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MEMORANDUM

DATE: January 23, 2018

TO: Board of Supervisors

FROM: Matthew Kiedrowski, Deputy County Counsel
Mary Lynn Hunt, Chief Planner
Diane Curry, Interim Agricultural Commissioner

SUBJECT: Cannabis Ordinances – Items Requested for Direction/Discussion

At its meeting on January 9, 2018, the Board of Supervisors directed staff to return at the January 23, 2018, meeting to discuss the below issues, whether or not an ordinance amendment would be required to make any changes and whether changes would need to be reviewed by the Planning Commission. Staff is providing the below as an outline to guide the discussion on January 23, and will provide additional information regarding these issues at the meeting.

1. Does the Cultivation Ordinance (County Code Chapters 10A.17 and 20.242) allow for a mix and match of cultivation styles in a single permit, or is an ordinance amendment required?
2. Does the Cultivation Ordinance require a zoning clearance or an administrative permit for applicants that are not expanding beyond what was previously cultivated?
3. May the Cultivation Ordinance count only mature plants and not immature plants?
4. May the County accept applications/grant conditional permits for applicants under the Cultivation Ordinance who believe they may qualify for an exception or inclusion in an overlay district? May this be done administratively based on the policy direction of the Board, or is an ordinance amendment required?
5. May the County issue a permit for a microbusiness under the Cannabis Facilities Ordinance (County Code Chapters 6.36 and 20.243) for a cultivation site where there is no residence (which is a requirement for having either a home occupation or cottage industry)?

The following topics were discussed at the December 19, 2017, meeting of the Board:

1. Concerns related to the 1000 foot setback in the Cannabis Facilities Ordinance between cannabis facilities and sensitive receptors and whether intervening barriers could provide for exceptions to the setback requirement.
2. Allowing a single cannabis cultivation permit on multiple contiguous parcels with the same ownership.

The following additional topics have been brought to our attention since the January 9 meeting:

1. The Williamson Act and whether it is necessary in Section 20.243.070(A) of the Cannabis Facilities Ordinance, regarding exceptions for new cannabis facilities at existing packing and processing facilities, that the site not be within lands contracted under the Williamson Act.
2. Whether persons in the sunset areas under the Cultivation Ordinance may also engage in manufacturing under the Cannabis Facilities Ordinance.
3. Concerns related to what is allowed under the various types of distribution permits and licenses and whether additional license types are needed in the Cannabis Facilities Ordinance.
4. Is a microbusiness required to engage in all possible license/permit types or just 3 out of the 4 types?

Separately, staff has begun reviewing the existing ordinances to make changes broadening the ordinances to include cannabis cultivation and facilities for adult use purposes, as well as changes related to State statutes and regulations that have been updated since adoption of the County's cannabis ordinances.