



MEDICAL CANNABIS FAQs

CULTIVATION, DISPENSARY, MANUFACTURING, TESTING, DISTRIBUTOR, & TRANSPORTER

Does the City of Santa Rosa allow Commercial Cultivation?

Yes. On March 15, 2016, the Santa Rosa City Council adopted an interim ordinance to allow Commercial Cultivation of Medical Cannabis. The ordinance can be found in Chapter 20-46 of the City Code and can be accessed at srcity.org/cannabis. Per the ordinance cultivation may be allowed, subject to a Minor or Major Conditional Use Permit (depending on size) in the following Zoning Districts:

- Light Industrial (IL)
- General Industrial (IG)
- Limited Light Industrial (LIL) Zoning Districts

Cultivation operations up to 10,000 sq. ft. in size will be allowed with a **Minor Conditional Use Permit**, and for the duration of the ordinance these permits will be referred to the Planning Commission for a public hearing and decision.

Cultivation operations over 10,000 sq. ft. in size will be allowed with a **Major Conditional Use Permit** and referred to the Planning Commission for a public hearing and decision.

Note: The interim ordinance does not include a limit or cap on the number of use permits able to be granted. Also, in addition to a use permit, applicants will also need a building permit prior to commencement of use.

You can research the zoning of a specific parcel through the City's GIS system, accessible at <http://srcity.org/business/Pages/zoning.aspx>.

Does the City of Santa Rosa allow Medical Cannabis Dispensaries?

Yes. In 2005, the City of Santa Rosa adopted its initial regulations for Medical Cannabis Dispensaries. The ordinance can be found in Chapter 10-40 of the City Code and can be accessed at srcity.org/cannabis. Per the ordinance, the City Manager may grant up to two dispensaries within the first 6 months of the ordinance's effective date. Following this, the City Manager may consider additional applications. To date, there are two approved dispensaries and both are in operation. The City Manager is not considering new applications at this time. The issue of dispensaries will be addressed as part of the City's comprehensive medical cannabis policy effort that is currently underway.

Does the City of Santa Rosa allow Manufacturing, Testing, Distribution, or Transportation of Medical Cannabis?

Yes. On August 2, 2016, the Santa Rosa City Council directed the Zoning Administrator to issue a Zoning Code Interpretation to address the support uses that connect a licensed cultivator with a licensed dispensary. The Interpretation was issued the following day, and became effective immediately. The interpretation will remain in effect until such time as it is replaced by Council Ordinance as part of the comprehensive policy effort currently underway.

The following table is an excerpt from the Interpretation. The table identifies the state license types with what was interpreted to be their corresponding City of Santa Rosa land use classifications; where each of these uses are allowed and under what permit authority. The full text of the Interpretation can be accessed at srcity.org/cannabis.

ALLOWED LAND USES AND PERMIT REQUIREMENTS BY ZONING DISTRICT:

MMRSA		CITY OF SANTA ROSA Zoning Code				
<i>Use Type</i>	<i>License Type</i>	<i>Related Land Use Classification</i>	<i>Permit Required by Zone</i>			
			CO	BP	IL	IG
Testing/lab	Type 8	Laboratory – Medical, Analytical	MUP	P	P	--
Manufacturer (non-volatile)	Type 6	Manufacturing/Processing – Light	--	P (3)	P (3)	P (3)
Manufacturer (volatile)	Type 7	<i>Not permitted</i>	--	--	--	--
Distributor	Type 11	Warehouse, Wholesaling and Distribution	--	MUP (4)	P (3)	P (3)
Transporter	Type 12	Truck or Freight Terminal	--	--	MUP	MUP (3)

Key:

CO – Office Commercial

IL – Light Industrial

IG – General Industrial

BP – Business Park

MUP – Minor Conditional Use Permit required

P – Permitted Use; Zoning Clearance required

-- Use not allowed

(3) MUP required if the use, specific suite, or its associated operations abuts a residential zoning district or parcel with a residential use

(4) Use only allowed ancillary to another primary use

How is the Size of a “Cultivation Operation” Determined?

Staff has determined that the size of operations for indoor cultivation will be based on the gross square feet of the building/suite occupied. For outdoor cultivation, the size will be based on the gross square feet of the canopy and associated operational area. This determination is consistent with the City’s general methodology for similar land uses.

What is “Commercial Cultivation of Medical Cannabis”?

Per the Ordinance, the City defines “Commercial Cultivation of Medical Cannabis” as 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.

What is involved in the Application Process?

A process map for medical cannabis businesses can be accessed at srcity.org/cannabis. Applications and fees should be submitted in person at the Planning and Economic Development Department counter in Room 3, 100 Santa Rosa Avenue. Current hours for submitting applications are **Monday through Thursday, 8:30am to 2:00pm**. Forms and Applications can be found at this link: <http://srcity.org/departments/communitydev/Pages/FormsAndApplications.aspx> Every effort should be made to ensure a clear and complete application. This is the most important step to ensuring an expeditious review process.

Once submitted, a project planner will be assigned and will remain the primary City contact through the process. Applications are then referred to City staff and outside agencies, as appropriate, and a notice of application and/or notice of neighborhood meeting will be mailed to surrounding property owners within 300 feet. An opportunity to respond to any issues identified by staff or by the public will be provided to you. Following resolution of issues, and preparation of conditions of approval, and preparation of any necessary environmental support documentation, the project will be scheduled for a public hearing and action by the Planning Commission. Processing timeframes can vary, based on the complexity of the proposal or environmental review path, but if project issues are readily resolved, a typical timeframe is 4 to 5 months from application to hearing.

When is a Neighborhood Meeting Required?

A neighborhood meeting application will be required in addition to a conditional use permit application if the site or suite is located within a 300 foot radius of a residential use, or as determined otherwise required by the Director. If required, this application must be filed concurrently with the use permit application. Neighborhood meetings are facilitated by the City, held on the City Hall campus, and required to provide an opportunity for early dialogue between an applicant and nearby residents. These meetings are typically scheduled within 3 weeks of application filing.

What is Necessary to Approve a Conditional Use Permit?

A Conditional Use Permit is acted on by the Planning Commission and involves a public hearing and compliance with the General Plan, Zoning Code, and California Environmental Quality Act (CEQA). In order for a review authority to approve a Minor or Major Conditional Use Permit, the authority must first make the following findings:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the City Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

In addition to the above noted findings, a review authority may also require conditions of approval to address impacts associated with the proposed use.

What are the Application Fees?

The following are the application and related fees, valid through December 2016. Which fees apply will depend on the scope of the proposal and environmental review. These fees are required to be paid with the application. The City's Fee Schedule can be accessed at this link:

<http://srcity.org/departments/communitydev/Pages/FeeSchedule.aspx>

- Neighborhood Meeting - \$914
- Conditional Use Permit
 - Minor - \$2,511
 - Major - \$10964
- Public Hearing - Planning Commission - \$1,889
- Environmental Review
 - Exemption (requires staff research and/or review of technical reports) - \$769
 - Initial Study & Mitigated/Negative Declaration (requires staff review of an environmental consultant prepared document with technical studies) - \$3,998
- Zoning Clearance – No charge

Is there a Minimum Distance Required from a School?

Yes. The City of Santa Rosa does not have a distance to school requirement, however, state law provides that certain medical cannabis facilities maintain a minimum distance to a school. This standard is defined in the State's Health and Safety Code Section 11362.7-11362.83, subsection 11362.768 as follows: "No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600 foot radius of a school." The distance is to be measured in a straight line from the property line of the school to the closest property line of lot on which the facility is to be located. "School" is defined by the statute as: "School means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes." The City's interim cultivation ordinance does not include specific distance requirements; however operators are required to comply with state law locational and operational requirements, such as that noted above.

What about Personal Cultivation?

The City's interim ordinance honors the existing state law exemptions currently provided to patients and caregivers. The MMRSA preserves the ability of a qualified patient and of primary caregivers to cultivate for personal, non-commercial purposes, sets new limits on such cultivation, and exempts such personal cultivation from State cultivation licensing requirements. Personal cultivation is subject to state law compliance requirements and is not subject to the City's interim ordinance. Therefore a state or local license or permit is not required at this time.

What is the Medical Marijuana Regulation and Safety Act (MMRSA)?

The Medical Marijuana Regulation and Safety Act (MMRSA), which went into effect on January 1, 2016, established a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale (dispensary) of medical marijuana through Assembly Bills 243 and 266 and Senate Bill 643.

Among the things the MMRSA does is establish regulations that will allow for commercial cultivation of marijuana for medical purposes where authorized by the land use regulations of a city. If a city permits cultivation and requires a local license or use permit to do so, then an operator in that jurisdiction shall be required to obtain both the local cultivation license or permit *and* a state license. Prior to passage of the MMRSA, State law provided no legal mechanism for commercial cultivation of marijuana for medicinal purposes and Federal law prohibited all cultivation of marijuana. Until the MMRSA was passed, cultivation of marijuana for medical purposes in California was restricted to individual qualified patients or their primary caregivers for non-commercial purposes and limited to personal State permissible quantities.

When Will the Comprehensive Policy on Medical Cannabis be Completed?

Preparing policy and supporting medical cannabis is one of five top priorities for the Santa Rosa City Council this year. On January 19, 2016, the City Council unanimously passed a resolution, initiating a Zoning Code Text Amendment to comprehensively address the Medical Cannabis industry. As a result, this longer term policy project has been added to the City Council's work plan, which will afford it an opportunity to define its scope, and allocate appropriate resources to the effort. The comprehensive policy work is intended to address the multiple facets of medical cannabis, including cultivation, manufacturing, distribution and sales (dispensaries). It will also provide for staff analysis, public outreach and input prior to its adoption.

In addition, the Council has recently reconvened the City's Medical Marijuana Policy Subcommittee which is currently comprised of Council Members Sawyer, Olivares, and Wysocky. Information about these meetings, which meet monthly in the City Council Chambers, and about the progress on the policy effort can be accessed at: srcity.org/cannabis.

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