

Medical Cannabis Commercial Cultivation Interim Ordinance

City Council

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Clare Hartman
Deputy Director-Planning
Planning and Economic Development

Interim ordinance to allow the Commercial Cultivation of Medical Cannabis in the following Zoning Districts with a Conditional Use Permit:

- CG – General Commercial
- BP – Business Park
- IL – Light Industrial
- IG – General Industrial
- LIL – Limited Light Industrial

Background on Medical Cannabis

- Proposition 215 – voter approved effort - evolved into the Compassionate Use Act of 1996 - allows individuals the right to obtain and use marijuana for medical purposes when recommended by a physician.
- Medical Marijuana Program Act of 2003 - provided qualified patients and primary caregivers who cultivate marijuana for medical purposes with protection from State criminal statutes.
- On October 9, 2015, Governor Brown signed into law Assembly Bill 266, Assembly Bill 243, and Senate Bill 643, which together establish the Medical Marijuana Regulation and Safety Act (MMRSA).

Medical Marijuana Regulation and Safety Act (MMRSA)

- MMRSA establishes a comprehensive State licensing and regulatory framework for the ***cultivation, manufacture, testing, transportation, storage, distribution, and sale*** of medical marijuana. MMRSA maintains existing exemptions for qualified patient and caregivers.
- MMRSA will require dual licensing for cultivation. A commercial cultivation operator will be required to obtain *both* a local license/permit and a State license.
- State licenses won't be available until January 2018. In the meantime, operators can secure and operate a local license/permit if a City so permits. These operators will be given priority status to obtain a State license once they are available.

City Response to MMRSA

- The City of Santa Rosa has local regulations pertaining to the **sale** of medical cannabis - Chapter 10-40 (Medical Cannabis Dispensaries).
- The City does not have regulations for the ***cultivation, manufacturing, testing, transportation, storage, distribution.***
- MMRSA included a March 1, 2016 deadline for a city to assert local control over cultivation. *This deadline was removed with AB 21.*
- In January 2016, the City Council and the Planning Commission held public hearings to consider options in response to the March 1st deadline, and also considered initiation of a comprehensive policy effort in response to all aspects of MMRSA.

City Council – January 19, 2016

- The City Council initiated (7-0) an amendment to Title 20 (Zoning) to comprehensively address medical cannabis as a land use and to relocate and incorporate Chapter 10-40 (Medical Cannabis Dispensaries) into Title 20 (Zoning); and
- Directed staff (7-0) to prepare an urgency ordinance to allow Commercial Cultivation of Medical Cannabis with a Conditional Use Permit in the General Commercial (CG), Light Industrial (IL), and General Industrial (IG) Zoning Districts, and to consider expanding into other Districts.

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Considerations

- Urgency vs. Standard Ordinance
- Comprehensive Policy Effort
- Definition of “Commercial Cultivation”
- Appropriateness of Zoning Districts
- Conditional Use Permits
- Community Input



- The Planning Commission recommended (7-0) that Council adopt the interim ordinance, as amended:
 - Allow “Commercial Cultivation of Medical Cannabis” only in 3 of the 5 considered Zoning Districts - Light Industrial (IL), General Industrial (IG), and Limited Light Industrial (LIL)
 - Allow cultivation facilities 10,000 sq. ft. or less in size with a Minor Use Permit but elevate the review authority from the Zoning Administrator to the Planning Commission and require a public hearing

Major = \$10,676; Minor = \$2,445; Public Hearing = \$1,839

Commercial Cultivation of Medical Cannabis

- Proposed Definition - “Commercial Cultivation of Medical Cannabis” means any activity involving the **planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical use, including nurseries**, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with the Medical Marijuana Regulation and Safety Act (MMRSA) for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.”

Zoning Districts

- CG – General Commercial
- BP – Business Park
- IL – Light Industrial
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Conditional Use Permits

- Case by case, specific to site, surroundings, scale of proposal
- Use permits run with the land
- Major Conditional Use Permit – public hearing – Planning Commission
- Minor Use Permit – public meeting – Planning Commission review
- Standard findings – Zoning Code Section 20-52.050

- The City Council's Medical Marijuana Policy Subcommittee met to discuss:
 - The passing of AB 21
 - Whether or not to pursue an interim ordinance
 - The Planning Commission's recommendation
 - Identify next steps towards development of a comprehensive policy on medical cannabis

- Option 1 – Adopt interim ordinance allowing with a Conditional Use Permit in IL, IG, LIL, BP, and CG Districts
- Option 2 – Adopt ordinance as Planning Commission recommends, allowing only in only 3 Districts - IL, IG, and LIL; with either a Minor or Major Conditional Use Permit, depending on the size of facility; and both with a public hearing and Planning Commission as the review authority
- Option 3 – Do not adopt interim ordinance and wait for a comprehensive ordinance to be prepared
- Other

Clare Hartman

Deputy Director - Planning

Planning and Economic Development

Chartman@srcity.org

(707) 543-3185

