

## Planning Commission Deliberations Summary Main Points

### General Plan Amendment (GPA)

- Until the state weighs in, Planning Commission was not able to support identifying cannabis as an agricultural crop.
- Separate from moving forward with recommending Chapter 38 to allow cannabis growers an expanded ministerial path, outside the scope of the project presented for review, Commissioners agreed to suggest that an EIR be completed; which can be used as the basis for future ordinance updates.
- Commissioners recognized that the Board had the discretion to accept or deny the added recommendation to complete a full EIR
- Planning Commission approved resolution includes that the Board of Supervisors immediately direct staff to investigating more comprehensive update of the commercial cannabis”
- Unrelated to a GPA being completed, a ministerial permit issue by the Department issuing the permit would a final decision, subject to judicial review if challenged by a member of the public. Whereas a conditional use permit allows for an appeal process.
- Compliance with federal law is required. Thus, due to the status of cannabis at the federal level, a right to farm ordinance presently does not apply to cannabis and no change to our general plan can override that.
- Regardless of which side the public comment came from, Commissioner identified the following options: approve staff recommendation; or redo the SMND and incorporate the public opinion to create options; or look into a full EIR.
- Mention of expansion of industrial area to allow for more indoor cultivation as an option to reduce need for outdoor cultivation. However, the project scope associated with new Chapter 38 does not cover industrial land use zones

### Max 10% of Parcel Cultivation

- Based on current standard of a minimum parcel size of 10 acres and a maximum cultivation area of one acre, which equates to 10% and allows for a rotating cultivation through an approved site plan and compliance with all setbacks.
- Commissioner expressed interest for making it easier for some of the small farmers, and discussed whether opening up the 10% will benefit small farmers or not. Staff offered that 10% change might allow small farmers to pool resources to accomplish projects under a cooperative-type model.
- Concern about how much of the county’s agricultural land will be cover with buildings or alike structures used for cultivation.
- Interest to decrease the lot coverage allowed for new buildings and hoop houses.
- Expansion of any existing structure or the placement of any new structure cannot occur under a ministerial permit.
- Expansion of industrial land use area to allow for more indoor cultivation was offered by Commissioner as an option to reduce need for outdoor cultivation. However, the project scope associated with new Chapter 38 ministerial permit does not cover industrial land use zones.

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## Setbacks

- Recognition and discussion around the fact that land use zones to permit cultivation include residences/neighborhoods, which are not include in the sensitive uses category under current or proposed ordinance, and are in historically agricultural areas.
- Unlike schools which have single point to apply standards, rural area homes near cultivation do not have singular location point to calculate from, as they can have multiple start and end points in all directions.
- State standard is 600 feet from schools. Recommendation is 1,000-foot setback from sensitive uses, which includes schools, public parks, childcare/daycare, and alcohol/drug treatment facilities.
- Use Permit applications may include reduction of setbacks, which is not allowed in ministerial process.
- Consideration on what kind of industry we want to support in the county should include the craft operators and not only be accessible to large corporate financially supported business.
- Current chapter 26 recognizes class 1 bike trail as a sensitive use same as parks, which requires a 1,000-foot setback. The Commission recommended excluding class 1 bike trails from sensitive use category as part of Chapter 38.

## Water/Groundwater

- SMND identifies groundwater zones, three and four as most capacity sensitive. Commission recommend not allowing Chapter 38 ministerial permits in these zones. Still, the applicant can pursue a use a permit.
- Cannabis operators must enroll with the State Water Board associated with irrigation rights and waste discharge requirements in order to obtain a state license, which is required to be in place for an application to be consider by the county.
- Commissioner suggested limiting trucked water to one season if we are in a declared drought related emergency. The Commission adjusted staff recommendation from allowing trucked water during emergencies to no trucked water at all.

## Riparian

- California Department of Food and Agriculture (CDFA) requires that operators demonstrate compliance with Fish and Game Code section 1602 by including a Fish & Wildlife (CDFW) Lake or Streambed Alteration (LSA) Agreement, or written verification that an Agreement is not required, with your Cannabis Cultivation Annual License Application
- Clarification that Chapter 36, which is vineyard erosion and sediment control (VESCO) deals with vineyards and orchards development for which the set back from riparian areas is 25 feet.
- Chapter 38 chapter requires operators to comply with other local and state. In other words, nothing in this chapter eliminates the commercial cannabis cultivator from having to comply with local state and federal law.

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## Permanent & Temporary Structures Including Hoop Houses

- Temporary structures with or without temporary electrical plumbing or mechanical equipment can be up for 180 days, while permanent structures can be used year-round. Note that ALL permanent structure will require issuance of a building permit.
- Availability of land for the cultivation identified as a large reason to not establish larger setbacks for residential zones.
- Limit temporary hoop houses to no more than 1 acre within the 10% maximum total cultivation area of the parcel limit.
- Protect ridgelines and scenic corridors from outgrowth of hoop houses.

## Odor

- Uncertainty about the impacts of odor on adjacent parcels. Given the range of subjectivity, considerable debate on how far can odor remain continues. The Commission has review applications where in some cases odor can be perceived and others without smell concerns, which supports the challenge associated with establishing a standard, given many factors need to be considered.
- Larger parcels have greater ability than smaller parcels to mitigate odor.

## Tree Removal

- Large stately oaks could include younger tree that are trying to replenish the grove.
- Update of the County's overarching Tree Ordinance is underway.
- Commission recommended to not allow any tree removal to accommodate cultivation

## Waste/Runoff

- Waste management plan must also specifically address of waste generated by temporary membrane structures.

## Design and Security

- Substantially screen with vegetation visibility from public right of way of security fences, where substantial screening was defined as 75% of the fence must be covered with vegetation over time.
- Given growing vegetation takes time, renewal inspections will annually assess that the requirement is progressively being met

## Biotic Resources

- Outside environmental consultant, Rincon, reviewed the letter from the California Department of Fish & Wildlife and clarified that when a biological assessment of the project being applied for results in a

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need for mitigation, the project then becomes NOT eligible to be processed under the ministerial pathway.

- Agricultural, Weights, and Measures department does not currently have incentives for sustainable cultivation practices. Planning Commissioner shared he has toured some operations and for the most part they tend to apply sustainable practices. Many producers in the county seek organic farming certification.
- The state Department of Pesticides heavily restricts products that are allowed to be used on cannabis, which limits or eliminates use of pesticides and some fertilizers, which you might normally see on some other types of crops.
- Commission recommends requiring biotic assessment for all applications with projects located in or near biotic areas.

### Pathway/Penalty Relief Program (PRP)

- Proposed ordinance is separate and apart from processing PRP applications. New ordinance is a proposal to create an alternative track, and it would be up to individuals to decide what makes best business sense for their project.
- PRP cultivator cannot expand or change cultivation authorized under agreement.
- County staff is committed to getting PRPs to hearing regardless of the proposed ordinance.

### Legacy/Pipeline

- Recognition that permitted operations may not fit within the new ordinance requirements resulted in understanding that new ordinance will only apply to new applications and not affect existing applications accepted under current ordinance in place.