

Memorandum

Date: November 3, 2020

To: Board of Supervisors

From: Supervisor McCowen

RE: Purpose and Intent of Cannabis Accommodation Combining Districts/Agenda item 5h) R_2019-0009

During development of Chapter 10A.17 and Chapter 20.242 the Board of Supervisors determined that commercial cannabis production in residentially zoned neighborhoods was inappropriate given the range of negative impacts often experienced by non-cultivating neighbors. In recognition of the many existing growers in residential areas the Board approved a three year sunset period which expired on May 4, 2020. In order to cultivate legally during the sunset period growers were required to apply for, obtain and comply with a permit from the County.

The Board subsequently adopted Chapter 20.118 to allow for the creation of Cannabis Accommodation (CA) Combining Districts and Cannabis Prohibition (CP) Combining Districts. The purpose of these Districts was not primarily to either allow or prohibit cannabis cultivation in a generalized way countywide as staff seems to suggest, but to allow individual neighborhoods to apply to either allow or prohibit cannabis cultivation based on prevailing community standards.

During development of Chapter 20.118 there was extensive discussion that in certain neighborhoods where cultivation of cannabis was consistent with prevailing community standards it could be appropriate to suspend the sunset provisions provided a contiguous block of parcels applied and that creation of an Accommodation District was supported (or at least not opposed) by strong majorities both inside and outside of the proposed District. Subsequently, the Board received requests to also allow for the creation of what became Prohibition Districts based on a prevailing community or neighborhood standard that commercial cannabis production was not appropriate for their neighborhood.

Staff variously states that creation of the CA Districts was to "facilitate", "allow" or "support" continued operation of existing cultivation sites and that "the purpose and intent of the Cannabis Accommodation (CA) Combining District is to support cannabis cultivation that currently exists...." These statements reflect a very incomplete understanding of the purpose and intent of the CA District. If the intent was to allow the continued existence of commercial cannabis cultivation in residential areas countywide there would have been no need to adopt a sunset period. The intent was not to allow for the generalized continuation of cannabis cultivation countywide, but only to allow it in areas where to do so was consistent with prevailing community standards.

As can be seen by the more than two dozen comments in opposition, many from nearby residents, continuation of commercial cannabis production in the West Road/Mohawk

Drive area is inconsistent with the prevailing community standard. In retrospect, it was an oversight not to survey the surrounding neighbors to gauge their level of support or opposition. The numerous public comments in opposition confirm that many residents in the area do not support the continuation of commercial cannabis production in their neighborhoods.