



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** May 2, 2017  
**Placement:** Departmental  
**Estimated Time:** .5 hours  
**Continued Item:**  
**If Yes, date from:**  
**Vote Required:** 4/5 Vote

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**TO:** Board of Supervisors  
**FROM:** Department Glenn S. Russell, Ph.D., Director, Planning and Development,  
Director(s) (805) 568-2085  
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning Division,  
(805) 568-2072  
**SUBJECT:** Nonmedical Marijuana Interim Urgency Ordinance Extension

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors consider the following actions regarding an extension of the Nonmedical Marijuana Interim Urgency Ordinance that the Board of Supervisors adopted on April 4, 2017, as follows:

- a) Receive and file this report that describes the measures taken to alleviate the condition which led to the adoption of the Nonmedical Marijuana Interim Urgency Ordinance, pursuant to Government Code section 65858(d).
- b) Adopt the urgency ordinance which extends the Nonmedical Marijuana Interim Urgency Ordinance by 22 months and 15 days, thereby extending the temporary moratorium on any activities associated with the Adult Use of Marijuana Act (AUMA), including the cultivation, distribution, transportation, storage, manufacturing, processing, and selling of nonmedical marijuana, nonmedical marijuana products, and industrial hemp, and on personal outdoor cultivation (Case No. 17ORD-00000-00004) (Attachment 1).
- c) Determine that the Nonmedical Marijuana Interim Urgency Ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines sections 15061(b)(3) as it has no potential for causing a significant impact on the environment, and 15308 as a regulatory action that will protect the environment (Attachment 2).
- d) Direct staff to return to the Board 10 days prior to the expiration of the urgency ordinance, or at the adoption of a superseding ordinance, to issue a report that describes the measures taken to

alleviate the condition which led to the extended Nonmedical Marijuana Interim Urgency Ordinance, pursuant to Government Code section 65858(d).

### **Summary:**

At the April 4, 2017, hearing, the Board adopted the Nonmedical Marijuana Interim Urgency Ordinance which prohibited most activities authorized pursuant to the AUMA, for a 45-day period. The purpose of the Nonmedical Marijuana Interim Urgency Ordinance is to protect the public health, safety, and welfare while the County considers comprehensive regulations for marijuana activities in the unincorporated area of Santa Barbara County.

Government Code section 65858(d) requires that the Board issue a written report at least 10 days prior to the expiration date, which describes the measures taken to alleviate the conditions which led to the adoption of the Nonmedical Marijuana Interim Urgency Ordinance. This Board letter serves as the required report. Measures taken, thus far, to begin to alleviate the conditions resulting in the April 4<sup>th</sup> urgency ordinance adoption are:

1. The Planning and Development Department staff has received request for proposals from consultants to assist with preparing and certifying an Environmental Impact Report (EIR) on the proposed, future Cannabis Land Use (CLU) ordinances.
2. The Board adopted an ordinance on April 11, 2017, to establish a cannabis registry.
3. The Board established a temporary Ad Hoc Committee on cannabis which has been meeting regularly to address cannabis issues and determine the steps necessary to regulate cannabis and address cannabis operations within the County. The Ad Hoc Committee held a public meeting on April 25, 2017, to engage the community on potential cannabis regulations.

Planning and Development Department staff has also scoped these additional tasks to continue working towards alleviating the conditions resulting in the April 4<sup>th</sup> urgency ordinance adoption:

1. Continue researching other jurisdictions' regulatory approaches regarding the AUMA.
2. Conduct public outreach on potential regulatory approaches regarding the AUMA.
3. Prepare a draft cannabis ordinance.
4. Conduct the required CEQA analysis of the draft cannabis ordinance.
5. Present the draft cannabis ordinance to the Montecito Planning Commission, County Planning Commission, and Board of Supervisors for recommendation and adoption.
6. Process amendments to the Coastal Zoning Ordinance with the California Coastal Commission.

Without further action, the Nonmedical Marijuana Interim Urgency Ordinance would expire on May 19, 2017. Through this report and attachments the Board may, by four-fifths vote, extend the interim urgency ordinance for 22 months and 15 days. This time extension will allow staff sufficient time to analyze the multi-faceted elements of the AUMA and create regulations that are appropriate for the County.

The proposed fiscal year 2017-2018 Long Range Planning Division work program includes the CLU Ordinance project. The Board's consideration of the work program will occur during the budget

workshops scheduled for the week of April 17<sup>th</sup> and during the budget adoption hearings scheduled for the week of June 12, 2017.

### **Environmental Review:**

The Board's issuance of this report pursuant to Government Code section 65858(d), as well as the proposed extension of the Nonmedical Marijuana Interim Urgency Ordinance, are exempt from CEQA pursuant to CEQA Guidelines sections:

- 15061(b)(3), as they have no potential for causing a significant impact on the environment; and
- 15308, as they are actions by a regulatory agency that will protect the environment.

The Nonmedical Marijuana Interim Urgency Ordinance has no potential for resulting in a physical change to the environment directly or indirectly, as it prohibits any development projects related to nonmedical marijuana, pending completion of the County's research, study, and adoption of a permanent ordinance regulating nonmedical marijuana activities.

### **Fiscal Analysis:**

The urgency ordinance was not included in Planning and Development's Fiscal Year (FY) 2016-2017 budget since the AUMA was adopted in November of 2016 (i.e., after adoption of the FY 2016-2017 budget). It is estimated that the urgency ordinance will require approximately \$10,000 in project costs in the current fiscal year. This cost can be covered using (1) funds remaining in the medical marijuana budget, and (2) unspent funds for other project tasks that were originally included in the budget for FY 2016-2017.

No additional staffing or budget allocations are anticipated with this Nonmedical Marijuana Interim Urgency Ordinance extension.

**Special Instructions:** Planning and Development will fulfill noticing requirements. The Clerk of the Board shall provide a copy of the executed Ordinance amendment and Board Minute Order(s) to Planning and Development, Attn.: David Villalobos.

### **Attachments:**

1. Nonmedical Marijuana Interim Urgency Ordinance
2. Notice of Exemption

### **Authored by:**

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