

MEMO

DATE: April 15, 2021**TO:** Sonoma County Planning Commission**FROM:** Andrew Smith, Agricultural Commissioner
Christina Rivera, Assistant County Administrator**SUBJECT:** Commercial Cannabis Cultivation Ordinance Update
File Number ORD20-0005

On March 18, 2021, the Planning Commission held a public hearing to consider proposed amendments to Chapter 26, a proposed new Chapter 38, and a proposed general plan amendment. Information on those proposals is contained in the March 18 Staff Report. The Planning Commission closed the public hearing on March 18, began their discussion, and continued the meeting to March 25. On March 25, the Planning Commission deliberated and provided direction to staff to make changes to the proposed resolution, as well as adding restrictions, clarifying specific standards, and continued the meeting to April 15 for a final vote. The following summarizes the list of changes made to the proposal based on the Planning Commission's direction:

General Plan Amendment

- The Resolution has been amended to reflect that the Planning Commission does not recommend that the Board of Supervisors amend the General Plan to classify cannabis as agriculture.

Chapter 38

- *Farming practices acknowledgement/attestation.* Permit application contents must include an acknowledgement that neighboring agricultural operations employ farming practices that have the potential to be detrimental to cannabis cultivation. (Sec. 38.06.030.)
- *Limitation on Canopy and Structures.*
 - 10% Combined Limit. Discussion by the Planning Commission indicated that the interpretation of Chapter 38 and the environmental document was that all cultivation activity was limited to 10% of the parcel. This was stated more clearly in amendments to Chapter 26. To reflect the Planning Commission's interpretation and align the chapters, Chapter 38 has been amended to reflect an overall limit on the cannabis cultivation site of 10% of the parcel. (Sec. 38.12.030.)
- *Setbacks.* (Sec. 38.12.040)

- Setback added from the property line of a parcel in a residential zoning district to outdoor and hoop house cultivation.
- Setback from Class 1 Bikeways removed.
- Hoop house cultivation prohibited within the scenic corridor setback.
- Clarification added on how each setback is measured.
- *Tree Protection.* Policy changed to restrict all tree removal except under certain circumstances related to health and safety. (Sec. 38.12.060(A).)
- *Farmland Protection.* As result of the direction to not recommend the general plan amendment and to align Chapters 26 and 38, staff has included the following changes (Sec. 38.12.060(B)):
 - Cannabis cultivation applications must be consistent with General Plan Policy AR-4a in that the primary use of the parcel is agricultural production.
 - Expand farmland protections by limiting the development of new or expanded permanent structures and impervious surfaces to previously developed areas and eliminating the option to relocated irrigated agricultural production.
- *Riparian Corridor Setbacks.* As a result of the direction to not recommend the general plan amendment, the language of the riparian corridor setbacks was amended to reflect the current Cannabis Land Use Ordinance which expressly makes outdoor cultivation subject to the agricultural setback. (Sec. 38.12.070(B).)
- *Ridgetop Protection.* Amended to reflect a setback from 30 percent slopes instead of 50 percent slopes. (Sec. 38.12.090(C).)
- *Screening.* Added requirement to screen fences from Class 1 Bikeways. Clarity added on level of screening required. (Sec. 36.12.010(D).)
- *Odor Control.* Only cannabis odors from permanent structures cannot be detectable offsite. (Sec. 38.12.110(B).)
- *Waste Management.* Clarifies that waste management plan must specifically address plans for plastic sheeting used on hoop houses. (Sec. 38.12.120.)
- *Water Use.* The Planning Commission directed staff to remove any allowance for use of groundwater wells located in Groundwater Availability Zones 3 and 4. As a result, staff amended this section to remove requirements related to these groundwater availability zones and clarified the documentation required for use of groundwater wells in Groundwater Availability Zones 1 and 2. This section was also amended to remove any allowance for trucked water. (Sec. 38.12.140(A).)

Chapter 26 Amendments

- *Multi-tenant operations.* Section removed because it is relevant to zoning permits on agriculturally zoned parcels which would be issued under Chapter 38. (Sec. 26.88.250(f)(2).)
- *Cultivation Area and Structure Limits.* The Planning Commission provided direction that cultivation under Chapter 26 should generally not be more limited than under Chapter 38. Thus, staff amended this section to align with Chapter 38, except that limits are based on cultivation area in line with the existing permitting structure and language of Chapter 26. Additionally, the



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one acre limit on hoop houses is not included, because the Planning Commission indicated that the potential impacts of larger hoop house grows could be addressed through the use permit process and design review. (Sec. 26.88.250(f)(3).)

- *Setbacks*. Clarifies that cultivation areas cannot be visible from Class 1 Bikeways. (Sec. 26.88.250(f)(6) / Sec. 26.88.250(f)(21).)
- *Ridgetop Protection*. Amended to reflect a setback from 30 percent slopes instead of 50 percent slopes. (Sec. 26.88.250(f)(22).)
- *Odor Control*. Only cannabis odors from permanent structures cannot be detectable offsite. (Sec. 26.88.250(g)(2).)
- *Waste Management*. Clarifies that waste management plan must specifically address plans for plastic sheeting used on hoop houses. (Sec. 26.88.250(g)(8).)
- *Water Use*. The proposed standards for reviewing groundwater wells were directed at reviewing groundwater use in Groundwater Availability Zones 3 and 4 under Chapter 38. These standards were proposed to be carried over to Chapter 26 to maintain consistency between the permitting schemes. Due to the Planning Commission's direction to prohibit groundwater use in those zones under Chapter 38, staff recommends maintaining the current groundwater use standards in Chapter 26. (Sec. 26.88.250(g)(10).)

Attachment A: Draft Planning Commission Resolution
Attachment B: Updated Draft Chapter 38 (Redline version)
Attachment C: Updated Draft Chapter 26 (Redline version)



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