

Medical Cannabis Commercial Cultivation Temporary Ban and other Options

City Council

January 19, 2016

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Recommend the City Council:

- Select an option to address Medical Cannabis Commercial Cultivation and assert local control as required by a March 1, 2016 statutory deadline; and
- Initiate a Zoning Code amendment effort to comprehensively address medical cannabis

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, transportation, storage, distribution, and sale of medical marijuana.
- MMRSA sets up a licensing process for cultivation. An operator will be required to obtain a State cultivation license. If a city regulates cultivation and permits cultivation, then an operator will need both a local and a state license. If a city does *not* regulate cultivation by March 1, 2016, then the city forfeits local control on the issue, and an operator need only a state license to operate.
- MMRSA maintains existing exemptions for qualified patient and caregivers to cultivate for personal, non-commercial purposes.

City Response to MMRSA

- The City of Santa Rosa currently has local regulation pertaining to Medical Cannabis Dispensaries, found within Chapter 10-40 of the Santa Rosa City Code.
- The City does not, however, have regulations pertaining to the commercial or personal cultivation of medical cannabis.
- According to AB 243, the City will lose its right to local control on the issue of cultivation unless an ordinance is adopted by March 1, 2016.
- On December 1, 2015, under City Attorney's Report, the City Council received an update on the recent state laws and the need to act to address the March 1, 2016 deadline.

- On December 17, 2015, Assemblyman Wood's office provided a letter to the City asserting the position that there would an effort to introduce legislation to remove the deadline
- On January 11, 2016 - Council Subcommittee met to learn about MMRSA & AB21; discuss options; listen to the public; forward comments to Commission and Council
- **New OPTION 1** – Adopt an urgency ordinance that permits Commercial Cultivation of Medical Cannabis with a Conditional Use Permit in the General Commercial, Light Industrial, and General Industrial Zoning Districts

Options to Consider

- Option 1 – Adopt ordinance allowing use with a Conditional Use Permit
- Option 2 – Adopt a temporary placeholder ban
- Option 3 – Adopt a model ordinance
- Option 4 – Take no action
- Recommendation – Initiate comprehensive policy amendment

- January 14, 2016 – Planning Commission
 - Held public hearing on the temporary ban
 - Considered all of the options and the recommendation
 - Rejected (6-6-0) the temporary ban (Option 2)
 - Commissioners expressed support for the new Option 1 as a permissive placeholder but cautioned about the impact of approving use permits that may be in conflict with future policy
 - Recommended (6-0-0) that the City Council initiate a comprehensive effort to address medical cannabis

It is recommended by the Planning Commission, Planning & Economic Development Department and City Attorney's Office that the City Council:

- By ordinance – assert local control by adopting an ordinance implementing a temporary ban; or by motion, direct staff to prepare alternative that asserts local control; and
- By resolution – initiate a Zoning Code amendment effort to comprehensively address medical cannabis

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