

# **SOLANO COUNTY PLANNING COMMISSION**

## **RESOLUTION NO. \_\_\_\_\_**

### **RECOMMENDING ADOPTION OF ORDINANCE AMENDING CHAPTER 28 TO PROHIBIT ALL COMMERCIAL CANNABIS ACTIVITIES IN UNINCORPORATED SOLANO COUNTY**

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WHEREAS, in 1996, the voters of the State of California approved the Compassionate Use Act (Proposition 215), which was intended to provide a defense to criminal charges for the cultivation and possession of medical cannabis by a seriously ill patient, or the patient's primary caregiver; and

WHEREAS the Medical Marijuana Regulation and Safety Act (MMRSA) was enacted on September 11, 2015 (later renamed the "Medical Cannabis Regulation and Safety Act" (MCRSA)) to provide a comprehensive state-wide licensure and regulatory scheme for medical cannabis; and

WHEREAS, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) (Proposition 64) was approved by the voters on November 8, 2016 to decriminalize and regulate commercial and non-commercial recreational cannabis; and

WHEREAS, on June 27, 2017, as part of budget trailer legislation (SB 94), the state enacted the Medicinal and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA), which was intended to synthesize the state-wide medical and recreational cannabis laws; and

WHEREAS, MAUCRSA (as well as its predecessors, AUMA and MMRSA) allows cities and counties to retain local land use regulatory control over recreational and medicinal cannabis; and

WHEREAS, there is currently a prohibition on medical marijuana dispensaries in the Solano County Zoning Regulations; and

WHEREAS, the Board of Supervisors enacted a moratorium on all commercial cannabis activities on December 6, 2016 which shall expire on December 6, 2018; and

WHEREAS, the moratorium has allowed the County time to hold public meetings, receive community input, and create an ad-hoc committee which has studied commercial cannabis activities and attended tours of cannabis manufacturing facilities, cultivators, testing laboratories, and other commercial cannabis activities; and

WHEREAS, the Board of Supervisors received the report from its ad-hoc committee on November 14, 2017 recommending further consideration and study of cannabis nurseries and microbusinesses as potential allowable uses in Solano County; but after further discussion, a majority of the Board directed staff to bring forward a prohibition on commercial cannabis activities in the unincorporated County, and made the ad-hoc Cannabis Committee a standing committee so as to continue to monitor and report back to the Board as cannabis regulation in California unfolds; and

WHEREAS, the County lacks the essential infrastructure necessary for most commercial and industrial uses and the majority of the cities in Solano County, which do possess this

infrastructure, have approved commercial cannabis activities, including delivery-only retailers, thereby ensuring cannabis' availability to Solano County residents; and

WHEREAS, there is uncertainty over the "in-progress" state regulatory process and potential federal responses to the state's cannabis regulatory system; and

WHEREAS, concerns have been expressed over trespass issues, as well as changes in community character, if commercial cannabis cultivation were to be permitted; and

WHEREAS, the County's moratorium on commercial cannabis activities ends December 6, 2018 and it is necessary to have regulations, such as a prohibition, in place by then to insure that the County retains control over commercial cannabis uses within its jurisdiction; and

WHEREAS, the proposed zoning amendment is in compliance with the County's General and Specific Plans; and

WHEREAS, in compliance with Government Code sections 65854 and 65855, the Planning Commission has held a public hearing as to the proposed draft zoning amendment and rendered a written recommendation to the Board.

NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above Recitations are true and correct; and
2. The Planning Commission does hereby recommend that the Board of Supervisors adopt the proposed amendments to Chapter 28 of the County Code (Exhibit A).

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on August 2, 2018 by the following vote:

AYES:	Commissioners	_____
		_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: \_\_\_\_\_

Bill Emlen, Secretary