



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Ch. 17.95 Cannabis Ordinance	Board Meeting Date January 10, 2018	Agenda Number 2
Dept: Planning Contact: Peter Maurer Phone: (209) 754-6394	Supervisory District Number Countywide	Regular Agenda
Published Notice Required? Yes Public Hearing Required? Yes		Estimated Time: 5 hours
Type of Document? Ordinance PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Conduct a Public Hearing to adopt an Ordinance rescinding Chapter 17.95 and replacing it with a new Chapter 17.95 banning or regulating cannabis cultivation and related commercial activities; certify Environmental Impact Report and adopt Findings of Fact; adopt the Mitigation Monitoring and Reporting Plan; or find that adoption of the ordinance is exempt from CEQA pursuant to Sec. 26055(h) of the Business and Professions Code.

DISCUSSION/SUMMARY:

On December 21, 2017 the Board of Supervisors, after two full days of hearings on different alternatives of a cannabis regulatory ordinance, directed staff to return with two alternatives: a regulatory ordinance consistent with the direction provided by the Board during the previous discussion; and the ban ordinance that had been vetted through the Planning Commission which would prohibit all cannabis activity other than the minimum permitted under state law and what is permitted under Chapter 17.91, regulating medical cannabis dispensaries (retailers).

Staff has provided a revised draft regulatory ordinance incorporating the direction provided through a series of polls of the board and the errata presented to the Board during the previous hearing. Two versions are provided: one showing the changes made from the prior draft and a “clean” copy without underline and strikethrough.

Key points of the regulatory ordinance are as follows:

- Only medical commercial cannabis cultivation and limited self-distribution will be permitted
- 100 acre minimum parcel size required for commercial cultivation
- 500’ setback required for outdoor commercial cultivation but may be reduced through variance procedure
- 100’ setback for indoor commercial cultivation
- 75’ setback for non-commercial outdoor cultivation (six plant maximum for both personal and caregiver cultivation) but may be reduced with adjacent property owner concurrence
- Water and soil testing required prior to new commercial permit
- On-going testing required for continued commercial cultivation
- Multiple commercial permittees (up to 22,000 square feet each) may be permitted on a single parcel, but not to exceed 44,000 square feet of total canopy area per parcel

- Permanent residence or permitted non-residential structure is required for commercial cultivation with facilities to meet employee sanitation, health, and worker safety needs.
- Cultivation permits limited to those who successfully registered under the urgency ordinance registration program
- Notice to neighbors if cultivation occurring on adjacent parcels zoned residential or with a residence on them; also a public hearing and CEQA review
- Registration of non-commercial cultivation
- Caregiver cultivation limited to two patients (six plant maximum per patient)
- Addition of mitigation measures from the EIR including a requirement for carbon offsets to meet new state greenhouse gas reduction requirements

As previously recommended by the Planning Commission, the Environmental Impact Report should be certified and the Findings of Fact associated with the respective alternative should be adopted to support the certification of the EIR. In addition, if the regulatory alternative is adopted, the Mitigation Monitoring and Reporting Plan (MMRP) should be adopted. Note that the mitigation measures as originally identified in the EIR have been modified in the final draft ordinance, although the modifications provide the same or more effective mitigation. No MMRP is required with the ban alternative as no mitigation is required.

FINANCING:

Revenue and costs to the County will vary depending on the number of applications for registration the collection of Measure C taxes. A fee will need to be established prior to full implementation of the ordinance to recover the costs of administering the program by all County departments and agencies. This will be brought to the Board as a separate agenda item.

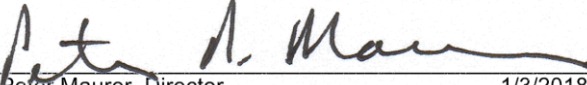
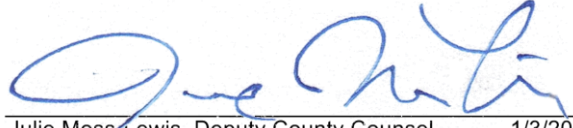
ALTERNATIVES:



Two alternatives have been provided as directed by the Board at the previous hearing.

OTHER AGENCY INVOLVEMENT:

Building, Environmental Management, Sheriff, County Counsel

APPROVED BY:

 <hr/> Peter Maurer, Director	 <hr/> Julie Moss-Lewis, Deputy County Counsel
1/3/2018	1/3/2018

 <hr/> Diane Beverud, Deputy Clerk of the Board of Supervisors	 <hr/> Tim Lutz, County Administrative Officer
1/4/2018	1/4/2018

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
January 10, 2018

**Ordinance
No. (ID # 3509)**

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk