



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 2, 2016

Subject: Adoption of Urgency Interim Ordinance Prohibiting the Cultivation and Delivery of Medical Marijuana

RECOMMENDATION(S):

CONSIDER adopting Ordinance No. 2016-04, an urgency interim ordinance that prohibits the cultivation of medical marijuana and the delivery of medical marijuana in the unincorporated area of the county.

DIRECT staff to analyze and report to the Board on long term options in response to the Medical Marijuana Regulation and Safety Act.

FISCAL IMPACT:

Depending on the complexity of a potential permanent ordinance, the cost of analyzing options and preparing a permanent ordinance regarding the regulation of medical marijuana is estimated to be \$20,000 to \$30,000.

BACKGROUND:

On December 15, 2015, after being presented with an update on the Medical Marijuana Regulation and Safety Act (MMRSA), the Board of Supervisors directed staff to prepare an urgency interim ordinance prohibiting the cultivation and delivery of medical marijuana within the unincorporated area of Contra Costa County. The Board action acknowledged

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/02/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 2, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Ruben Hernandez,
(925) 674-7785

By: June McHuen, Deputy

cc:

that adoption of an interim ordinance would provide staff the time to analyze and provide a future report to the Board on the following long-term options in response to the MMRSA:

BACKGROUND: (CONT'D)

- a. Potential adoption of a permanent land use ordinance that would prohibit the cultivation and/or delivery of medical marijuana throughout the unincorporated areas of the County; or
- b. Potential adoption of a permanent land use ordinance to establish County requirements that would apply to any or all of the following commercial medical marijuana activities: cultivation, delivery, dispensing, manufacturing, distribution, and/or transport of medical marijuana; or
- c. The option of adopting no new regulations in response to the MMRSA.

Ordinance No. 2016-04 is a proposed urgency interim ordinance that prohibits the cultivation of medical marijuana and the delivery of medical marijuana in the unincorporated area of the County. Under the ordinance, the cultivation of medical marijuana and the delivery of medical marijuana are prohibited uses in all zoning districts of the County. While the ordinance is in effect, no requests for applications for land-use entitlements or building permits shall be accepted or processed, and no land-use entitlements or building permits shall be approved or issued, for the cultivation of medical marijuana or the delivery of medical marijuana. Adoption of the urgency interim ordinance is recommended to protect the public safety, health and welfare, as detailed in the Findings and Purpose Section of the proposed ordinance.

Adoption of the urgency interim ordinance would prohibit the establishment of medical marijuana cultivation and delivery for 45 days from the date of adoption. Prior to the expiration of the interim ordinance, the Board may extend the interim ordinance for 10 months and 15 days after a noticed public hearing, and may extend it a second time for one year after a notice and hearing. Adoption of the ordinance and any extensions requires a four-fifths vote of the Board. In addition, ten days before the ordinance expires, and before any extension expires, the County must issue a written report describing the measures taken to alleviate the conditions that led to the adoption of the ordinance. It is anticipated that at least one extension will be required in order to provide adequate time for analysis, a report to the Board and possible preparation of a permanent ordinance regarding regulation of medical marijuana in the unincorporated area of the County.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not adopt the interim ordinance, the State would be the sole entity authorized to license the cultivation and delivery of medical marijuana in the unincorporated areas of the county

CLERK'S ADDENDUM

Katherine Jones, resident of Bethel Island, regulation and tax benefits; Brian Eliff, resident of Oakley; Keith Schatek, resident of Oakley; Jaime Rich, Center For Human Development; Jeremy Petkell, resident of Oakley; Jacqueline McGowan, Monterey County NORML; Patty Hoyt, San Ramon Valley Alcohol Policy Coalition.

Written comments were received from Marcus Cisneros, resident of Brentwood and Vasiliki Karadais, resident of Brentwood (attached).

ATTACHMENTS

Medical Marijuana Interim Ordinance

December 15, 2016 Board Order