



Preapplication for Temporary Local Authorization

BOS Meeting

October 23, 2018

Presented by

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Agenda

- Significant changes with State regulations regarding cannabis
- Timeline problem for 2019
- State solution – SB1459
- County solution – Interim plan
- Best approach given limited information
- Met and conferred with the Cannabis Alliance
- Discussed with CalCannabis
- Discussed with RCRC

Timeline Problem

- State temporary licenses are set to expire on December 31, 2018 - 69 days from today
- State cannot guarantee temps applied for after December 1st will be processed
- About 1,000 temp applications in State que
- Annual permit applications have been accepted by the State but not issued
- State not issuing permanent annual licenses yet and undetermined when
- *What does a license seeking cultivator do for 2019?*

State Solution – SB 1459

- Cannabis provisional license bill - Governor signed September 27, 2018
- An applicant for a state provisional license **must hold or have held a temporary license** for the same premises and the same commercial cannabis activity for which the license may be issued to operate in 2019
- Drafted for counties who already passed their respective ordinances but are faced with a backlog of local authorizations and/or site specific CEQA
- Intends to provide a potential alternative to annual State licenses with a provisional license for 2019

State Solution – SB 1459 cont'd

- What about jurisdictions still working on their regulations?
 - Some effort to include that timing but did not make it to the final bill
- Temporary license does not equal a provisional
- One application for a State 2019 license is one of two paths
 - Annual license
 - Up to 6 months to issue per the State
 - Provisional license
 - Issue time still to be determined
 - Only good for 2019
 - CEQA is the driver impacting the timeline

County Solution Interim Plan

- Allow a placeholder for cultivators to “check the box” for 2019 with the State
- A temporary local authorization to preserve the intent to obtain a local authorization and State license in 2019
- Part of the path for compliance under the permanent ordinance
- A granted temporary local authorization expires with the expiration of the state temporary license system on December 31, 2018
 - State allows temps to carry over into 2019 with an annual application for 90-120 days
 - First 4-5 months of 2019 may need adjustment

County Solution Interim Plan cont'd

- Ambitious timetable to establish prior to December
- Proposed start date October 24, 2018
- Administrative review of the preapplication for conditional approval for compliance with the draft ordinance
 - Same site and under the same license type as requested with the State
 - Satisfy all other minimum requirements of the draft ordinance prior to cultivating including but not limited to a primary residence on site, legal water source, compliant zoning and minimum parcel size

County Solution Interim Plan cont'd

- Compliance with the draft ordinance continued
 - Previously cultivated cannabis in the area with no new environmental impacts
 - No cultivation allowed until the EIR is complete and a new cannabis cultivation ordinance adopted with a site inspection
 - Temporary local authorization gives no guarantee or promise to cultivate in the future, obtain an annual state license or annual local permit
 - Temporary local authorization may be revoked at any time at the discretion of the Community Development Director

Build the Interim Plan

- Staff will use as much existing process from the current local temporary cannabis permit process as possible
- Vetted this approach with the State to match State and local timelines as much as possible
- Intend to make this a straightforward process to respond in the tight timeframe
- Best approach given limited information on hand today
- A rush of local applications will result in State “verifications” to CDA and we want to manage that inflow
- Request the BOS approve the resolution directing CDA to establish a preapplication conditional process for temporary local authorization

Projected Timeline

	2018		2019					
	November	December	January	February	March	April	May	June
EIR Complete					EIR done			
EIR Adopted						EIR Adopt		
Ord Adopt						Ord Adopt		
Lic / Permit	Preapplication / Temp				PreApp	Permit Process		
		State Verify				State Annual / Prov Verify		
Plants in ground							Planting	
Deadline and Cutoff Dates		State Temp Lic 2019 Cutoff December 31						
		App Cutoff for Temps December 1						

Questions

