

## MEMO

DATE: June 28, 2018

TO: Sonoma County Planning Commission

FROM: Amy Lyle and Katie Olding, Permit Sonoma

SUBJECT: ORD18-0003, Inclusion Combining District

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On June 7, 2018 the Commission reviewed and held a public hearing on the proposal to amend the Cannabis Land Use Ordinance. Included within the proposal was the Inclusion Combining District. This tool could be used for future application to parcels that do not have eligible zoning for cannabis cultivation only, but which have unique characteristics that make them worthy for consideration with a conditional use permit for cultivation. Staff has updated the recommendation with additional standards and a land use table as described below.

The following policy options are proposed for consideration by the Planning Commission.

**Policy Options:**

1. **Allow Cultivation within Certain Base Zoning Districts:**
  - a. **Allow in Rural Residential (RR) and Agriculture Residential (AR) Zoning Districts:** This option would allow for all RR and AR properties to apply for cannabis use permits.
  - b. **Allow within the Limited Commercial (LC) District:** Currently the only cannabis uses allowed within the LC zone are dispensaries and laboratories.
  - c. **Allow in Agricultural Services District:** Currently no cannabis uses are allowed within this zoning district. There are only 13 parcels countywide within this zoning district. Allowing cannabis within this district would limit the opportunity for siting of agricultural support and commercial service uses.
2. **Limit the Inclusion Zone to Certain Areas of the County or Historic Use:**
  - a. **Limit by Planning Areas:** The Sonoma County General Plan divides the county into nine (9) planning areas. These planning areas could be used to identify areas where AR and RR properties would be eligible for cannabis permitting.
  - b. **Limit by Area Plan Area:** There are currently 8 adopted Area and Specific Plans. Cannabis applications could be included or excluded based on these boundaries.
  - c. **Limit to Properties with Historic Cannabis Use:** This option would limit the RR and AR eligible properties to those with historic cannabis uses, meaning those properties where it can be proven that cannabis cultivation was occurring prior to Jan 1, 2018 (end of transition period).



**3. Criteria to be used for Consideration of Inclusion Zoning:**

- a. **Minimum Parcel Size:** Currently all cultivation, with the exception of indoor, has a 2 acre minimum parcel size requirement. The Inclusion Zone could express a larger minimum lot size of 5 or 10 acres. Note that only 9% of AR and RR parcels are larger than 5 acres and only 3% are over 10 acres.
- b. **Proximity to Residential Uses:** A key area of concern is neighborhood compatibility and proximity to residential uses. Criteria could be created to restrict eligibility in the following ways:
  - i. Property is located in an area with residential density no more than 1 unit/10 acres,
  - ii. No residential dwellings within a half mile of the parcel
  - iii. No residential dwellings within 1,000 ft of the operation's premise.
- c. **Proximity to Agricultural Uses:** The property is within an area with other existing agricultural uses. This would require a finding that the cannabis operation would be surrounded by other types of traditional agricultural operations which would ensure a reduction in nuisance factors of noise, odor, etc.
- d. **Limitation on Size or Type of Cannabis Cultivation:**
  - i. Allow only Indoor Cultivation. This option would restrict uses to indoor only which may reduce neighborhood compatibility and nuisance issues.
  - ii. Allow only Cottage. This option would restrict the size of the cultivation to a maximum of 25 plants outdoor, 500 sq ft indoor, or a 2500 sq ft mixed light greenhouse.
  - iii. Allow all types up to 10,000 sq ft of canopy.
  - iv. Allow all types and sizes based on the limits expressed in the Cannabis Land Use Table. This option would allow for a case by case review of the size of cultivation based on the property location, zoning, and size. Note the 1 acre of cultivation maximum would still apply.
  - v. Within commercial zoning restrict cultivation to indoor and mixed light.

**4. Standards Applied to Eligible Properties:**

- a. If residential, the operator shall reside full-time on the property where the cultivation operation is occurring.
- b. If commercial, restrict other cannabis uses such as laboratories and dispensaries.
- c. If commercial, restrict other visitor serving uses to reduce potential conflicts and security impacts.

**BOS Cannabis Ad Hoc and Staff Recommendation:**

Staff recommends Options 1.a.b., 2.a., 3. a. d. ii. v., and 4. a. b. and c. A summary is provided below.

- (a) When combined with a Rural Residential (RR) or Agriculture and Residential (AR) Zone subject to all of the following criteria:
  - a. Property is located within Planning Area 4 or 6;
  - b. Property is five (5) acres in size or larger;
  - c. Maximum cultivation canopy shall be limited to Cottage sizes for indoor, mixed light, and outdoor or any combination thereof shown in Table 1;
  - d. The operator shall reside full-time on the property where the cultivation operation is occurring; and

- e. The operation meets all requirements within the Sections 26-88-250-256.

Staff further recommends that the Inclusion Zone be made available to the Limited Commercial (LC) District countywide for indoor and mixed light cultivation only.

- (a) When combined with a Limited Commercial (LC) Zone subject to all of the following criteria:
  - a. Property is five (5) acres in size or larger;
  - b. Cultivation is limited to indoor and mixed light;
  - c. Maximum cultivation canopy shall be limited as shown on Table 1 for indoor, mixed light, or any combination thereof provided that the total canopy does not exceed the maximum for the parcel size;
  - d. No cannabis dispensary or laboratory is located onsite;
  - e. No other visitor serving commercial uses are located onsite; and
  - f. The operation meets all requirements within the Sections 26-88-250-256.

All cannabis uses would be required to meet the standards within the Cannabis Land Use Ordinance including setbacks to schools, surrounding residences, security plans, odor control, etc. The Inclusion Zone would be applied through a Zone Change application process which requires a public hearing process, environmental review, and final decision by the Board. No projects are being proposed for the rezoning at this time.

A total of 651 Rural Residential and Agriculture Residential parcels would be eligible for rezoning to the Inclusion District. 87 are Rural Residential and 564 are Agriculture Residential. The following table describes how this could be applied.

**Table 1: DRAFT Allowed Cannabis Uses and Permit Requirements for the Inclusion Combining District.**

LAND USE	MAXIMUM CANOPY PER PARCEL (square feet or plant)	MINIMUM PARCEL SIZE	STATE LICENSE TYPE	Agriculture and Residential	Rural Residential	Limited Commercial	Special Use Regulations
				AR	RR	LC	
<b>CANNABIS USES</b>							
<b>Outdoor Cultivation</b>							
Cottage	25 plants	5 ac	1C	CUP <sup>1</sup>	CUP		26-88-250-254
Specialty Outdoor	5,000 sq. ft. or 50 plants		1	—	—	—	
Small Outdoor	5,001 - 10,000		2	—	—	—	
Medium Outdoor	10,001 - 43,560		3	—	—	—	
Nursery Outdoor	Limited as Expressed Above		4	CUP <sup>1</sup>	CUP	—	
<b>Indoor Cultivation</b>							
Cottage	500	5 ac	1C	CUP <sup>1</sup>	CUP	CUP	
Specialty Indoor	501 - 5,000	5 ac	1A	—	—	CUP	
Small Indoor	5,001 - 10,000	5 ac	2A	—	—	CUP	
Medium Indoor	10,001 - 22,000	5 ac	3A	—	—	CUP	
Nursery Indoor	Limited as Expressed Above		4	CUP <sup>1</sup>	CUP	CUP	
<b>Mixed Light Cultivation</b>							
Cottage	2,500	5 ac	1C	CUP <sup>1</sup>	CUP	CUP	
Specialty Mixed Light	2,501 - 5,000	5 ac	1B	—	—	CUP	
Small Mixed Light	5,001 - 10,000	5 ac	2B	—	—	CUP	
Medium Mixed Light	10,001 - 22,000	10 ac	3B			CUP	
Nursery Mixed Light	Limited as Expressed Above		4	CUP <sup>1</sup>	CUP	CUP	
<b>TYPE OF PERMIT REQUIRED</b>							
<b>ZP</b>	Permitted Use; Zoning Permit Required						
<b>MUP</b>	Conditionally Permitted Use; Minor Use Permit required						
<b>CUP</b>	Conditionally Permitted Use; Use Permit required						
<b>—</b>	Use not allowed						
<b>Notes:</b>	1 Commercial Cannabis Uses on properties with a Land Conservation (Williamson Act) Act Contract are subject to Uniform Rules for Agricultural Preserves.						