

ORDINANCE NO. 2018 -

**EXTENSION OF AN INTERIM URGENCY ORDINANCE
PROHIBITING TEMPORARY CANNABIS EVENTS
IN UNINCORPORATED SOLANO COUNTY**

The Board of Supervisors of the County of Solano do hereby ordain as follows:

SECTION 1. Findings

The Board of Supervisors hereby finds and determines that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, based upon the following facts:

- A. On October 2, 2018, the Board of Supervisors adopted Ordinance 2018-1799 prohibiting all commercial cannabis activities in unincorporated Solano County. This ordinance excepted out temporary cannabis events from this prohibition. Staff was directed to return to the Board to provide alternatives on how these events could be regulated.
- B. As of January 1, 2019 Business & Professions Code section 26200(e) will be amended to allow the state to issue a license to temporary cannabis events authorizing on-site cannabis sales to, and consumption by, individuals 21 and over at fair events, district agricultural events, and any other venue approved by the local jurisdiction to hold such events, but only if the local jurisdiction has authorized these types of events.
- C. The regulations for cannabis and temporary cannabis events are still going through the approval process required by the Administrative Procedure Act and have not been finalized. The current temporary regulations, adopted by emergency rulemaking, requires in part, "written approval from the local jurisdiction authorizing the applicant to engage in onsite cannabis sales to, and onsite consumption by, persons 21 years of age or older at the temporary cannabis event." (16 CCR 5601(h)(10).)
- D. On October 19, 2018, the Bureau of Cannabis Control further modified the permanent proposed regulations and began accepting public comment on these revisions. One of the proposed changes would allow for informational or educational cannabis events where cannabis goods are displayed, but no sales or consumption of cannabis or cannabis products would occur. These events would not require a license or otherwise be regulated by the state.
- E. The County currently has no ordinances or other processes in place to regulate cannabis events of any type.
- F. On November 6, 2018 the Board of Supervisors adopted a 45-day interim urgency ordinance prohibiting temporary cannabis events at all locations within the jurisdiction of the County in order to preserve the status quo pending the development of alternatives for regulating these events.
- G. These alternatives are scheduled to come forward for Board consideration and direction on which alternative is preferred for implementation on December 11, 2018.
- H. As the 45-day moratorium will expire on December 21, 2018 prior to any possibility of adoption of a permanent ordinance, the extension of the urgency ordinance for 10 months, 15 days to November 5, 2019 is necessary to protect the public peace, health, and safety until a permanent ordinance can be developed.

- I. Pursuant to Article XI, section 7 of the California Constitution, the County of Solano ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.
- J. Pursuant to Government Code section 65858, to protect the public safety, health, and welfare, the County may adopt and may extend with a four-fifths vote of the board of supervisors an urgency measure adopting an interim ordinance prohibiting potential land uses that the County is studying, considering, or intends to study within a reasonable time that may be in conflict with existing land use regulations and which shall be in effect immediately.
- K. By extending this interim urgency ordinance, it is the intent of the Board of Supervisors to enact a moratorium that is only temporary in order to provide time for the County to study, develop, and adopt an appropriate permanent ordinance for cannabis events.

SECTION 2. Definitions

For purposes of this interim ordinance, the following definitions shall apply:

- A. "County." The County of Solano.
- B. "Cannabis." Cannabis shall have the have the same meaning as in Business & Professions Code section 26001(f).
- C. "Cannabis Sales." Cannabis sales shall have the same meaning as in Business & Professions Code section 26001(as).
- D. "Temporary Cannabis Event." A state-licensed event of less than four days as described in Business and Professions Code section 26200(e) and Title 16, section 5601 of the California Code of Regulations.

SECTION 3. Interim Prohibition on Temporary Cannabis Events

From and after the date of this ordinance no approval, authorization, use permit, variance, business license, or any other entitlement or license for use shall be approved or issued for any temporary cannabis event with on-site cannabis sales and consumption at the Solano County Fairgrounds or any other location under the jurisdiction of the County of Solano.

The exemption provided in Section 14-17(a) of the Solano County Code, allowing a business to operate after having filed an application for a business license and pending final action on that application, shall not apply to any business engaged in, or proposing to engage in, a temporary cannabis event.

SECTION 4. Effective Period

This extension shall take effect immediately upon expiration of the 45-day interim urgency ordinance enacted on November 6, 2018 (December 21, 2018) and expire in 10 months, 15 days (November 5, 2019) in accordance with the provisions set forth in Government Code section 65858.

SECTION 5. Authority

California Government Code section 65858 provides that an urgency measure in the form of an interim zoning ordinance may be adopted, which shall be initially effective for only 45 days following its date of adoption. Such an interim ordinance may be extended by a four-fifths vote of the board of

supervisors for an additional period of time, either 10 months and 15 days with the possibility for an additional 12-month extension or for 22 months and 15 days in compliance with Government Code section 65858.

SECTION 6. Penalties

The definitions and penalties for land use violations that are prescribed in Section 28.113 of the Solano County Code shall apply to violations of the provisions of this interim ordinance.

SECTION 7. Severability

If any provision of this interim ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

SECTION 8. Exemption from the California Environmental Quality Act

This extension of an interim ordinance is exempt from California Environmental Quality Act (Public Resources Code §21000 *et seq.*; "CEQA") because it will preserve the status quo while the County develops a permanent ordinance. Therefore, it can be seen with certainty that there is no possibility that the extension of the interim ordinance may have a significant effect on the environment. (CEQA Guidelines, § 15061(b)(3).)

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on December 11, 2018 the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk

Introduced:

Adopted:

Effective:

Operative: