

Initiative Measure Amending the Municipal Code to Permit Personal Cannabis Cultivation on All Residential Properties and Establishment and Operation of Cannabis Businesses Within the City, Including Commercial Cultivation, Manufacturing, Retail, Delivery, Distribution, Testing and Special Events

This measure would amend the Sonoma Municipal Code to permit cultivation of cannabis for personal use and the establishment and operation of commercial cannabis businesses, including commercial manufacturing, distribution, cultivation, transportation, testing, retail sales, and delivery of cannabis in commercial zoning districts in the City. No limitations are set on the number of such businesses that could be established in the City.

Although the measure refers to applications and land use permits, it does not create a permit or procedure for the City to accept, review and act on applications, but instead provides that with limited exceptions, the only city approval that is required to start and operate a cannabis business is a "zoning clearance." A "zoning clearance" is not a permit; it is a signoff issued by the planning department based only on whether the proposed business is located within the correct zoning district and complies with the district's requirements. A zoning clearance is issued without notice or hearing. Thus, this measure potentially will allow cannabis businesses in the City without environmental review or an assessment of the business' impacts on the surrounding neighborhoods.

Under the measure, operators who were engaged in medicinal cannabis businesses before September 1, 2016, would be entitled to continue or re-commence those operations provided that they submit a statement asserting that they were operating such businesses in compliance with State law and pay the City an unspecified fee. It appears that the City would be required to issue such an operator a certificate of compliance regardless whether, prior to September 1, 2016, the operator was conducting business in violation of City laws. An operator would be entitled to use the certificate of compliance to obtain the requisite State licenses to continue operating.

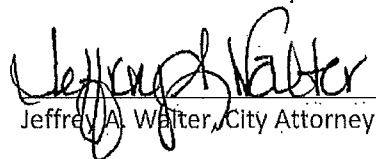
Only those cannabis retailers whose businesses are located in the City would be authorized to deliver cannabis to their customers; except deliveries from out-of-city businesses would be allowed upon the payment of an unspecified fee.

The measure would permit indoor personal medical cannabis cultivation in all residential zoning districts. It is unclear whether the measure would permit personal cultivation of cannabis for recreational use. Outdoor personal cultivation appears not to be permitted.

Personal cultivation cannot exceed six cannabis plants "per adult", but the measure does not specify what "adult" is intended to mean in order for a number to be calculated. Thus, the number of cannabis plants allowed to be cultivated per residence cannot be ascertained. In addition, the measure permits the cultivation of up to 30 cannabis plants by caregivers for their patients on any residential property.

Cannabis businesses must be at least 600' from schools and City parks, 1000' from the Plaza, and 250' from the City library. No buffer is required between a cannabis business and daycare centers or youth facilities.

Dated: April 20, 2018

  
Jeffrey A. Walter, City Attorney