

# Commercial Cannabis

## Setback Reduction Allowances

### Resolution of Intention (ROI)

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# Chapter 130.41 – Commercial Cannabis

- ▶ Comprised of 3 Main Sections
  - 130.41.100 – Commercial Cannabis Activities Permitting and Enforcement
  - 130.41.200 – Outdoor and Mixed-Light Cultivation
  - 130.41.300 – Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing

# 130.41.100.4

## Commercial Cannabis Use Permit (CCUP)

- ▶ No CCUP may be granted unless the applicant demonstrates compliance with all standards in the County Code and State law
- ▶ Any setback for a commercial cannabis activity may be reduced so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback and that the parcel was owned or leased by the applicant before voter approval of the ordinance on November 6, 2018

# Chapter 130.41.200.5 Cultivation Standards

## ▶ 130.41.200.5.B – Location

- Outdoor or mixed–light cultivation of commercial cannabis shall not be:
  - Located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth–oriented facility, pre–school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility
  - Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight–line measurement

# Chapter 130.41.200.5

## Cultivation Standards

### ▶ 130.41.200.5.C – Setbacks

- Outdoor or mixed-light cultivation of commercial cannabis shall be:
  - Setback a minimum of 800 feet from the property line of the site or public right-of-way
  - Located at least 300 feet from the upland extent of the riparian vegetation of any watercourse

# Chapter 130.41.300.4 General Requirements

## ▶ 130.41.300.4.C – Location

- A commercial cannabis activity authorized under this Section shall not be:
  - Located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility
  - Exception for the Meyers Community Center (MAP-1) zoning district

# Chapter 130.41.300.4 General Requirements

## ▶ 130.41.300.4.C – Location

- A commercial cannabis activity authorized under this Section shall not be:
  - Established on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district
  - Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use using a direct straight-line measurement
  - For the Meyers Community Center (MAP-1) zoning district, proximity to a residence shall be evaluated to determine compatibility of the proposed use

# CCUP Processing

- ▶ Outlined in Staff Memo (Attachment C)
- ▶ 25 CCUP Applications
  - 9 Storefront
    - 8 approved
    - 7 requesting setback relief
    - 1 still processing
    - No Appeals to Date
  - 1 Delivery/Distribution
    - 1 approved
    - 1 requesting setback relief
    - No Appeal



# CCUP Processing

- 14 Outdoor/Mixed Light Cultivation
  - 5 Approved
    - 3 of 5 requesting setback relief
  - 2 Denied
    - Both requesting setback relief
  - 2 On hold
    - Both requesting setback relief
  - 4 Still in Process
    - All 4 requesting setback relief
  - 1 Withdrawn
  - 8 Appeals of PC Decision
    - 2 projects having 2 appeals processed concurrently

# BOS Recommendation

- ▶ 1) Adopt and authorize the Chair to sign ROI XXX-2026 to amend Chapter 130.41 – Commercial Cannabis related to setback reduction allowances; and
- ▶ 2) Provide direction to which setback reduction allowances are to be removed, amended, or should stay in effect.

