Eldridge, Fetters Hot Springs – Agua Caliente, Glen Ellen, Kenwood, Fulton, y Larkfield-Wikiup. El personal utilizó los CDP de la Oficina del Censo durante la fase de investigación para ayudar a identificar las agrupaciones residenciales para su revisión (descritas anteriormente bajo las secciones de Tamaño de Parcela y Número de Parcelas

Contiguas). Sin embargo, el personal notó que los límites de los CDP se extendían frecuentemente mucho más allá del núcleo residencial para incluir parcelas mucho mayores, y también que los CDP excluían áreas alrededor de Sebastopol y el oeste de Petaluma. Por lo tanto, los lugares designados por la Oficina del Censo no fueron incluidos en los criterios para desarrollar los enclaves residenciales rurales.

DESIGNACIÓN URBANA

La Oficina del Censo de EE. UU. define las áreas urbanas como áreas que representan terreno con desarrollo denso e incluyen usos del suelo residenciales, comerciales y otros usos urbanos no residenciales que abarcan por lo menos 2000 unidades residenciales o por lo menos 5000 personas. Las áreas urbanas identificadas en el condado de Sonoma siguen generalmente los límites de las ciudades incorporadas. Por lo tanto, las Áreas de Servicio Urbano de la Oficina del Censo de EE. UU. no fueron incluidas en los criterios para desarrollar los enclaves residenciales rurales.

INFORMACIÓN SOBRE LA DENSIDAD DE LA POBLACIÓN

Los datos de la Oficina del Censo de EE. UU. se recolecta y se informa por manzana censal. Sin embargo, los límites de las manzanas censales no están delimitados en función de la población. En áreas más rurales, una sola manzana censal puede contener parcelas que varían sustancialmente en cuanto a tamaño y la densidad residencial subyacente. Por otro lado, una sola ciudad o comunidad residencial puede dividirse en varias manzanas censales. Además, los datos de población se comunican como total de la manzana o como promedio de toda la manzana; no se dispone de datos censales por parcela individual. Por lo tanto, ni los límites de la manzana censal ni los datos de población del censo fueron útiles para identificar agrupaciones específicas de parcelas por densidad de población. Esto llevó al personal a incorporar en su lugar la densidad residencial determinada por la zonificación como criterio determinante (tal y como se ha descrito anteriormente en los Distritos Combinados de Densidad Residencial). La información sobre densidad de población de la Oficina del Censo de EE. UU. no se incluyó en los criterios para desarrollar enclaves residenciales rurales.

CARÁCTER COMUNITARIO

Una “comunidad” se define generalmente como un grupo de personas que viven en una zona geográfica particular que pueda tener características distintivas. Tales características podrían incluir una estética de diseño particular, (por ej., un estilo arquitectónico similar, continuidad de paisajismo, como árboles en las calles), o una orientación hacia el desarrollo (por ej., residencias distribuidas en torno a un espacio público o en una serie de callejones sin salida). Cuando están presentes, estas características son particulares al desarrollo residencial en el cual se encuentran en lugar de ser común entre los desarrollos residenciales en general, dificultando poder identificar características que se podrían aplicar uniformemente a todas las áreas residenciales. Es más, los datos relacionados con el diseño arquitectónico y varias características de desarrollo no están disponibles generalmente de fuentes de datos GIS o de los datos de permisos existentes. Por consiguiente, aunque el personal sí consideró el carácter comunitario, el criterio que se desarrolló en su lugar se basó en varios conjuntos de datos descritos anteriormente, y el carácter comunitario no se incluyó en los criterios para desarrollar enclaves residenciales rurales.

IMPLEMENTACIÓN DE LOS ENCLAVES

APLICACIÓN

El modelo GIS identificó 43 enclaves que cumplen con los criterios; se adjuntan mapas de los enclaves propuestos, separados por Distrito de Supervisión. Todos los enclaves se encuentran dentro de áreas con un uso del suelo designado residencial en el Plan General. Ninguno se ubica dentro de las áreas de uso del suelo Agrícola o de Recursos, aunque muchos enclaves lindan con áreas agrícolas y algunas en el área del Russian River lindan con áreas de uso del suelo de Recursos. La recomendación del personal para la implementación de los enclaves residenciales rurales es requerir un retroceso de 1000 pies para usos sensibles entre los enclaves y los usos del cannabis situados en terrenos rurales. Los enclaves residenciales rurales sólo se aplicarán a los usos de cannabis en terrenos zonificados como Agrícolas o de Recursos (no Comerciales o Industriales). Los enclaves residenciales rurales exigirán un retroceso de 1000 pies alrededor de los enclaves identificados, medidos desde el límite del enclave. Las parcelas que se ubican parcialmente dentro de un retroceso de 1000 pies de un enclave podrían ser elegibles para permisos de cannabis si la operación se puede ubicar a una distancia mayor de 1000 pies del límite del enclave. El retroceso no se propone para las parcelas zonificadas como Comerciales o Industriales porque los usos de cannabis en estos distritos suelen estar totalmente contenidos y no presentan el mismo tipo de problemas de compatibilidad que los usos del cannabis en parcelas zonificadas como Agrícolas y de Recursos.

USOS DISCONFORMES

Es probable que la adopción de cualquier retroceso de uso sensible nuevo o ampliado resulte en que las operaciones existentes y los proyectos propuestos que ya están en proceso de trámite del permiso se sitúen dentro de los nuevos límites de retroceso. Las opciones de políticas para abordar estos usos disconformes y las solicitudes de permisos en trámite se desarrollarán para la consideración de la Junta posteriormente. Sin embargo, las opciones que la Junta podría considerar incluyen, entre otras: permitir que las operaciones existentes continúen sujetas a las limitaciones impuestas a los usos disconformes en las Secciones 26-94-010 a 26-94-040 del Código de Zonificación; fijar una fecha de caducidad para los permisos existentes, después de la cual las operaciones deben reubicarse en la propiedad o cesar; permitir que las solicitudes de permisos en trámite continúen, ya sea como se proponen o con restricciones, o exigir que las solicitudes de permisos en trámite retiren o modifiquen el proyecto para cumplir los requisitos actuales del código.

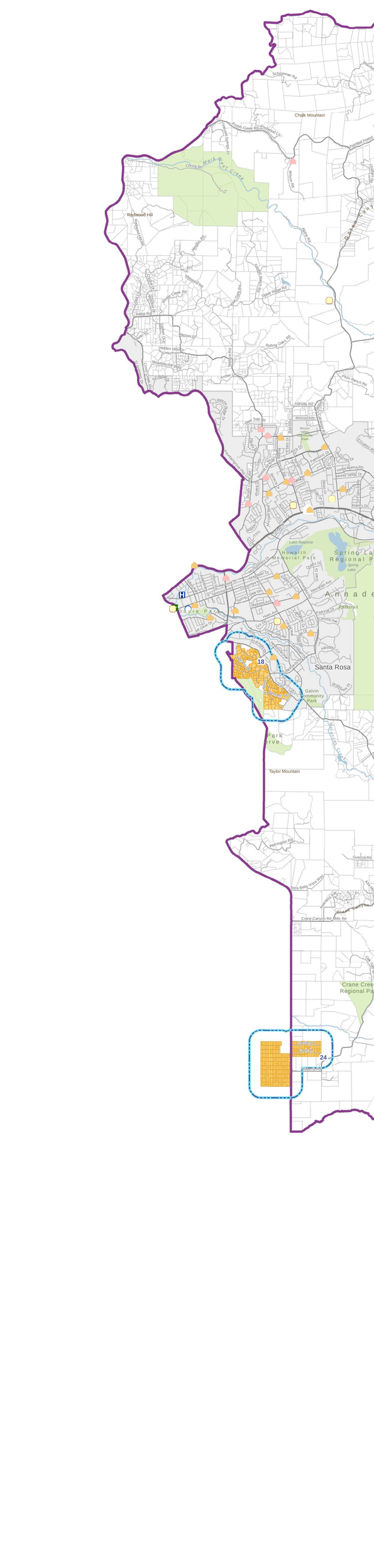
ALTERNATIVA DE POLÍTICA PARA LOS ENCLAVES

Retroceso de zonificación residencial: Se podría exigir un retroceso de 1000 pies para todas las parcelas zonificadas como residenciales en lugar de que sea solo para enclaves residenciales. Todos los enclaves están ubicados en áreas residenciales, donde los usos de cannabis (aparte del uso personal) ya están prohibidos, aunque no todas las zonas residenciales se encuentran dentro de un enclave cartografiado. Se propone que los retrocesos estándar sean de 300 pies desde las líneas de propiedad. El retroceso de 1000 pies para los enclaves proporcionaría protección adicional para ciertas áreas residenciales. Como alternativa, se podría implementar un retroceso de 1000 pies para uso sensible entre todas las parcelas zonificadas como residenciales (no solo para aquellas ubicadas en los enclaves) y los usos de cannabis

ubicados en los terrenos zonificados como Agrícolas o de Recursos. Los usos de cannabis ubicados en áreas Comerciales o Industriales no estarían sujetas a este retroceso. Esta opción de política proporcionaría mayor protección para todas las parcelas zonificadas como residenciales, pero también restringiría aún más el desarrollo del cannabis en áreas de menor densidad residencial donde el uso puede no ser incompatible.

Supervisorial District 1

Cannabis Ordinance Update | Residential Enclave Clustering



Data Source Credit:
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Sonoma County GIS Central
Sonoma County Public Safety Consortium
Sonoma County Assessor (Use Code: Dairy & Winery)
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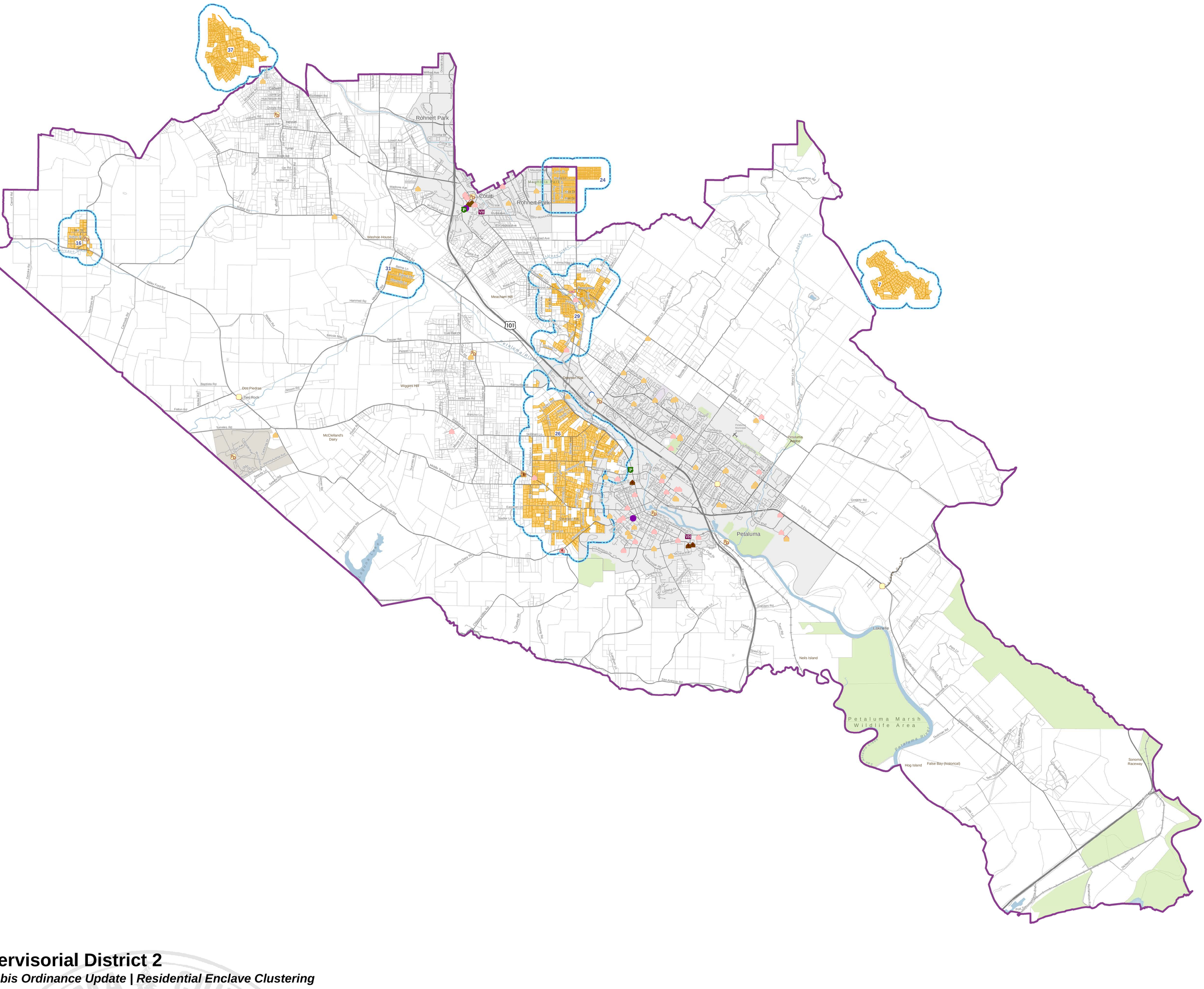
Date:
November 13, 2023

Supervisorial District 2

Cannabis Ordinance Update | Residential Enclave Clustering



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Supervisorial District 3

Cannabis Ordinance Update | Residential Enclave Clustering

- Enclave Cluster 1k Foot Buffer
- Enclave Cluster Parcel
- Supervisorial District
- Park
- City Hall
- Fire Station
- Health Clinic
- Municipal Police
- Private School
- Public School
- Veterans Hall

N

0 600 1,200 2,400 3,600 4,800 Feet

1 inch = 1,200 feet

Data Source Credit:
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Supervisorial District 4

Cannabis Ordinance Update | Residential Enclave Clustering

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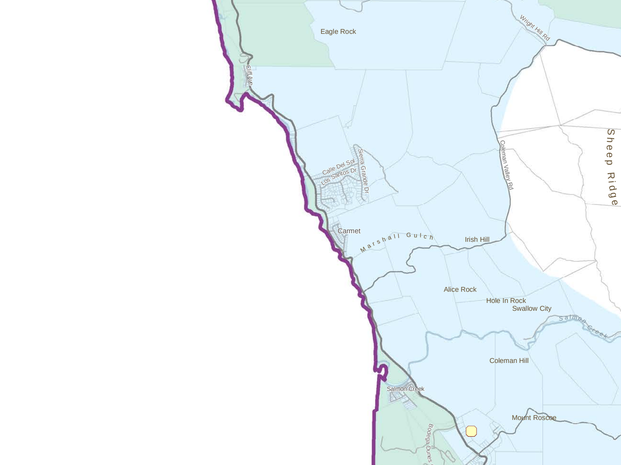
Date:
November 13, 2023

Supervisorial District 5

Cannabis Ordinance Update | Residential Enclave Clustering



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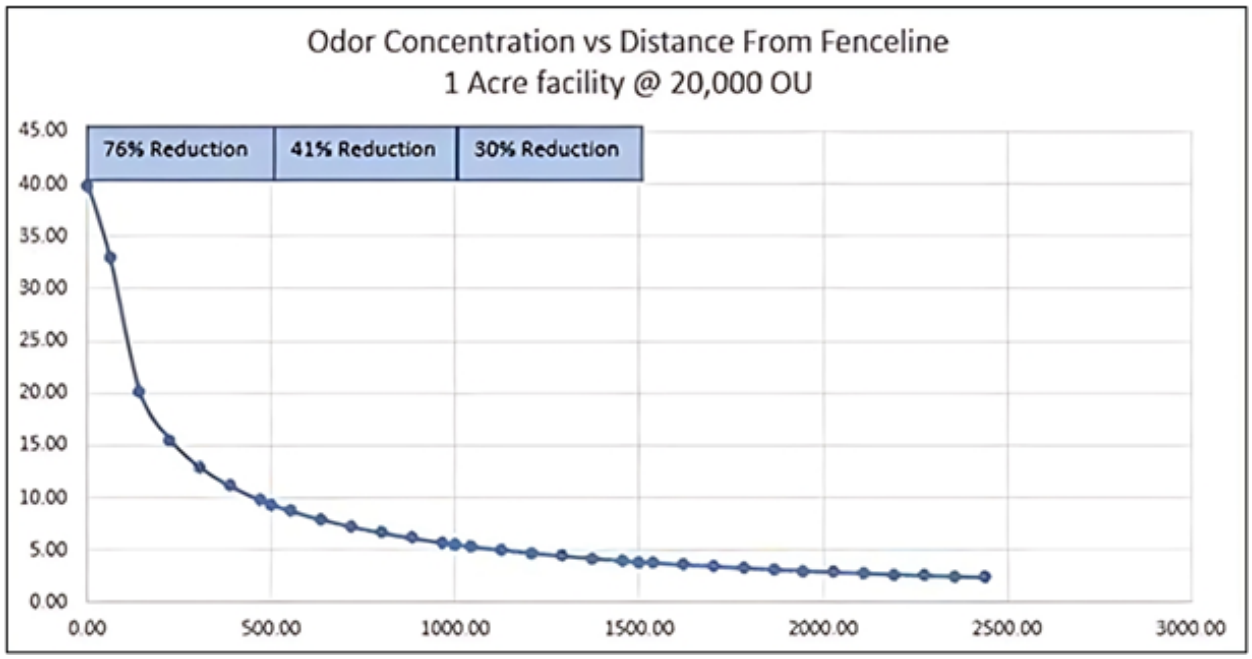
Because the labels on the Trinity dispersion model graphs have been confusing to many commenters, the table below has been extrapolated from the graph to display and clarify the results. The modeling demonstrates that setbacks provide substantial decreases in odor concentrations and associated nuisance impacts, with increases in setback distances resulting in diminishing odor reductions. At 100 feet from a 1-acre outdoor cultivation site, there is an approximate 48 percent reduction in odor concentration; at 600 feet, there is an approximate 83 percent reduction in odor concentration. Beyond 600 feet, the slope of the model curve begins to flatten, resulting in comparatively less odor reduction with additional distance. At 1,000 feet, an approximate 86 percent reduction is achieved (an additional 3% over 600 ft).

FEIR, Figure 3-1, Source: Trinity Consultants 2020. Adapted by Ascent in 2025



Odor Dispersion Reduction from a 1-acre cultivation site

Odor Dispersion Reduction from a 1-acre cultivation site				
Distance (feet)	**Odor Units**	**% Total Reduction**	**% Additional Reduction of Total Odor**	**% Reduction of Remaining Odor**
100	21	48%	48%	48%
600	7	83%	35%	67%
1,000	5.7	86%	3%	19%
1,500	4.4	89%	3%	22%
2,000	3.6	91%	2%	18%

Supervisorial District 1

Cannabis Ordinance Update | Residential Land Use Setbacks: Staff Proposal & Planning Commission Recommendation

Stats representative of Supervisorial District 1

Residential Zoning | Buffers

Cannabis uses excluded in these areas

- Staff Proposal
  600 Ft. (38,912.76 acres)
- Planning Commission Recommendation
  1,000 Ft. (48,034.70 acres)

Acres represent residential base zone designation (AR, R1, R2, R3, RR, PC) areas, including respective buffers.

- Staff Proposal
  City Limit | 600 Ft. Buffer
- Planning Commission Recommendation
  City Limit | 1,000 Ft. Buffer
- Parcel
- Supervisorial District

- City Limit
- Park
- Airport
- City Hall
- Fire Station
- Health Clinic
- Hospital
- Municipal Police
- School
- Sheriff Station
- Treatment Facility
- Veterans Hall

0 0.5 1 2 3 4 Miles

1 inch equals 1 Mile

Data Source Credit:
Sonoma County Permit Sonoma GIS
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Sonoma County Public Safety Consortium
Sonoma County Assessor (Use Code: Dairy & Winery)
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Cannabis Ord Update\Map - BOS October 2025\Policy Option Res Setbacks
Board of Supervisor Hearing Date:
October 28, 2025

Supervisorial District 2

Cannabis Ordinance Update | Residential Land Use Setbacks: Staff Proposal & Planning Commission Recommendation

Stats representative of Supervisorial District 2

Residential Zoning | Buffers
Cannabis uses excluded in these areas

- Staff Proposal
  600 Ft. (18,830.59 acres)
- Planning Commission Recommendation
  1,000 Ft. (21,818.79 acres)
  Acres represent residential base zone designation (AR, R1, R2, R3, RR, PC) areas, including respective buffers.
- Staff Proposal
  City Limit | 600 Ft. Buffer
- Planning Commission Recommendation
  City Limit | 1,000 Ft. Buffer
- Parcel
- Supervisorial District

- City Limit
- Park
- Airport
- City Hall
- Fire Station
- Health Clinic
- Hospital
- Municipal Police
- School
- Treatment Facility
- Veterans Hall

0 0.5 1 2 3 4 Miles

1 inch equals 1 Mile

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Board of Supervisor Hearing Date:
October 28, 2025

Supervisorial District 3

Cannabis Ordinance Update | Residential Land Use Setbacks: Staff Proposal & Planning Commission Recommendation

Stats representative of Supervisorial District 3

Residential Zoning | Buffers

Cannabis uses excluded in these areas

- Staff Proposal
  600 Ft. (3,237.23 acres)
- Planning Commission Recommendation
  1,000 Ft. (3,833.22 acres)

Acres represent residential base zone designation (AR, R1, R2, R3, RR, PC) areas, including respective buffers.

- Staff Proposal
  City Limit | 600 Ft. Buffer
- Planning Commission Recommendation
  City Limit | 1,000 Ft. Buffer
- Parcel
- Supervisorial District

- City Limit
- Park
- City Hall
- Fire Station
- Health Clinic
- Municipal Police
- School
- Treatment Facility
- Veterans Hall

N

0 600 1,200 2,400 3,600 4,800 Feet

1 inch equals 1,200 feet

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Board of Supervisor Hearing Date:
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Supervisorial District 4

Cannabis Ordinance Update | Residential Land Use Setbacks: Staff Proposal & Planning Commission Recommendation

Stats representative of Supervisorial District 4

Residential Zoning | Buffers
Cannabis uses excluded in these areas

- Staff Proposal
  600 Ft. (17,755.96 acres)
- Planning Commission Recommendation
  1,000 Ft. (22,419.35 acres)
  Acres represent residential base zone designation (AR, R1, R2, R3, RR, PC) areas, including respective buffers.
- Staff Proposal
  City Limit | 600 Ft. Buffer
- Planning Commission Recommendation
  City Limit | 1,000 Ft. Buffer
- Parcel
- Supervisorial District

- City Limit
- Park
- Airport
- City Hall
- County Seat
- Fire Station
- Health Clinic
- Hospital
- Municipal Police
- School
- Sheriff Station
- Treatment Facility
- Veterans Hall

0 0.5 1 2 3 4 Miles

1 inch equals 1 Mile

Data Source Credit:
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Board of Supervisor Hearing Date:
October 28, 2025

Supervisorial District 5

Cannabis Ordinance Update | Residential Land Use Setbacks

Stats representative of Supervisorial District 5

Residential Zoning | Buffers
Cannabis uses excluded in these areas

- Staff Proposal
  600 Ft. (44,861.42 acres)
- Planning Commission Recommendation
  1,000 Ft. (55,927.61 acres)
  Acres represent residential base zone designation (AR, R1, R2, R3, RR, PC) areas, including respective buffers.
- Staff Proposal
  City Limit | 600 Ft. Buffer
- Planning Commission Recommendation
  City Limit | 1,000 Ft. Buffer
- Parcel
- Supervisorial District
- City Limit
- Park
- Coastal Zone
- City Hall
- Fire Station
- Health Clinic
- Hospital
- Municipal Police
- School
- Sheriff Station
- Treatment Facility
- Veterans Hall

0 0.5 1 2 3 4 Miles

1 inch equals 1 Mile

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Designation Of Cannabis under the General Plan

The following policy options outline a range of approaches and alternatives related to the proposed General Plan Amendment, which would reclassify cannabis as "controlled agriculture"—recognizing it as an agricultural use in the County, subject to specific requirements and limitations applicable only to this subset of agriculture.

Background.

An objective of this Cannabis Program Update is to, *'Regulate cannabis located on agricultural lands more similarly to other agricultural uses, while recognizing its Federal classification, legal history, crop value, transaction security, distinct odor, and energy and water requirements.'* This project objective was developed out of the Cannabis Program Update Framework adopted by the Board of Supervisors in March of 2022. The Framework states, *'Consider General Plan Amendments, as necessary, to ensure the new ordinance remains consistent with the General Plan. This will involve evaluating, among other policies, whether to include cannabis within the meaning of "agriculture" and "agricultural use" as used in the Sonoma County General Plan.'*

Hemp is legally defined as cannabis with a tetrahydrocannabinol (THC) concentration of 0.3% or less on a dry weight basis (i.e., it is a low-THC cultivar of cannabis). Although hemp is genetically the same plant species as cannabis, hemp does not have a controlled federal status due to its lower THC content, and therefore, hemp is classified and regulated as an agricultural use. Growing of hemp does not require a land use entitlement but does require a registration through the County Department of Agriculture / Weights & Measures (AWM) and the California Department of Food and Agriculture (CDFA). The industrial hemp registration program was initiated in May of 2020. The registration process requires registering the cultivars of cannabis being grown with AWM and CDFA and requires testing of the crop by a certified United States Department of Agriculture (USDA) sampler, which AWM staff are, prior to harvest to ensure that the THC content is below 0.3%. Any plants which exceed this threshold must be retested or destroyed. Hemp and cannabis produce similar earthy or herbal odors due to the presence of many of the same terpenes (terpenes are organic compounds primarily found in plants that volatilize when exposed to increased temperature, air, or sunlight to release distinctive aromas and flavors).

The County's Industrial Hemp Ordinance is codified in Chapter 37 of the Sonoma County Code. In addition to registering and complying with best management practices, sites are subject to various restrictions that were reviewed by the Planning Commission prior to Board approval. On parcels zoned Agriculture and Residential (AR), outdoor cultivation must be setback at least 600 feet from residences and businesses on neighboring properties and 200 feet from property lines. The setbacks can be waived with the written consent of the neighboring property owner, which is valid for the one-year term of the registration. There are no setbacks in agricultural or resource zones. In the Resources and Rural Development (RRD) zone, no tree removal is allowed to accommodate the cultivation area. In addition to being protected from nuisance complaints by the right to farm ordinance, the Hemp Ordinance further states that odor from a registered and compliant hemp site cannot be considered a nuisance.

There are currently 3 registered hemp sites in the County growing approximately 6 acres of industrial hemp. One of these sites is co-located with a permitted cannabis site.

Agriculture is one of the primary industries in Sonoma County and provides a substantial base of the County's economy. Acknowledgment of the prominence of the agricultural industry has been implemented through the Agricultural Resources Element of the Sonoma County General Plan. The Agricultural Resources Element of the Sonoma County General Plan defines agriculture as an industry that produces and processes food, fiber, plant materials, and that includes the raising and maintaining of farm animals including horses, donkeys, mules, and similar livestock. The purpose of the element is to establish policies to insure the stability and productivity of the County's agricultural lands and industries. This element encourages the agricultural industry in the County.

Under state law, cannabis is considered an agricultural product for purposes of the Medical and Adult Use Cannabis Regulation and Safety Act (California Business and Professions Code Section 26060). Agricultural products are generally derived from agricultural crops and commodities. However, the extent to which cannabis is considered agriculture or whether cultivated cannabis is considered an agricultural crop or commodity under state law is unclear. At times cannabis is included with other agricultural crops and commodities (for example, pesticide regulation and registration), at times the classification has been left to local jurisdictions (as with the Williamson Act), and at times it is regulated differently from other agricultural crops and commodities (for example, cannabis cultivation is regulated under the Business and Professions Code and not the Food and Agriculture Code). Regardless of its classification at the State level, there is no indication from State cannabis law that local jurisdictions are preempted from classifying cannabis as agricultural or commercial under their local land use laws and several other counties in the State already consider cannabis to be agriculture under their General Plan.

Currently, the General Plan does not consider cannabis to be an agricultural use. Instead, cannabis operations in agricultural areas are analyzed like other commercial operations and must generally be secondary to "traditional" agricultural uses as required by General Plan Policy AR-4a. Therefore, an operator must prove a primary agricultural use on the parcel to determine the project is consistent with the General Plan policies to protect agricultural lands for agricultural production. In permitting cannabis over the years, staff has found that cannabis production has many similarities to traditional agricultural production and is more appropriately recognized as an agricultural use. Still, due to its federal classification, highly regulated status, and the complicated and evolving public sentiment around the crop and its classification, staff recommends categorizing cannabis in a way that allows additional regulations and limitations to be placed on the use.

Proposed Program.

General Plan Amendment to re-define Cannabis as Controlled Agriculture. Under the proposed program, the General Plan Amendment would redefine cannabis as controlled agriculture and adopt certain proposed policies to guide its regulation. The County's Right to Farm Ordinance would not apply to cannabis as recommended by the Planning Commission (Staff's original proposal is outlined in Option B). Cannabis would be considered a prime agricultural use under the County's Williamson Act Uniform Rules (it is currently considered a compatible use in the Uniform Rules).

1. **Right to Farm Not Applicable.**
   Cannabis would not receive the nuisance defense of Right to Farm. If cannabis is not protected by the right to farm, the County would likely have more ability to impose greater restrictions later to minimize nuisance impacts of existing cannabis operations

and to enforce against an existing cannabis operation for being a general nuisance despite not violating a provision of county code or their land use permit.

2. **Agricultural use under the Williamson Act Uniform Rules.**
   The Williamson Act Uniform Rules would be amended to include cannabis as a qualifying agricultural use pursuant to Uniform Rule 7.2-A. Cannabis would be classified as a prime agricultural use due to its high annual gross value under Table 2-4 of the Uniform Rules. Uniform Rule Section 7.2-B (Accessory Agricultural Uses and Structures) would include accessory uses to cannabis cultivation that are directly related to onsite production and processing that does not change the natural state of the raw agricultural product. Uniform Rule Section 8.3-B Compatible Uses – Agricultural Contracted Land, would be modified to specifically refer to cannabis manufacturing of cannabis grown on-site, and centralized processing of cannabis grown off-site.

General Plan Amendment.

The current proposal includes a General Plan Amendment which would redefine cannabis as controlled agriculture. This would be a new definition added to the General Plan and cannabis would be the only crop which falls under the definition. The proposed controlled agriculture definition is as follows:

> *Controlled Agriculture or Controlled Agricultural Crop: A type of agriculture or agricultural crop that is subject to unique regulations but is included as agriculture (agricultural crop) in all General Plan agricultural policies unless stated otherwise. Cannabis is the only crop defined as a controlled agricultural crop. Cannabis does not include "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code.*

As controlled agriculture, cannabis would be subject to unique regulations but included as agriculture in all General Plan agricultural policies unless specifically excluded. This redefinition of cannabis would allow for expansion of cannabis uses on agricultural land and allow the cannabis industry to better integrate into the overall agricultural landscape of the County. Expanding cannabis uses on agricultural lands could help to diversify the forms of agriculture and crop production, thereby furthering policies of the Agricultural Resources Element of the General Plan intended to protect and sustain the agricultural industry in the County. Additional recommended modifications to definitions in the General Plan are as follows, new text is shown in bold:

> *Agricultural Production Activities: Those activities directly associated with agriculture, but not including agricultural support services, processing, and visitor-serving uses. Activities include growing, harvesting, crop storage, milking, etc.* ***Ancillary processing of cannabis grown on-site is considered an agricultural production activity because it does not change an agricultural product from its natural state to a different form, as grapes to wine, apples to juice or sauce, agricultural crops to extracted oils, etc.***[1]

[1] Sec. 26-04-020(A)(19): **Agricultural Processing.** The act of changing an agricultural product from its natural state to a different form, as grapes to wine, apples to juice or sauce, agricultural crops to extracted oils, etc.

<u>Agricultural Support Services:</u> Processing services, maintenance and repair of farm machinery and equipment, veterinary clinics, custom farming services, agricultural waste handling and disposal services, and other similar services. ***Processing of cannabis grown off-site (i.e., "centralized processing") is considered an agricultural support service.***

Cannabis processing involves activities such as drying, curing, grading, and trimming. Ancillary cannabis processing, in contrast to "agricultural processing," meets the definition of agricultural production activities because processing of cannabis does not change the raw cannabis flower from its natural state to a different form and therefore is consistent with this definition. However, processing of cannabis grown off-site (i.e., centralized processing) would be considered an agricultural support service, as would other accessory uses (e.g., manufacturing, packaging and labeling, and self-distribution), because all of these uses directly support agricultural production onsite (accessory uses) or in the local area (centralized processing).

The proposed General Plan Amendment includes new General Plan Policies due to the uniqueness of the crop and specific limitations applied which would only pertain to cannabis, i.e., controlled agriculture.

(Existing) Policy AR-5e. AR-5e: Only permit agricultural support services that support local agricultural production consistent with the specific requirements of each of the three agricultural land use categories. Insure that such uses are subordinate to on-site agricultural production and do not adversely affect agricultural production in the area. Consider the following factors in determining whether or not an agricultural support service is subordinate to on-site agricultural production:

1. The portion of the site devoted to the service as opposed to production.
2. The extent of structure needed for the service as opposed to production.
3. The relative number of employees devoted to the support service use in comparison to that needed for agricultural production.
4. The history of agricultural production on the site.
5. The potential for the service facility to be converted to non-agricultural uses due to its location and access.

<u>Proposed</u> Policy AR-4g: Permanent structures used for cannabis production should be limited in size and be subordinate to outdoor on-site agricultural production of any type. Consider all of the following factors when making a determination:

1. Whether and to what extent Prime Farmland or Farmland of Statewide Importance would be permanently encumbered by structures.
2. The portion of the site devoted to agricultural production within permanent structures as opposed to outdoor agricultural production.
3. The relative number of employees needed for on-site agricultural production within permanent structures in comparison to that needed for outdoor on-site agricultural production.
4. The use of existing structures and infrastructure compared to new development.

***Discussion*.** Existing General Plan Policy AR-5e provides guidance on evaluating whether an agricultural support service is subordinance to the onsite agriculture production. This policy also

requires consideration of the history of agricultural production on site and the potential of an agricultural support service to be converted to a non-agricultural use. Proposed Policy AR-4g is intended to reflect the objectives of Policy AR-5e by similarly limiting the size of permanent structures used for cannabis production to be subordinate to outdoor onsite agricultural production of any type. Additionally, this policy ensures that cannabis production on agricultural land would not be entirely encumbered by large permanent structures, further protecting agricultural soils, including Prime Farmland and Farmland of Statewide Importance. This policy acknowledges the trend the cannabis industry has seen in other California jurisdictions of large structural development and aligns with the goals of the Agricultural Resources Element of the General Plan.

(Existing) Policy AR-4a. The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.

(Existing) Policy AR-4c. Protect agricultural operations by establishing a buffer between an agricultural land use and residential interface. Buffers shall generally be defined as a physical separation of 100 to 200' feet and/or may be a topographic feature, a substantial tree stand, water course or similar feature. In some circumstances a landscaped berm may provide the buffer. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of farmable land.

Proposed Policy AR-4h. Notwithstanding AR-4a and AR-4c, due to its unique classification, cannabis production on agricultural lands should be separated from existing residential areas and established in a manner that protects public health and safety, given the complicated and evolving public sentiment around the crop and its classification.

***Discussion*.** Existing General Plan Policy AR-4a establishes agricultural production as the highest priority use on agricultural lands, and further states that residential uses in these areas must recognize that agricultural nuisance situations can occur (such as odors). Additionally, existing General Plan Policy AR-4c recommends establishing buffers between agricultural uses and the residential interface. Therefore, proposed General Plan Policy AR-4h similarly provides a mechanism for the separation of cannabis production on agricultural lands from existing residential areas. Adoption of this policy would allow adoption and implementation of cannabis specific setbacks as proposed in the Ordinance, while maintaining consistency with overall General Plan goals to encourage and prioritize agricultural uses on agricultural lands. While cannabis uses on agricultural lands would need to be setback, those unused portions of the parcel would still be protected for other agricultural uses.

(Existing) Policy AR-6a. Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are

secondary and incidental to local agricultural production. Limit recreational uses to the Land Extensive Agriculture and Diverse Agriculture categories, specifically to bed and breakfast inns and campgrounds of 30 or fewer sites.

(Existing) Policy AR-6d. Follow these guidelines for approval of visitor serving uses in agricultural areas:

1. The use promotes and markets only agricultural products grown or processed in the local area.
2. The use is compatible with and secondary and incidental to agricultural production activities in the area.
3. The use will not require the extension of sewer and water.
4. The use is compatible with existing uses in the area.
5. Hotels, motels, resorts, and similar lodging are not allowed.
6. Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.
7. Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.

(Existing) Policy AR-6f. Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

1. Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.
2. Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.
3. Whether the above uses would be detrimental to the rural character of the area.

<u>Proposed</u> Policy AR-6i. Consumption of cannabis and cannabis products in rural agricultural areas is only allowed associated with cannabis events and periodic special events in compliance with permit conditions. Events may include small groups of people throughout the day. Permitted events should encourage education and consider appropriate modes of visitor transportation and methods to control consumption amounts. Policies allowing all other visitor-serving uses apply to cannabis, including sales and promotion of products grown or processed in the County, educational activities and tours, and incidental sales of items related to local area agricultural products.

***Discussion*.** The Agricultural Resources Element of the General Plan acknowledges the benefits of visitor serving uses to the agricultural industry, as it promotes the sale of agricultural products and allows agricultural uses to diversify and sustain long term agricultural production. Goal AR-6 allows for new visitor serving uses, so long as the visitor serving use is limited in scale and location, provides a benefit to the agricultural industry, and is compatible with the long-term agricultural use of the land. Agricultural tourism directly promotes the sale of agricultural products. Proposed Policy AR-6i, puts limitations on cannabis consumption and only allows for consumption in conjunction with cannabis events or periodic special events and therefore limits open tasting rooms in the rural agricultural areas. The purpose of this limitation is to balance the need for the cannabis industry to benefit from educational and promotional activities, while ensuring consumption is controlled to allow for consideration of appropriate modes of visitor transportation and methods to control consumption amounts. This policy also allows for all other (non-consumption) visitor serving uses including sales, promotion, education activities, and tours similar to traditional agriculture.

Williamson Act.

The goal of the County's agricultural preserve program is long-term preservation of agricultural and open space lands. The program is governed by the California Land Conservation Act (also known as the Williamson Act), the County's Uniform Rules for Agricultural Preserves and Farmland Security Zones, and the recorded contract between the owner and the county, which runs with the land.

The California Land Conservation Act allows the County and owners of agricultural and open space land to voluntarily enter into agreements that restrict the owner's use of the land to agricultural and/or open space uses and uses compatible with those agricultural and/or open space uses, in exchange for a reduction in property tax assessment. Land Conservation Act Contracts have 10-year automatically renewing terms. The County also offers Farmland Security Zone Contracts, which are similar to Land Conservation Act Contracts, but for 20-year automatically renewing terms. The program is administered by Permit Sonoma (for application processing), the County Assessor (for legal description review and property tax changes), and County Counsel (for preparation of the contract). Eligibility for a Land Conversation Act Contract includes, the property is located within or adjacent to an Agricultural Preserve Area (or is 100+ acres in size), property meets minimum parcel size requirements as outlined by the Uniform Rules, at least fifty percent of the property is devoted to a qualifying agricultural use and the agricultural use meets the income requirements as outline by the Uniform Rules.

Williamson Act Discussion. Currently, cannabis is considered a compatible use by Section 8.3-B of the Uniform Rules and cannot be considered a primary agricultural or qualifying agricultural use to receive or maintain a Land Conservation Contract (Amended: December 20, 2016, Resolution No. 16-0485). Compatible uses are limited to 15% or 5 acres whichever is less. Because cannabis is not currently agriculture it is only considered a compatible use and would fall under that restriction combined with any and all other existing compatible uses aka SFD, Guest House, pool, etc. Due to the General Plan Amendment and reclassification of cannabis as controlled agriculture, staff recommends amending the Uniform Rules to include cannabis as a qualifying agricultural use pursuant to Uniform Rule 7.2-A, to

ensure consistency with cannabis' revised definition. Cannabis would be classified as a prime agricultural use due to its high annual gross value under Table 2-4 of the Uniform Rules.

Uniform Rule Section 7.2-B (Accessory Agricultural Uses and Structures) would be modified to include accessory uses to cannabis cultivation that are directly related to onsite production and processing that does not change the natural state of the raw agricultural product, consistent with similar accessory uses used for traditional agriculture listed in this section. Uniform Rule Section 8.3-B Compatible Uses – Agricultural Contracted Land, would be modified to specifically refer to cannabis manufacturing of cannabis grown onsite and centralized processing of cannabis grown off-site, consistent with compatible uses for traditional agriculture listed in this section (note that term "cannabis manufacturing" equates to the term "agricultural processing" used for other crops where a raw agricultural crop is processed into another form). The cultivation of cannabis is similar to traditional agricultural uses which receive the benefits of the Williamson Act. Additionally, proposed General Plan policies aim to prioritize outdoor cultivation which utilizes the sun and soil similar to traditional agriculture and sets limits and restrictions on the development of permanent structures as a mechanism to provide protection of agricultural soils.

Right to Farm.

The Right to Farm Ordinance (Ordinance No. 5203, 1999) is designed to protect and promote agricultural operations by recognizing agriculture as a priority land use on parcels designated for agriculture by the General Plan and Zoning Ordinance and requiring notice to neighboring properties of the natural nuisance situations agriculture may cause. General Plan Policy AR-4d applies the provisions of the Right to Farm Ordinance to all lands designated within the agricultural land use categories. The Right to Farm Ordinance requires recordation of a Declaration Acknowledging Right to Farm in connection with certain development approvals and building permits on or within 300 feet of any lands zoned for Agricultural uses (LIA, LEA, DA). This acts as a disclosure document for the transfer of land in these agricultural zones. This ordinance protects landowners from nuisance complaints under the County Code related to noise, odors and dust created by onsite agricultural operations. The Right to Farm Ordinance applies to various agricultural activities, including crop production and animal keeping. The Right to Farm Ordinance does not currently apply to cannabis uses as cannabis is not defined as an agricultural use by the County.

Right to Farm Discussion. Due to the General Plan Amendment and reclassification of cannabis as controlled agriculture, staff recommends providing cannabis the protections of the Right to Farm Ordinance. The Planning Commission recommended that cannabis should not receive the protections of the Right to Farm Ordinance. Right to Farm's applicability to cannabis would ensure consistency with the general plan amendment and existing General Plan Policy AR-4d. Right to farm's applicability to cannabis would not negate cannabis' requirement to meet code standards and permitting requirements, as the right to farm ordinance functions as a nuisance defense and not an automatic allowance of the agricultural use. The primary function of a local right to farm ordinance is to state the County's policy on promoting agriculture and to provide property owners notice of potential agricultural nuisances that may occur. A local right to farm ordinance is authorized by and subordinate to the State's right to farm statute, California Civil Code Section 3482.5. The State's right to farm statute is a defense to a state nuisance lawsuit and is mirrored after the common law defense of "coming to the nuisance." The basic concept is that a plaintiff cannot claim a nuisance and is considered to have assumed the risk if the

condition was pre-existing when they moved to the location. Including cannabis as an agricultural crop for purposes of the County's right to farm ordinance likely does not affect whether a neighbor may sue a cannabis operator for nuisance under state law, and whether cannabis qualifies as an agricultural activity or operation that can benefit from the State's right to farm nuisance protection has not been answered by the courts.

Policy Options:

A. **(Proposed Program) General Plan Amendment as proposed, Right to Farm not applicable.** Under the proposed program, the General Plan Amendment would redefine cannabis as controlled agriculture and adopt certain proposed policies to guide its regulation. The County's Right to Farm Ordinance would not apply to cannabis, as recommended by the Planning Commission. Cannabis would be considered a prime agricultural use under the County's Williamson Act Uniform Rules (it is currently considered a compatible use in the Uniform Rules).
    1. **Right to Farm not applicable.** Cannabis would not receive the nuisance defense of Right to Farm. If cannabis is not protected by the right to farm, the County would likely have more ability to impose greater restrictions later to minimize nuisance impacts of existing cannabis operations and to enforce against an existing cannabis operation for being a general nuisance despite not violating a provision of county code or their land use permit.
    2. **Williamson Act.** The Williamson Act Uniform Rules would be amended to include cannabis as a qualifying agricultural use pursuant to Uniform Rule 7.2-A. Cannabis would be classified as a prime agricultural use due to its high annual gross value under Table 2-4 of the Uniform Rules. Uniform Rule Section 7.2-B (Accessory Agricultural Uses and Structures) would include accessory uses to cannabis cultivation that are directly related to onsite production and processing that does not change the natural state of the raw agricultural product. Uniform Rule Section 8.3-B Compatible Uses – Agricultural Contracted Land, would be modified to specifically refer to cannabis manufacturing of cannabis grown on-site, and centralized processing of cannabis grown off-site

B. **(Studied in the EIR) General Plan Amendment as proposed, Right to Farm applicable to cannabis.** Under this Policy Option the General Plan Amendment as proposed would redefine cannabis as controlled agriculture and adopt the proposed policies. However, cannabis would receive the benefits of the County's Right to Farm Ordinance.
    1. **Right to Farm applicability.** Cannabis would receive protections under the Right to Farm Ordinance (Ordinance No. 5203, codified in Sonoma County Code Chapter 30, Article II). The applicability of Right to Farm to cannabis would support the General Plan amendment's reclassification of cannabis and further implement General Plan Policy AR-4d.
    2. **Williamson Act.** Retain the current proposal to amend the Uniform Rules to include cannabis as a qualifying agricultural use as outlined in the proposed project.

C. **Define Cannabis as traditional agriculture.** Under this option the General Plan Amendment would redefine cannabis as agriculture, not controlled agriculture. This option would simply redefine cannabis as agriculture. The Board could still choose to maintain the other General Plan

policies that are specific to cannabis and support policies being applied to cannabis cultivation that are not applied to other forms of cultivation, such as setbacks and ensuring indoor agricultural product is subordinate to outdoor agricultural uses.

D. No General Plan Amendment, continue Cannabis as a commercial use. Under this Policy Option the classification of cannabis by the General Plan would remain unchanged and cannabis operations would continue to be considered and permitted as a commercial use on a discretionary basis. Right to farm would not apply to cannabis. Cannabis would continue to be considered a compatible use under the Williamson Act Uniform Rules, this would remain unchanged. The classification of cannabis under the Williamson Act Uniform Rules could either remain as a compatible use or remove cannabis as a compatible use. Current General Plan policies which apply to cannabis as a commercial use would continue to be analyzed for consistency prior to approval of the cannabis use.

1. **Right to Farm – Not Applicable.**
   The Right to Farm Ordinance would not apply to cannabis as cannabis would not be locally defined or considered controlled agriculture, an agricultural use.
2. **Williamson Act.** (Options 1 and 2 are here for discussion and consideration)
    1. Compatible Use. Under this option, cannabis would continue as a compatible use under Uniform Rule Section 8.3-B as it is currently considered. Applicants on contracted agricultural land would need to prove the bona-fide agricultural use on the parcel and conduct the cannabis use in compliance with requirements of a compatible agricultural use in accordance with the Uniform Rules. A cannabis use would not be approved on the contracted agricultural land if it does not meet these requirements.
    2. Remove cannabis as a compatible use. Under this option, the Williamson Act Uniform Rules would be modified to remove cannabis as a compatible use under Section 8.3-B. This means cannabis uses would not be allowed on contracted lands. This would make siting cannabis operations more difficult as 2,571 properties are currently under contract, for a total land area of 271.293 acres, which equates to 27% of the County. If this option is adopted, staff recommends including a phase out until the end of permit terms for any cannabis permit issued on contracted land.
3. **Applicability of the General Plan's Agricultural Resources Element.**
   Under this policy option, cannabis would continue to be considered a commercial use separate from agricultural uses. General Plan Policy AR-4a would continue to apply to commercial cannabis uses meaning agricultural parcels would need to have a primary agricultural use onsite prior to approval of a cannabis use. Accessory processing of cannabis grown onsite would not be considered an agricultural production activity and processing of cannabis grown off-site would not be considered an agricultural support service.
4. **Farm Retail Sales.**
   Under this option Farm Retail Sales (Sec. 26-88-215) for cannabis would not be allowed. As Farm Retail Sales are intended to support the continued use of agricultural lands for agricultural production and allows diversification for the agricultural production on site.
5. **Events.**

1. Agricultural promotional events and visitor-serving uses are intended to support the agricultural production on site. If cannabis is not an agricultural use, the Cannabis Visitor-Serving Uses under proposed Sec. 26-18-270 would not be allowed.
2. Periodic Special Events. Under this policy option Periodic Special Events could still be allowed as proposed to include cannabis sales or consumption at permitted periodic special events, which are already allowed in all zones.

Minimum Parcel Size
In the Agricultural and Resource Zones

The following policy options provide a range of minimum parcel sizes for cannabis cultivation located in the Agricultural and Resource zones.

Background.

Reducing the minimum parcel size advances project objectives of reducing the barrier to entry and expanding business opportunities for the industry. A minimum parcel size is often used as a regulatory standard to disperse development intensities. Discussions around a minimum parcel size for cannabis uses in the County's regulatory history has been limited to the agricultural and resource zones. This is because the commercial and industrial zones are intended for higher intensity development and uses are generally fully contained within structures.

The first cannabis land use ordinance (Permit Sonoma File No. ORD15-0005) allowed for a range of minimum parcel sizes based on cultivation type and square footage of cultivation area. In the agricultural and resource zones, indoor cultivation did not have a minimum parcel size requirement, the minimum parcel size for outdoor cultivation ranged from 2 acres (25 plants, i.e., cottage), 3 acres (5,000 sq ft or 50 plants, i.e., specialty outdoor), 5 acres (5,001 to 10,000 sq ft), to 10 acres (10,001 to 43,560, 1 acre, i.e., medium outdoor). The minimum parcel size for mixed-light cultivation in these zones ranged from 2 acres (2,500 sq ft, i.e., cottage), 3 acres (2,501 – 5,000 sq ft, i.e., specialty mixed light), 5 acres (5,001 to 10,000 sq ft, i.e., small mixed light), to 10 acres (10,001 to 22,000 sq ft, i.e., medium mixed light).

The current cannabis ordinance requires a 10-acre minimum parcel size for all cannabis uses in the agricultural and resource zones. This change was made in 2018 as a blunt tool for increasing neighborhood compatibility. The Zoning Code does not require a minimum parcel size for Agricultural Crop Production and Cultivation (Sec. 26-18-020) within agricultural and resource zones. However, the zoning code does apply a minimum parcel size to agricultural uses which pertain to animal keeping, specifically, Confined Farm Animals applies a 2-acre minimum (Sec. 26-18-070), and Farm Animals applies limits to the number of animals allowed for parcels less than 5 acres in size (Sec. 26-18-080).

Proposed Program

The project proposes a minimum parcel size for cultivation and associated accessory uses of 5 acres in the agricultural and resource zones. The current minimum parcel size is 10 acres; therefore, the proposed program would allow parcels between 10 and 5 acres to be potentially eligible for cannabis uses.

The proposal advances project objectives of an equitable approach to land use regulations as it reduces the barrier to entry for cannabis operators in Sonoma County. By focusing on operational standards and setbacks rather than parcel size, this proposed 5-acre minimum supports greater flexibility and inclusivity in the cannabis industry. Options to lease a smaller portion of a larger parcel may often be limited; by reducing the parcel size, there is more opportunity for operators to purchase the property for their operation, thereby increasing their control over operational activities and providing greater protection of financial investments, such as installation of facilities and infrastructure. Because program goals seek to balance increased opportunities for the industry with greater neighborhood compatibility,

this ordinance proposes new setbacks from residential zoning and incorporated city boundaries and applies the property line setbacks to the full operation. The residential zoning and city boundary setbacks are likely to restrict the eligibility of many 5- to 10-acre parcels; however, the smaller parcels that could comply with the proposed setbacks could be an important equity component of the project.

The proposed setbacks in the Ordinance are as follows:

Sec. 26-18-115(C)(4)(c):

1. Property line setback. The cannabis premises must be setback at least 100 feet from each property line.
2. Residential Land Use setback. The cannabis premises must be setback at least 600 feet from all properties within Residential Zoning Districts including Low, Medium, and High Density Residential (R1, R2 & R3), Rural Residential (RR), Agriculture and Residential (AR), and Planned Community (PC).
3. Incorporated City boundaries. The cannabis premises must be setback at least 600 feet from incorporated City boundaries.
4. Sensitive Use setback.
    a. Distance. The cannabis premises must be setback at least 1,000 feet from each property line of a parcel with a sensitive use.
    b. Definition of sensitive use. Sensitive uses include, K-12 schools, public parks, day care centers, and alcohol or drug treatment facilities. In this section, a public park includes existing Federal Recreation Areas, State Parks, Regional Parks, Community Parks, Neighborhood Parks, and Class I Bikeways as designated in the Sonoma County General Plan, but not proposed public parks that have not yet been constructed.

Setbacks are often used to establish a buffer between dissimilar land uses and to mitigate impacts generated by a particular land use, such as odor or noise, where such impacts can be decreased through distance from the source. Setbacks are an effective way to mitigate such impacts, as they are applied to site design elements rather than regulating ongoing behaviors. If setbacks adequately provide a buffer between uses, then a minimum parcel size is not as necessary for reducing these impacts. Rather, minimum parcel sizes are more directed at reducing concentration of uses and overall development intensity of an area.

Due to the proposed increased compatibility setbacks, staff found that reducing the minimum parcel size advances project objectives. Additionally, the allowed canopy area would be percentage-based relative to parcel size and thus scaled appropriately to the size of the parcel rather than a one-size-fits-all cap of 1 acre per parcel. The maximum canopy allowed in agricultural and resource zones would be limited to 10% of the parcel size. Therefore, a 5-acre parcel could potentially cultivate a maximum canopy of 21,780 square feet (equivalent to 0.5 acre), but only if all setbacks can be met, which is likely to limit maximum canopy even further based on parcel shape and environmental constraints (e.g., wetlands, riparian corridors, etc.). In most cases, a 5-acre parcel would not be able to cultivate the full maximum canopy allowance due to property line and sensitive use setbacks and site constraints typically present on smaller parcels. Note that 10% of parcel size would allow 1 acre of cannabis on a 10-acre parcel, the same as the current per-parcel cap.

Discussion.

Please see Attachment 1, which shows a comparison of eligible 5-acre parcels versus eligible 10-acre parcels. Please note, parcel eligibility on these maps was determined based on available countywide data layers, which, in this case, are base zoning and setback requirements. No parcel-specific analysis of other site constraints was conducted to produce the maps. In actuality, parcel eligibility is dependent on a multitude of factors, including but not limited to, split-zoned parcels, parcel shape or configuration, and other environmental factors (e.g., biotic habitat restrictions, water availability, topography) which would be determined on a case-by-case basis and are not reflected in the potential eligibility shown on the maps (i.e., the maps over-estimate potential eligibility).

Larger minimum parcel sizes increase the barrier to entry and startup costs due to the cost of land in Sonoma County. Larger minimum parcel sizes also decrease the number of potentially eligible parcels within the unincorporated County. Additional potentially eligible acreage is broken down in the table below, based on rough mapping, which only excluded parcels within the residential zone, sensitive use, and incorporated city boundary setbacks of the proposed program. It is likely that many of these parcels would not be viable for cannabis cultivation due to other proposed development standards and site constraints, as described above.

Parcel Size	District 1	District 2	District 3	District 4	District 5	Countywide
5-9.99 acres	426 parcels ±2,922 acres	249 parcels ±1,724 acres	31 parcels ±210 acres	502 parcels ±3,559 acres	762 parcels ±5,326 acres	1,970 parcels ±13,741 acres
≥10 acres	1,589 parcels ±101,697 acres	969 parcels ±82,303 acres	84 parcels ±2,767 acres	2,967 parcels ±251,915 acres	2,736 parcels ±203,142 acres	8,345 parcels ±641,824 acres

Policy Options.

A. **10-acre minimum parcel size**.

This option would retain the existing Ordinance's minimum parcel size requirement of 10 acres. This option does not advance the project objective of creating a more equitable Ordinance, as it maintains one of the most significant barriers to entry for cannabis cultivators in Sonoma County.

B. **Larger than 10-acre minimum parcel size.**

This option would be the most restrictive as it would increase the barrier to entry for cultivators and likely result in fewer, but larger, grows if the proposed 10% of parcel maximum canopy allowance (or another percentage) is adopted. This option would also likely result in more cannabis sites located in RRD, where land value per acre is typically lower than in agricultural lands.

C. **No minimum parcel size requirement.**

This option would eliminate a minimum parcel size requirement, meaning that a parcel could be eligible for cultivation as long as it meets all the other code standards, including all setbacks. The 100-foot property line setback would inherently limit cultivation on smaller parcels by reducing the usable area.

This option is the least restrictive, enabling the potential expansion of cannabis cultivation on a wider variety of parcels, provided that all setbacks and ordinance standards are satisfied.

Smaller agricultural parcels are more likely to border rural residential zoning and thus could be disqualified due to a proposed residential zoning or incorporated city setback. However, where smaller agricultural parcels are not adjacent to residentially zoned parcels, cannabis uses may be appropriate.

Maps are a separate attachment, which may be published separately at a later date.

Attachment:
Attachment 1: Parcel Eligibility Maps

Storefront & Non-Storefront Retail

The following policy options outline potential code requirements related to storefront retailers (i.e., dispensaries) and non-storefront retailers (i.e., distribution, delivery only).

Storefront Retailers.

Background.

Sonoma County first started regulating the cannabis industry with the original dispensary ordinance (Ord. No. 5715) adopted March 20, 2007, and amended on February 7, 2012, to impose a cap of nine dispensaries in the unincorporated County (Ord. No. 5967). The cap was proposed primarily to prevent overconcentration; the number of 9 was selected due to the number of permit applications approved and in process at the time (7 approved and operating; 2 applications in process).

Current Zoning Code standards which regulate dispensaries have retained the cap of nine dispensaries and apply compatibility setbacks to dispensary uses but allow for a setback waiver to be approved where the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts would occur (Sec. 26-88-256(f)(4)).

The proposed ordinance update would eliminate the following compatibility setbacks of the current cannabis ordinance that pertain to dispensaries:

- The prohibition on allowing a residence on the same parcel as storefront retail (i.e., dispensaries) would be eliminated.
- The 1,000-foot sensitive use setback between storefront retail and schools, parks, childcare centers, and alcohol or drug treatment facilities would be eliminated.
- The 1,000-foot setback between storefront retail operations on separate properties would be eliminated.
- The 500-foot setback between storefront retail and smoke shops would be eliminated.
- The 100-foot setback between storefront retail and residential zoning would be eliminated.

To date, eight dispensaries have been approved in the unincorporated County under current regulations, seven of which have required setback waivers. This indicates that the current setback requirements have not proven practical during implementation, likely due to one or more of the following factors: 1) the small overall number of commercially zoned parcels in the County, 2) the geographical distribution of commercial parcels mostly in small groupings and often adjacent to developed areas (city limits or residential areas), and 3) availability of commercial parcels to purchase or lease.

Setback waivers approved for permit applications that could not meet setbacks:

- 1 waiver of the 1,000-foot park setback.
- 5 waivers of the 100-foot residential setback.
- 1 waiver for both the 100-foot residential setback and the 1,000-foot park setback.

Proposed Program.

The proposed program aims to align commercial and industrial uses with similar non-cannabis uses to meet project objectives. Additionally, staff took into consideration implementation challenges of the

current cannabis ordinance when considering uses in commercial and industrial zones. Compatibility setbacks have proven impractical during implementation, as the majority of applications have been granted a setback waiver. For the majority of operating dispensaries, the County does not typically receive ongoing complaints or objections during operation or at the time of renewal that would indicate that there are compatibility issues.

Staff also propose to remove various operating standards for storefront retailers which are redundant to requirements of the Department of Cannabis Control (DCC) in an effort to streamline regulations and reduce overlap between regulatory agencies. The proposed program would allow storefront retailers in the Neighborhood Commercial (C1), Retail Business and Service District (C2), General Commercial (C3), and Limited Commercial (LC) zones. The proposal to expand this use into the General Commercial (C3) zone is based on its similarity to non-cannabis uses already allowed in that zone.

Discussion.

To advance project objectives and support growth of the industry and their business opportunities, the proposed program allows for a broad range of cannabis uses. Onsite consumption is proposed to be allowed at storefront retailers and events. Ultimately, whether and in what format consumption could be allowed is dependent on amendments to relevant County Health Ordinances, including Chapter 14 Article VI (Dispensary and Edible Manufacturing Health Ordinance) and/or Chapter 32 (Ordinance Regulating Smoking and Secondhand Smoke) of the Sonoma County Code. If these ordinances are not updated, consumption lounges would not be allowed, regardless of the uses allowed by the County's zoning ordinance. Additionally, the Department of Cannabis Control (DCC) regulates onsite consumption and has required operating standards for maintenance of a DCC license (Link to DCC regulations).

The program update proposes to remove use-specific operating standards contained in Section 26-88-256 in order to allow the use by right similar to other general retail uses. The DCC has various operating standards related to cannabis storefront retailers which are required to be met to maintain a state license. The zoning code reiterated many of these operating standards, such as customer access, security standards (including lights and alarms), and hours of operation requirements. Staff proposes to remove these standards because they are adequately, and perhaps more appropriately, addressed through State regulation and such discretionary standards present barriers to permit streamlining. Instead, staff recommends a streamlined land use ordinance that largely focuses on appropriate zoning districts for such uses.

Policy Options.

A. Compatibility Setbacks for storefront retailers

Retain compatibility setbacks or a portion thereof as outlined in Section 26-88-256(f)(1-5):

1) *A cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.*
2) *A cannabis dispensary shall not be established within one thousand feet (1,000') of any other cannabis dispensary or a public park, nor within five hundred feet (500') from a smoke shop or similar facility.*
3) *A cannabis dispensary shall not be established within one thousand feet (1,000') from a school providing education to K-12 grades, childcare center, or drug or alcohol treatment facility.*
4) *Notwithstanding, the subsections (f)(1) and (2) may be waived by the review authority when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.*
5) *A cannabis dispensary proposed within the sphere of influence of a city will be referred to the appropriate city for consultation.*

B. Prohibit onsite consumption at storefront retailers

This option would prohibit on-site consumption at storefront retailers. Under this policy option, if applicable Health Ordinances are later updated to allow for cannabis consumption, consumption would not be allowed in the unincorporated County as it would not be consistent with the cannabis land use ordinance.

C. Retain Use-Specific Requirements

This option would continue to implement regulations related to access requirements, security plans, age restrictions etc.. Under this option the County and DCC would have regulations for the same requirements currently implemented by DCC.

Currently, the County's sign regulations are more restrictive than DCC's. This option would retain the signage requirements for storefront retailers as outlined in Section 26-88-256(g)(4):

> *No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior;*

The proposed program eliminates this operating standard because 1) any new signage is required to comply with Article 84 (Sign Regulations) of the Zoning Code, and 2) the DCC places restrictions on advertising and marketing to limit possible exposure to persons under 21. The size and visual characteristics of the sign would be regulated by Article 84, while the contents of the sign and the way cannabis is portrayed would continue to be regulated by DCC.

D. Remove Dispensary Cap

This option would remove the current Ordinance's cap of nine dispensaries permitted in the unincorporated County at one time, recommended to be retained by the Planning Commission. There are currently eight dispensaries that have been approved in the unincorporated County and

one application in process. This cap was originally imposed to limit overconcentration of the use. Please note that the programs Environmental Impact Report analyzed the project without a countywide cap associated with dispensaries.

Non-storefront (delivery only)

E. Remove Distribution (i.e. delivery) Cap

This option would remove the projects cap of nine distribution facilities permitted in the unincorporated County at one time, recommended by the Planning Commission. Please note that the programs Environmental Impact Report analyzed the project without a countywide cap associated with distribution facilities.

Permit Streamlining
Ministerial vs Discretionary Permitting Approaches

The following policy options provide a range of permitting pathways and allowable cannabis uses, based on permit types.

Background.

Ministerial: A ministerial permit approval is one that involves applying the application to a set of fixed standards or objective measurements. The County cannot use subjective judgment or deliberation in deciding whether to approve the permit or how the project is carried out. Ministerial permits cannot be conditioned. Ministerial permits are not subject to the California Environmental Quality Act (CEQA) and are issued without notice to the public or holding a public hearing because there is no authority to deliberate on the permit or shape the project. Ministerial permits under the zoning code are referred to as zoning permits. Other types of ministerial permits include grading and building permits.

Discretionary: A discretionary permit approval is one which requires the exercise of judgment or deliberation when the County is determining whether to approve or disapprove a project and how it should be carried out. For discretionary approvals, the County retains the authority to shape or condition the project. Discretionary approvals are subject to CEQA, unless exempt, and can only be issued or denied after public notice and a hearing. Under the zoning code, discretionary approvals include conditional use permits, minor use permits, and design review with hearing.

Currently, some cannabis cultivation activities are permitted with a ministerial zoning permit if all applicable standards can be met. In Agricultural zones, these include outdoor cultivation with a canopy of up to 10,000 square feet, indoor cultivation up to 500 square feet and mixed-light cultivation up to 2,500 square feet. In Industrial zones these include only cottage indoor cultivation up to 500 square feet.

Proposed Program.

The proposed program aims to treat cannabis more similarly to comparable non-cannabis uses and to streamline permitting of cannabis uses. In the Industrial and Commercial zones, staff has aligned cannabis uses with comparable non-cannabis use code sections and has proposed to allow the majority of uses in these zones by right, meaning no planning land use permit is required. Discretionary design review with hearing would be required for new construction in commercial and industrial zones, similar to other uses. A use permit would be required for indoor cultivation that does not have public services. In the Agricultural and Resource zones, staff have proposed a ministerial permitting pathway under “crop swap” provisions. A crop swap application would only be approved if all ministerial standards are met. Crop swap means the replacement of existing crops or reuse of an existing non-residential structure. Please see the draft Ordinance, Section 26-18-115(C)(h) for proposed crop swap provisions. All other uses in Agricultural and Resource zones are proposed to be allowed by use permit.

Summary of permit requirements of the Proposed Program.

By-right uses (no land use permit)

- All uses in existing buildings in commercial and industrial zones
- With the exception of testing laboratories in General Commercial (C3)

Ministerial zoning permit (ZPC)

- Crop swap in the agricultural and resource zones

Design review with hearing (DRH)

- New building construction in commercial and industrial zones

Use permit (UPC)

- Indoor cultivation in industrial zones not served by public sewer and water
- Cultivation, centralized processing, and accessory uses in agricultural and resource zones (not meeting crop swap)
- Cannabis Events in agricultural and resource zones

Discussion.

The process for an operator is most streamlined when uses are allowed by right because no planning land use permit is required. Most operators will still need to obtain building permits for interior renovation. Building permits are subject to planning clearance, which is a referral to the planning department as part of the building permit review process to verify that the proposed use is allowed in the zoning district and that there are no other inconsistencies with the zoning code or prior planning approvals on the site. Staff have found that cannabis uses do not present unique issues compared to other commercial and industrial uses that are allowed by right and thus recommend similarly allowing cannabis uses by right. In these instances, cannabis uses would be reusing existing buildings with existing infrastructure and public services and are thus unlikely to present new impacts that require unique standards, review, and conditioning. The DEIR imposes mitigation measures to be incorporated into code requirements for by right uses, including but not limited to requiring a will serve letter for properties served by municipal water, and requiring odor control systems for all permanent structures containing cannabis.

Under the current zoning code, design review with hearing (DRH), which is a discretionary approval, is required for all new building construction, even where the proposed use is allowed by right. This discretionary review allows the County to ensure new construction is properly sited and designed and adequately served by public services. For these reasons, staff recommends maintaining the same approval requirements for cannabis uses proposing new construction in commercial and industrial zones. The DEIR proposes mitigation for new construction in commercial and industrial zones that would be applied through the DRH process, such as for construction noise and operational noise like that from new HVAC equipment.

Crop cultivation is not generally allowed in industrial zones, though staff recommends allowing indoor cannabis cultivation in these zones because it is generally a low-intensity use. While most impacts of indoor cultivation are similar to other industrial uses, cannabis cultivation uses more water than many other industrial uses. Thus, where cannabis cultivation in industrial zones is proposed to use groundwater or a septic system (i.e., not public services), staff has proposed to require a use permit tp allow adequate review of hydrogeologic reports and other information necessary to assess the potential environmental impacts and impose conditions or mitigations.

For cannabis uses in agricultural and resource zones, staff has largely proposed to require conditional use permits so that projects can be designed, conditioned, and modified to ensure environmental impacts are properly mitigated. In these zones, development may occur on previously undisturbed or unused land where there is high variability of possible site conditions and thus potential environmental impacts from individual projects. The DEIR studies these potential impacts at a programmatic level, while site

specific review associated with individual discretionary permits will allow for deliberation on studies, reports, project specifics, and site conditions to apply the proper mitigation measures identified by the DEIR to individual projects.

Staff has proposed a limited ministerial program in agricultural and resource zones. Crop swap, defined as the replacement of existing active cultivation with cannabis or the reuse of existing non-residential structures, would be subject to set objective standards that were designed to ensure that the proposed cannabis operation does not create any new significant environmental impacts. Because the proposed site would be previously developed by definition and no expansion, new building construction, or grading would be allowed, it was feasible to develop set ministerial standards that could apply countywide. However, where set standards could not be met, for example, due to potential impacts to listed species or archeological resources, a discretionary use permit would be required to be able to mitigate those potential impacts for the reasons discussed above.

While ministerial permits are one way to streamline permitting, a Program EIR also provides opportunities for streamlined permitting and CEQA compliance where discretionary permits are still required for individual projects. Under CEQA Guidelines Section 15168, later activities (i.e., individual permit applications) can be examined in light of the Program EIR. If the potential effects of the permit application were already examined in the EIR (known as being within the scope), then no subsequent environmental review is required. Agencies use a checklist to determine whether the permit application is within the scope of the Program EIR. Mitigation measures identified in the Program EIR are incorporated into the permit through conditions of approval. The Final EIR will include the checklist to be used for future permit applications.

Another factor considered by staff in recommending the proposed program is the California Department of Cannabis Control's (DCC) licensing program. All cannabis operators are required to obtain a license from DCC. The license is a discretionary approval that occurs after the County's land use approval. Because the license is discretionary, DCC must comply with CEQA unless the project is exempt. When the County conducts environmental review on an individual permit, DCC is a responsible agency and can rely on the County's environmental review. When the County does not issue a land use permit (i.e., by right uses which do not require DRH) or where the permit is ministerial, DCC is the lead agency and must comply with CEQA on its own. Under the County's current cannabis ordinance, the County issues ministerial permits for cultivation on previously undisturbed land in agricultural and resource zones. Those operators have experienced difficulty undergoing environmental review with DCC. The by right uses and ministerial permits under the proposed program are largely expected to be exempt from CEQA and thus are less likely to present difficulties when operators apply for a DCC license. For new greenfield development, the County has proposed discretionary use permits, which would allow DCC to rely on the checklist and documentation prepared by the County when approving a state license.

Draft Environmental Impact Reports (DEIRs) include project alternatives to comply with CEQA, which requires public agencies to consider a range of reasonable alternatives that could feasibly achieve most of the project's basic objectives while avoiding or substantially lessening any significant environmental impacts. The purpose of including alternatives is to address significant environmental impacts, ensure inform decision-making, and to provide the public and decision-makers with meaningful options. A DEIR also studies what would happen if the project were not adopted, known as the No Project alternative. This DEIR evaluated five alternatives, three of which are relevant to this discussion and involve solely

ministerial permitting approaches for the proposed programmatic update. These three alternatives are summarized below. Additional details on these alternatives can be found in the Alternatives section of the DEIR. Table 5-2 of the DEIR provides a summary of impacts and environmental effects of the alternatives relative to the proposed program.

Policy Options.

A. Limit cannabis uses to Commercial and Industrial Zones only
B. Ministerial Only
C. Crop Swap and Shop Swap Only

Policy Option A. Limit Cannabis uses to Commercial and Industrial Only (Alternative 2, DEIR)

Under this alternative, cannabis uses would be limited to commercial and industrial zones, prohibiting cannabis uses in agricultural and resource zones. Existing uses in agricultural and resource zones would phase out with their term limits and those existing permits would expire. Under this alternative, cannabis would remain a commercial use, and the General Plan would not be amended to redefine cannabis as controlled agriculture. This alternative would allow for indoor cultivation only, with no enumerated canopy limit, as canopy would be limited by the size of the structure. The size of the structure in these zones would be limited by existing code and development standards (such as lot coverage) of the base zone. Neither cannabis events nor periodic special events involving cannabis would be allowed.

The following sections of County Code would remain unchanged from the proposed program:

- Chapter 4, Article X, Cannabis License
- Section 26-20-025, Industrial and Manufacturing and Processing Use Standards,
- Section 26-20-040, Laboratories
- Section 26-20-080, Manufacturing/Processing, Medium
- Section 26-20-165, Cannabis Distribution
- Section 26-26-025, Cannabis Storefront Retail (Dispensary)

The following sections of County Code would be eliminated or modified, as specified below, from the proposed program:

- Section 26-18-020, Agriculture Crop Production and Cultivation (eliminated)
- Section 26-18-270, Cannabis Events (eliminated)
- Section 26-18-115, Cannabis Cultivation (modified)
- Section 26-22-120, Periodic Special Events (eliminated)

This alternative would reduce impacts related to aesthetics, agriculture and forestry resources, air quality, biological resources, greenhouse gas emissions and climate change, hydrology and water quality, and wildfire. Impacts related to air quality would be reduced and the significant and unavoidable odor impact would be eliminated as cannabis would grown indoors only where odor control systems are required. However, impacts would be greater for energy and utilities and service systems due to the increased development of indoor cannabis facilities compared to the proposed program (due to higher

use of energy for artificial grow lights and increased water use and wastewater generation than typical industrial uses). This alternative would likely require significantly more building development than the proposed program.

Policy Option B. Ministerial Only (Alternative 3, DEIR)

The ministerial only alternative would allow all cannabis uses, including supply chain uses, to proceed either by right or with a ministerial zoning permit. Projects would be approved if they meet all applicable standards; if standards are not met, the permit would be denied. Proposed changes to the General Plan and Williamson Act Uniform Rules would be the same as allowed under the proposed program. Cannabis events which require a use permit would be eliminated from the program. Cannabis uses would require a county cannabis license as proposed under the program. This alternative would allow for small-scale cultivation in rural residential zones, specifically the Agriculture and Residential (AR) and Rural Residential (RR) zoning on parcels which meet the 5-acre minimum and meet all required standards. In some cases, the program would be more limited because discretion could not be used to address more complicated and varied environmental impacts. For example, cannabis uses would be prohibited in critical habitat areas or within the Santa Rosa Plain Conservation Strategy Area, and cannabis events would not be allowed.

The following sections of County Code would remain unchanged from the proposed program:

- Chapter 4, Article X, Cannabis License
- Section 26-18-020, Agriculture Crop Production and Cultivation
- Section 26-20-025, Industrial and Manufacturing and Processing Use Standards
- Section 26-20-040, Laboratories
- Section 26-20-080, Manufacturing/Processing, Medium
- Section 26-20-165, Cannabis Distribution
- Section 26-22-120, Periodic Special Events
- Section 26-26-025, Cannabis Storefront Retail (Dispensary)

The following sections of County Code would be eliminated or modified, as specified below, from the proposed program:

- Section 26-18-270, Cannabis Events (eliminated)
- Section 26-18-115, Cannabis Cultivation (modified to include expanded standards)

Supply chain and cultivation would be permitted by right in the Commercial and Industrial zones. Cannabis uses in the commercial and industrial zones would be limited to the reuse of existing buildings, as any new construction which requires a discretionary design review approval by existing code standards would be prohibited. Centralized processing would only be allowed in the Industrial and C3 (General Commercial) zones and no longer allowed in the agricultural and resource zones where similar agricultural support uses require a use permit.

Cannabis uses would still be allowed in the agricultural and resource zones, but would be further limited by additional standards and implementation of mitigation measures, which would be applied as new standards. Crop swap, as defined under the proposed program, would apply as a streamlined ministerial pathway for permitting and remain the same as the proposed program. However, if an application does

not qualify under the crop swap provisions, cannabis cultivation and accessory uses would still be allowed in these zones, by including an expanded list of standards. This expanded list of standards includes a biological assessment, a cultural resource study, and limitations on water use. Setbacks in the agricultural and resource zones would be the same as under the proposed program, except that the setback from residential zoning would only apply to urban residential zoning (R1, R2 and R3). This setback would no longer provide separation for the rural residential zones, specifically Agriculture and Residential (AR) and Rural Residential (RR), as these zones would permit cannabis cultivation. If cannabis cultivation were to occur on an AR or RR zoned parcel, the operation would be required to meet the modified residential zone setback applicable to only urban residential zones (R1, R2, R3).

This alternative would reduce impacts related to agricultural and forestry resources, greenhouse gas emissions and climate change, noise and vibration, transportation, and wildfire, because there would be less developed uses constructed on agricultural land, no new development in commercial and industrial zones, and no cannabis events would be allowed. However, the impacts associated with air quality (odor) would be greater than that of the proposed program because this alternative would prioritize outdoor cultivation over cultivation in structures in the agricultural and resource zones. In all other resource topics, impacts would be similar to those of the proposed program.

Policy Option C. Crop Swap and Shop Swap Only (Alternative 5, DEIR)

This alternative does not allow for any new development or construction to support cannabis uses in all zones. Accessory uses associated with cannabis cultivation would be allowed as under the proposed program. All cannabis uses must rely on existing agriculture operations (via crop swap) or the reuse of existing structures. Existing structures could not be expanded beyond a negligible amount (i.e., tenant improvements, air filtration systems, etc.). In the agricultural and resource zones, outdoor cultivation would only be allowed if the application met the crop swap provisions. Accessory uses or indoor cultivation in these zones would require the reuse of existing nonresidential structures. No new indoor or mixed light facilities could be developed under the crop swap provisions. Setbacks under the proposed program would be the same for this alternative.

Cannabis uses allowed in the commercial and industrial zones would be limited to the reuse of existing structures and would continue to be permitted by right as under the proposed program. Event standards for both Cannabis Events and Periodic Special Events would remain as proposed.

The following sections of County Code would remain unchanged from the proposed program:

- Chapter 4, Article X, Cannabis License
- Section 26-20-025, Industrial and Manufacturing and Processing Use Standards,
- Section 26-20-040, Laboratories
- Section 26-20-080, Manufacturing/Processing, Medium
- Section 26-20-165, Cannabis Distribution
- Section 26-22-120, Periodic Special Events
- Section 26-26-025, Cannabis Storefront Retail (Dispensary)

The following sections of County Code would be eliminated or modified, as specified below, from the proposed program:

- Section 26-18-270, Cannabis Events (modified)

- Section 26-18-115, Cannabis Cultivation (modified)

This alternative would eliminate significant and unavoidable impacts related to greenhouse gas emissions, noise, and transportation (due to less overall development and limit on new employees resulting in lower vehicle miles travelled and prohibition on new construction eliminating most construction noise). This alternative would lessen the impact under air quality (odor) due to limitations on outdoor cultivation (i.e., only outdoor cultivation that can meet crop swap standards would be allowed); however, odor would still be considered a significant and unavoidable impact. This alternative also reduces impacts to most other resource areas due to less overall development, apart from land use and planning, and public services and recreation, which remain the same as the proposed program. This alternative eliminates the most significant and unavoidable impacts compared to the other alternatives and is therefore considered the environmentally superior alternative under the DEIR.

Personal Cultivation

The following policy options outline a range of approaches to code requirements which pertain to personal cannabis cultivation.

Proposed Program.

The proposed program exempts personal cultivation (Sec 26-18-115(B)(5) & (C)(5)) from permit requirements and allows up to 6 plants as accessory to a residential dwelling unit in all zoning districts. Outdoor personal cultivation is prohibited on parcels with multi-family units or in medium and high-density residential zones (R2 and R3) and must comply with best management practices for cannabis cultivation issued by the agricultural commissioner for erosion and sediment control and management of wastes, water, fertilizers, and pesticides.

A. Retain personal cultivation limits of current Ordinance, Section 26-88-258(b)(2).
This option would retain personal cultivation limits of the current Ordinance, which are: no more than one hundred (100) square feet per residence, of which up to six (6) plants can be cultivated for adult use purposes. The prohibition on outdoor cultivation within R2 and R3 would remain the same, as would other standards from the proposed program.

Note. Staff has proposed to remove the square footage limitation, as it has proven difficult to implement. It can be challenging to determine whether the canopy exceeds 100 square feet due to spacing of plants, often grown in pots. In addition, individual plant size changes throughout the growing season. The current ordinance also distinguishes between adult use and medical use plants. Staff have proposed a plant count of 6 (with no distinction between adult and medical use) in the proposed program to provide clarity to personal growers and to alleviate the implementation issue associated with determining square footage.

B. Increase per plant allowance beyond 6 plants
This option would allow an increase in the amount of cultivation that can be exempted from County permit requirements to a number greater than 6 plants. Input from personal users growing for medicinal purposes has indicated that multiple different strains may be needed and that 6 different plants is not enough to meet medical needs. This option could allow for a greater number with no distinction between adult and medical use or could set specific numeric numbers separately for adult and medical use, for example, 6 plants for adult use and up to 12 total for medical use. The prohibition on outdoor cultivation within R2 and R3 would remain the same, as would other standards from the proposed program.