

Outdoor Cannabis Cultivation and Renewable Energy

CRAIG SPENCER, HCD PLANNING

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Background

- June 18, 2019 – Board approved a Five-year Pilot Program for outdoor cannabis cultivation
- Three applications for outdoor cultivation submitted since adoption
 - 1 – Central Salinas Valley area (outside program)
 - 2 – Cachagua (Under review)
- January 2020 - Board and Committee Direction to meet with Stakeholders
- March 9, 2020 – Stakeholder meeting held in Carmel Valley
- April 1, 2020 – Report to Committee on feedback from stakeholder meeting
 - Direction to staff to return with potential revisions to regulations

Direction

- August 5 and October 30, 2020 – Cannabis Committee considered options and provided direction to staff to prepare an ordinance revising the outdoor cannabis pilot program regulations to:
 - Extend Pilot Program duration
 - Reduce setback from nearest off-site structure
 - Expand program to Central Salinas Valley
 - Expand program to Grazing Land Zoning districts
 - Increase maximum canopy area
- February 23, 2021 – Separate direction from Board of Supervisors to modify renewable energy generation requirements applicable to indoor cannabis cultivation

Summary of Current Regulations - Outdoor

- Area:
 - Big Sur Land Use Plan – (RDR) or (WSC) zoning;
 - Carmel Valley Master Plan area – (RDR) zoning; or
 - Cachagua Area Plan – (RDR) and (RC) zoning.
- Two forms of evidence of prior cultivation:
 - Photographs of cultivation that existed on the lot prior to January 1, 2016; and
 - Documentary evidence.
- Minimum setback requirements:
 - 50' from any public road;
 - 500' from nearest offsite structure; and
 - 150' from a stream, river, or watercourse.
- 10,000 square feet of canopy
- Five-year term from adoption in 2019

Review of Feedback from Stakeholders - Outdoor

- Feedback - barriers within current code:
 - Program Area
 - Setbacks
 - Proof of prior cultivation
 - Garden Size
 - Cost of entry with uncertainty about future regulations
- Other feedback – General
 - Supportive of expanding the pilot program to include existing gardens in all areas
 - RRR Program
 - Enforcement
 - Committee Oversight

Draft Ordinance – Outdoor

Inland (Title 21) – Chapter 21.69

Expand program to include Permanent Grazing zonings within Cachagua

Both Coastal and Inland (Titles 20 and 21) – Chapters 20.69 and 21.69

Extend 5-year Pilot program to 8 years

Reduce required setback from nearest off-site structure from 500 feet to 250 feet

Amend setback exceptions to allow consideration of reduced setbacks from the nearest offsite structure

Increase maximum from 10,000 square feet to 20,000 square feet (retain canopy limit based on percentage of lot size)

Not included in the Ordinance

- RRR Program
- Limited Enforcement
- Committee Oversight
- Light deprivation (hoop houses)
- Modify proof of prior cultivation requirements
- Reduce setbacks other than from nearest off-site structure
- Expand to other areas within the County

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Energy Requirements - Indoor Cultivation

Coastal and Inland Regulations (Titles 20 and 21) – Chapters 20.67 and 21.67

Onsite renewable energy generation required currently

Proposed Revisions:

- Provide onsite renewable energy generation to the maximum extent feasible and purchase carbon offsets to achieve neutrality; or
- Participate in a 100% renewable energy program

Recommendations

- Agricultural Advisory Committee

- Approve with changes
 - Do not include Central Salinas Valley Area Plan
 - Do not reduce setback required from the nearest off-site structure
 - But keep option for consideration of setback exceptions

- Planning Commission

- Approve without Central Salinas Valley Area Plan but with reduction in setback
- Require annual review of program including review of expanding to other areas until 300 permits are approved

Central Salinas Valley Area

- Early Drafts of the ordinance included expanding the outdoor pilot program to permanent grazing lands within the Central Salinas Valley Area
- Not supported by the Agricultural Commissioner or the Agricultural Advisory Committee
 - Potential conflicts between crop types
 - Setbacks from vineyards
 - Pesticide drift
 - Loss of grazing land for livestock
 - Water demand
- Removed from ordinance

Staff Recommendation

Find the ordinances statutorily exempt from CEQA review

- Exemption Expires July 1

Adopt two ordinances amending:

- Inland – Amending Chapters 21.67 and 21.69 to modify regulations for outdoor cannabis cultivation and amend renewable energy requirements for indoor cultivation; and
- Coastal – Amend Chapters 20.67 and 20.69 to modify regulations for outdoor cannabis cultivation and amend renewable energy requirements for indoor cultivation
 - Subject to certification by the California Coastal Commission