

KEY PROGRAM ELEMENTS

GENERAL PROGRAM ELEMENTS FOR CANNABIS LAND USES

INTRODUCTION

The General Program Elements are intended to provide a summary of the proposed policy changes to the General Plan and Zoning Code related to which cannabis land uses will be allowed and how they will be regulated. The full legislative text of proposed changes to the General Plan and the Zoning Code is still in development and will be provided for public review and comment following staff's review of comments on current policy documents (these Key Program Elements and draft Rural Residential Enclaves)

GENERAL PLAN AMENDMENT

Currently, cannabis is not considered an agricultural use under the General Plan. Thus, while the zoning code allows cannabis uses on agricultural lands, it does not define cannabis cultivation as an agricultural use, instead defining it as a separate commercial use that involves activities similar to those of other types of farming. Due to its non-agricultural classification, cannabis operations in agricultural areas are analyzed like other commercial operations and must be consistent with General Plan policies to protect agricultural lands for agricultural production, which requires staff to find that a cannabis operation is secondary to and compatible with "traditional" agricultural uses.

The proposed General Plan Amendment includes defining cannabis cultivation as an agricultural use in Sonoma County, while also recognizing that cannabis is classified as a Schedule 1 substance under the federal Controlled Substances Act, and therefore should be subject to additional regulations and limitations compared to other agricultural uses.

The full text of the proposed General Plan Amendment is still in development and will be provided for public review and comment at a later date. A summary of the key elements and how they would be implemented differently than the current program is provided in the following table:

Current Cannabis Program	Proposed Cannabis Program
<ul style="list-style-type: none">• Cannabis cultivation is a non-agricultural commercial use	<ul style="list-style-type: none">• Cannabis cultivation is an agricultural use
<ul style="list-style-type: none">• Cannabis cultivation (outdoor and in structures) and all incidental uses (e.g., processing) must be secondary and incidental to a traditional agricultural use	<ul style="list-style-type: none">• Cannabis cultivation in fully enclosed structures and all incidental uses (e.g., processing) must be secondary and incidental to an outdoor cannabis cultivation operation
<ul style="list-style-type: none">• N/A	<ul style="list-style-type: none">• Cannabis cultivation outdoors is encouraged over cultivation in fully enclosed structures in agricultural areas to protect and conserve agricultural soils for agricultural production

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Current Cannabis Program	Proposed Cannabis Program
<ul style="list-style-type: none"> All visitor serving activities related to cannabis are prohibited 	<ul style="list-style-type: none"> Cannabis consumption at cultivation sites is prohibited and clarified to not be included in “tasting room” policies Educational tours are allowed at cultivation sites

ZONING CODE AMENDMENTS

The current Cannabis Ordinance is found in Sections 26-88-250 through 26-88-258 of Sonoma County Zoning Code. When a proposed program element change is primarily associated with a single section of the Zoning Code, that section is identified in the Program Elements. However, additional text changes to other sections of the Zoning Code will also occur as part of the overall program update.

The proposed ordinance would make the following changes affecting multiple cannabis land uses or multiple zoning districts. Where relevant, additional details are provided in the associated land use sections below. This document includes the standards related to allowed uses, zoning districts, minimum lot size, and setbacks. Other performance and operating standards (e.g., lighting, odor control, inspections), and environmental protection measures (e.g., groundwater use, biological resources protection) will be provided in a subsequent policy document.

- Eliminate all distinctions between land use regulations for medical versus non-medical/adult use cannabis.
- Eliminate operator qualifications, Section 26-88-250(h)(1)-(4). These will continue to be verified by the Department of Cannabis Control through State licensing.
- Eliminate term limits and required permit renewals, allowing cannabis permits to run with the land, Section 26-88-250(e) and (o).
- Eliminate the one-acre cap on cultivation area per operator and per parcel, Section 26-88-254(e).

CANNABIS CULTIVATION

CULTIVATION – The growing and harvesting of cannabis plants along with any of the listed incidental and accessory activities. Uses include outdoor, indoor, and mixed-light cultivation and retail and wholesale nurseries.

- Permitted within the following Zoning Districts with the appropriate permit: Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA), Resources and Rural Development (RRD), Industrial Park (MP), Limited Urban Industrial (M1), Heavy Industrial (M2) and Limited Rural Industrial (M3).
- **Incidental Uses to Cultivation.** The following uses are permitted provided they are secondary and incidental to the cultivation operation:
 - **Outdoor propagation.** Accessory outdoor propagation to support the onsite cultivation operation not involving the use of any permanent structures. Accessory propagative materials must only be used onsite and must not be sold commercially.

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- **Indoor and mixed light propagation.** Accessory indoor and/or mixed light propagation to support the onsite cultivation operation involving the use of one or more permanent structures. Accessory propagative materials must only be used onsite and must not be sold commercially.
- **Temporary Hoop Houses.** Within the Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), outdoor cultivation may use temporary hoop house structures for crop protection, seasonal extension, or control of flowering through light deprivation in conformance with Chapter 13, Building Code.
- **Research and development.** Accessory research and development to develop new cannabis cultivars or strains, either outdoors not involving the use of any permanent structure or within one or more permanent structures. Research and development materials must only be used onsite and must not be sold commercially.
- **Processing.** Accessory processing of site grown cannabis including the drying, curing, grading, trimming, rolling, storing, of raw (non-manufactured) cannabis
- **Packaging and Labeling.** Accessory packaging and labeling of site grown cannabis.
- **Manufacturing.** Accessory manufacturing of site grown cannabis. Accessory manufacturing must occur within a permanent structure.
 - Within Industrial Zoning Districts (MP, M1, M2, M3), accessory manufacturing may use any allowable solvents, extraction, and infusion methods.
 - Within Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), accessory manufacturing is limited to chemical extraction using carbon dioxide (ethanol is excluded); mechanical extraction; infusion of non-ingestible products.
- **Distribution/Transport.** Self-distribution to move cannabis and cannabis products grown or manufactured onsite between cultivation, processing, testing, manufacturing, distribution, or retail premises.
- **Retail.** Allow incidental retail at all cultivation sites which have a fully enclosed and secure building for the retail use.
 - Within Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), allow incidental retail of site grown cannabis similar to that of Farm Retail Sales, Sections 26-18-140 and 26-88-215.
 - Within Industrial Zoning Districts (MP, M1, M2, M3), allow incidental retail of site grown cannabis.
- **Visitor Serving Uses**
 - Within Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), allow incidental education tours; onsite consumption is prohibited.
 - Within Industrial Zoning Districts (MP, M1, M2, M3), allow incidental educational tours; onsite consumption is prohibited.
 - Periodic special events are allowed, subject to a special event permit in accordance with Section 26-22-120 of the Sonoma County Zoning Code, except that special events involving cannabis are prohibited within all Residential Zoning Districts (R1, R2, R3, RR, AR, PCRR, PCUR). Regular events will not be permitted in conjunction with a land use permit for cultivation.
- **Permitting Requirements**

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- Within the Industrial Zoning Districts (MP, M1, M2, M3), indoor and mixed light cultivation is allowed by Commercial Design Review where urban services (water and sewer) are provided, and cultivation is to take place within one or more existing commercial buildings.
- Within the Industrial Zoning Districts (MP, M1, M2, M3), indoor and mixed light cultivation require a Use Permit if either new building construction is proposed or if urban services are not available.
- Within the Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), a Use Permit is required for all cannabis cultivation.
- **Minimum Lot Size Required & Cannabis Cultivation Area**
 - Within the Industrial Zoning Districts (MP, M1, M2, M3), cannabis cultivation does not require a minimum lot size. Within the Industrial Zoning Districts (MP, M1, M2, M3), no cultivation area limit applies; however, building coverage must comply with the Development Standards of the base Zoning District.
 - Within the Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), cannabis cultivation requires a minimum lot size of 5 acres.
 - Within the Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), the total cannabis cultivation canopy is limited to 10% or less of the parcel. Building coverage, including cannabis and non-cannabis uses, must comply with the maximum lot coverage prescribed in the base Zoning District.
- **Setbacks**
 - A 300-foot setback from the property line of the project site to the cannabis premises is required for cultivation within the Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), including outdoor, mixed light, and indoor cultivation, and any ancillary structures used in the operation, including security fences within or delineating a cannabis premises. No waivers or exceptions to the 300-foot setback are allowed.
 - A 1,000-foot setback from the property line of sensitive uses to the cannabis premises is required for cultivation within the Agricultural and Resource Zoning Districts (LIA, LEA, DA and RRD), including outdoor, mixed light, and indoor cultivation, and any ancillary structures used in the operation, including security fences within or delineating a cannabis premises. No waivers or exceptions to the 1,000-foot setback are allowed.

Sensitive uses include incorporated City boundaries, residential enclaves, schools providing education to K-12 grades, public parks, day care centers, or alcohol or drug treatment facilities. For the purposes of 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. Setbacks do not apply to “proposed” parklands and Class I Bikeways that have not yet been constructed.

The distance is measured in a straight line from the property line of the protected site to a cannabis premises.

- Within the Industrial Zoning Districts (MP, M1, M2, M3), setbacks to property lines must comply with the Development Standards of the base Zoning District.

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- Within the Industrial Zoning Districts (MP, M1, M2, M3), setbacks to sensitive uses do not apply.

SUPPLY CHAIN USES

PROCESSING ONLY (Centralized, Off-site) – For the purpose of this section Processing involves the importation of plant materials grown off-site. Incidental processing of only site grown plants is included under Cultivation. Cannabis processing includes any activity involving the drying, curing, grading, trimming, rolling, storing, packaging, or labeling of raw (non-manufactured) cannabis which may include importation and processing of plant materials grown on and off-site.

- **Permitting Requirements**

- Permitted use within the Industrial Zoning Districts (MP, M1, M2, M3) and the General Commercial (C3) Zoning District, subject to Commercial Design Review.
- Use Permit required within the Agricultural Zoning Districts (LIA, LEA and DA).
Note: the cap on the number of centralized processing facilities allowed in Agricultural and Resource Zoning Districts will be eliminated (current cap is nine), Section 26-88-254(f)(5).

- **Performance Standards**

- Within the Agricultural Zoning Districts (LIA, LEA and DA), processing must conform to the 5-acre minimum parcel size and setbacks required for cultivation:
 - 300-foot setback from the property line of the project site to the cannabis premises
 - 1,000-foot setback from sensitive uses to the cannabis premises

TESTING LABORATORIES – The proposed ordinance would align cannabis testing laboratories with the existing code section for laboratories by amending Zoning Code Section 26-20-040 to include cannabis testing laboratories.

- **Permitting Requirements**

- Permitted use within the Industrial Zoning Districts (MP, M1, M2, M3), subject to Commercial Design Review.
- Within the Heavy Commercial (C3) Zoning District, a Use Permit is required.

- **Performance Standards**

- No performance standards associated with cannabis testing laboratories.

STOREFRONT RETAIL (DISPENSARY) – A facility where cannabis, cannabis products, or devices for the use of cannabis are offered for retail sale, including an establishment that delivers cannabis or cannabis products directly to customers as part of a retail sale.

- **Incidental Uses to Storefront Retail**

- Accessory packaging and labeling of processed cannabis. Accessory packaging and labeling must be secondary and incidental to the retail operation and packaged products must only be sold onsite.
- Accessory retail nursery cultivation of immature plants for onsite sale.
- Accessory onsite consumption (i.e., consumption lounge). *NOTE: Whether and in what form cannabis consumption is allowed is dependent on amendments to the relevant County Health Ordinances.*

- **Permitting Requirements**

- Permitted within the following Commercial Zoning Districts (C1, C2, C3, LC).

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- Where the dispensary reuses an existing commercial building, Commercial Design Review is required.
- A Use Permit is required if new building construction is proposed.
Note: the cap on the number of dispensaries allowed will be eliminated (current cap is nine), Section 26-88-256(d).

- **Performance Standards**

- Storefront retail operations are subject to permit requirements and regulations established by the Sonoma County Department of Health Services.

NON-STOREFRONT RETAIL (Delivery Only) – A non-storefront retailer sells cannabis and cannabis products direct to customers only through delivery. No onsite customer retail sales are allowed.

- **Incidental Uses to Non-Storefront Retail**

- Accessory retail nursery cultivation of immature plants for retail sale.

- **Permitting Requirements**

- Permitted use within the Industrial Park (MP), Heavy Industrial (M2) and Heavy Commercial (C3) Zoning Districts, subject to Commercial Design Review.

- **Performance Standards**

- Non-storefront retail operations are subject to permit requirements and regulations established by the Sonoma County Department of Health Services.

DISTRIBUTION – The proposed ordinance would align cannabis distribution facilities with existing code section for Storage: Wholesale and Distribution by amending Zoning Code Section 26-20-160 to include cannabis distribution facilities.

- **Permitting Requirements**

- Permitted use within the Industrial Park (MP), Heavy Industrial (M2) and Heavy Commercial (C3) Zoning Districts, subject to Commercial Design Review.

- **Performance Standards**

- No performance standards associated with distribution facilities.

MANUFACTURING – The proposed ordinance would align cannabis manufacturing with the existing code section for Manufacturing/Processing, Medium by amending Zoning Code Section 26-20-080 to include cannabis extraction and infusion (both volatile and non-volatile). Manufacturing within Industrial and Commercial Zoning Districts may involve cannabis grown off-site, whereas accessory manufacturing within the Agricultural and Resource Zoning Districts is governed by the standards detailed under Cultivation.

- **Permitting Requirements**

- Permitted use within the Industrial Park (MP), Limited Urban Industrial (M1), Heavy Industrial (M2), Limited Rural Industrial (M3) and Heavy Commercial (C3) Zoning Districts, subject to Commercial Design Review.

- **Performance Standards**

- Manufacturing of edible cannabis products is subject to permit requirements and regulations established by the Sonoma County Department of Health Services.

MICROBUSINESS – The ordinance does not include a specific microbusiness permit type. However, unlimited vertical integration is allowed if each use type is allowed by the Zoning District, or if the uses are allowed as secondary and incidental to an allowed primary use.

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NONCONFORMING USES – Adoption of any new or expanded sensitive use setbacks or changes to allowed uses per Zoning District is likely to result in existing operations and proposed projects already in the permit process being located within new setback boundaries or nonconforming zoning. Policy options to address these nonconforming uses and pipeline permit applications will be developed for Board consideration later in the process. 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 (related to setback conformance) 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.