

SUMMARY OF CHANGES TO CULTIVATION ORDINANCE

Setback Requirements

- Elimination of 100-foot setback between structures associated with cultivation and the property line.
- 300-foot setback between structures associated with cultivation and business or residential structures on surrounding properties remains, but new language clarifies that the setback applies only to *existing* residential or business structures.
 - Existing means either (1) structures on surrounding properties in existence at the time a local license is issued or (2) structures later added to surrounding properties if the subject property is without a valid local license for 18 months or more.
 - The language also clarifies that the 300-foot setback requirement does *not* apply to residential or business structures located on parcels owned by the same owner as the parcel with the cultivation.
- The 1,000-foot setback between the property where cultivation is occurring and State-defined sensitive areas (schools, day care centers, youth centers, playgrounds, alcohol and drug treatment facilities) is reduced to *600 feet* in accordance with State law.
 - The 600-foot setback remains measured from property line to property line, as required by State law.
 - Nurseries remain subject to this setback requirement.
- The 1,000-foot setback between the property where cultivation is occurring and residentially-zoned properties (which are not included in the State definition of sensitive areas) is also reduced to *600 feet*.
 - The 600-foot setback is now measured from the structure associated with cultivation to the property line of the nearest residentially-zoned property.
 - Nurseries are exempt from this setback requirement.

Agricultural Production Protection [UPDATE: Staff is no longer recommending this change]

- The language is clarified to prohibit only the displacement of *edible* agricultural crops (not all crops).
- To achieve the goal of agricultural preservation throughout the County, the language is also clarified to allow the relocation of edible crops to another facility within the County (not just to another area of the property where cultivation is occurring).

Sunset Eliminated (meaning all currently prohibited commercial cannabis activities will remain prohibited after December 31, 2018)

Canopy Area In accordance with State law, the definition of canopy area (i.e., the area where cultivation is occurring) is revised to include only mature plants, and exclude immature plants used solely to replenish mature cultivation stock. [UPDATE: Staff is no longer recommending this change]

Application Requirements

- Language is clarified to require applicant to attest that applicant intends to apply for a State license and agrees to provide County with documentation of State license.
- Language is also clarified to make authority to conduct commercial cannabis activities under local license explicitly conditioned upon receipt of valid State license.

Security Requirements Consistent with the discretionary approval process, Community Development Director may waive or modify surveillance and security requirements on a case-by-case basis if adequate alternative measures are proposed.

Notice to Employees Requires licensee to attest that they have informed employees that cannabis remains unlawful under federal law, and that there may be immigration or other legal risks from working in the cannabis industry.

Record Retention Elimination of requirement to retain training records, which is governed by State law.

ADA Requirements Minor revision to ADA requirements to clarify that State and local requirements for accessibility apply, at a minimum, to ingress and egress.