

Cannabis Ordinance Multi-Tenant Moratorium

October 26, 2021

DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES



SONOMA COUNTY CANNABIS



Background Revisited

- *Sonoma County Code Sec. 26-88-254(f)(2): Multi-Tenant Operations. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.*
- Originally adopted in 2016 to reduce barriers to entry for small cannabis farmers.



Emphasizing the Need for Change

- Type of permit review should be clear for the scope and scale of project regardless of relationship between the applicants.
- Administration of the provision has illuminated flaws.
 - Current standards do not effectively distinguish truly multi-tenant operations.
 - The provision is not achieving the original intent.
- State licensing hurdles and need for more environmental review documentation.



September 21st Board Item

- *On September 21st, 2021 Staff recommended a moratorium on the multi-tenant provision in the Sonoma County Cannabis Land Use Ordinance.*
- *The Board deliberated on the staff recommendation and voted to enact the 45-day moratorium.*
- *Directed staff to research policy options and come back to the Board on October 26th with solutions to the impacts of a longer term multi-tenant provision moratorium.*



Takeaways from September 21st

- *Preserve the ability of those already permitted to continue operations*
- *Mitigate additional costs to permittees and applicants in the process*
- *Address the certainty of permitting relative to permit terms*



Policy Options: Moratorium Extension

- **Staff Recommendation:** continue moratorium until to September 10, 2023 and allow multi-tenant uses that meet cultivation area allowed under one ministerial permit (10,000 sq. ft.)
- **Alternative A:** extend moratorium until to September 10, 2023 on all multi-tenant cannabis cultivation permits regardless of aggregate cultivation size
- **Alternative B:** allow moratorium to expire, and continue issuing multi-tenant permits using current code provisions



Policy Options: Active Multi-Tenant Permits

- **Staff Recommendation:** Extend permit terms for five years. Operations subject to at least two inspections per year. Continue in compliance with permits and Ordinance. Subject to all enforcement mechanisms. Permittees can renew in accordance with regulations in effect at that time.
- **Alternative A:** Remove permit expiration dates. Operations subject to at least two inspections per year. Continue in compliance with permits and Ordinance. Subject to all enforcement mechanisms. Cease in operation for one year expires the permit and authority for the use.
- **Alternative B:** Require use permit application prior to expiration of current permit. Already submitted ministerial renewals afforded 120 days to submit complete use permit application. Multi-tenant uses allowed to continue current operations while pursuing the use permit.



Policy Options: Multi-Tenant Applicants

- **Staff Recommendation:** Withdraw ministerial permit applications and apply for a use permit. Modify project(s) scope and scale to fit newly prescribed limits (assumes continued moratorium).
 - Refund all permit fees paid (including expended fees) for multi-tenant apps no longer eligible for issuance.
- AWM currently has 52 non-renewal ministerial applications.
- Permit Sonoma has 5 non-renewal ministerial applications.



In Conclusion: Staff Recommends

- Continue moratorium until to September 10, 2023 and allow multi-tenant uses that meet cultivation area allowed under one ministerial permit (10,000 sq. ft.).
- Extend active multi-tenant permit terms for five years. With increased inspections, and cont'd compliance with ordinance including all enforcement mechanisms.
- Require multi-tenant applicants to withdraw applications and pursue use permits or modify to fit newly prescribed limits and refund all permit fees for withdrawn applications.



Questions?

