

REPORT ON THE REVIEW AND DEVELOPMENT OF REGULATIONS PERTAINING TO CANNABIS

Pursuant to Government Code Section 65858(d)

October 19, 2017

Background

The City Council has requested a review and discussion of the City's regulations pertaining to cannabis and activities related to the cultivation, processing, and sale of cannabis, especially in light of recent changes in State law. This review encompasses potential changes in the Development Code, including both permitting options for certain types of activities related to cannabis and as well as potential operational requirements and related matters. To assure that any activities and uses related to cannabis undertaken while these issues and potential regulations are studied comply with any changes in the regulations that the City Council may choose to implement, the Council, by a 4/5ths vote, on November 7, 2016, adopted an urgency ordinance (Ordinance No. 10-2016) imposing a temporary moratorium on the indoor cultivation of nonmedicinal cannabis (except under specified conditions). At the same time, the City Council, by a 4/5ths vote, adopted an urgency ordinance (Ordinance No. 09-2106) imposing a temporary moratorium on the outdoor cultivation of nonmedicinal cannabis. Proposition 64 passed, thus triggering the efficacy of the two Ordinances described above. On December 12, 2016, the City Council adopted Ordinance Nos. 12-2016 and 13-2016 extending the two moratoria for 10 months and 15 days, up through midnight on November 6, 2017. As required by section 65858(d) of the California Government Code, this report summarizes the measures taken to alleviate the conditions that led to the adoption of the interim ordinance.

Summary of Measures Taken to Date

November 7, 2016 to Date. City staff has researched the recently adopted State laws concerning cannabis, the licensing types and regulations under development by State agencies, and the measures undertaken by other communities with respect to the regulation of cannabis.

August 2017. The City hired Muni Services, a consulting firm to local governments with expertise in cannabis audit and consultative services to several localities in California, to assist the City in developing a comprehensive marijuana policy.

September 11, 2017. The City Council held a public workshop on cannabis in order to:

1. Provide an overview on state regulations affecting cannabis (both recreational and medicinal) and options/issues/opportunities facing cities.
2. Inform the Council and the community about the status of regulations in the City of Sonoma.
3. Receive an update about the status of cannabis in Sonoma County and Sonoma Valley specifically.
4. Learn about status of other agencies in the region with respect to cannabis regulation.
5. Hear from law enforcement regarding cannabis.
6. Understand policy options facing City of Sonoma.

A panel of speakers presented at the workshop, including subject matter experts from the City Attorney's Office, Sonoma Police, City and Sonoma County Planning.

Next Steps

A. The City Attorney's Office is preparing the following for council consideration:

1. An interim ordinance extending for one year a moratorium on the outdoor cultivation of nonmedicinal cannabis and make findings that said adoption is exempt under CEQA pursuant to CEQA Guidelines Section 15061, among other provisions.
2. An interim ordinance extending for one year a moratorium on the indoor cultivation of nonmedicinal cannabis, except under certain circumstances, and make findings that the adoption of said ordinance is exempt under CEQA pursuant to CEQA Guidelines Section 15061, among other provisions.
3. An interim urgency ordinance imposing a moratorium on the outdoor and indoor cultivation of medicinal cannabis, except under certain circumstances, and all commercial cannabis activities, making findings that the adoption of said ordinance is exempt under CEQA pursuant to CEQA Guidelines Section 15061, among other provisions.
4. Amendments to the Development Code reinforcing the restrictions adopted through the interim ordinances identified above.

B. As directed by the City Council, staff will conduct further study sessions, public outreach, ascertainment of what, if any, commercial cannabis activities the council would support, and will prepare any necessary legislative and regulatory documents to implement the Council's desires, which may potentially also include the adoption of fees and the development of tax initiatives.