



Legislation Text

File #: 18-764, **Version:** 1

Conduct a public hearing to consider adoption of a 45-day Interim Urgency Ordinance prohibiting temporary cannabis events in unincorporated Solano County (4/5 vote required); and Consider setting a public hearing on December 11, 2018 to consider further action on the urgency ordinance or a possible permanent ordinance addressing temporary cannabis events

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☒ No ☐

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Board of Supervisors:

1. Read the proposed ordinance by title only and waive further reading by majority vote; and
2. Find the proposed ordinance is exempt from further environmental review under Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the project may have a significant effect on the environment; and
3. Adopt the Interim Urgency Ordinance prohibiting temporary cannabis events in unincorporated Solano County; and
4. Set a public hearing on December 11, 2018 to consider further action on the urgency ordinance or a possible permanent ordinance addressing temporary cannabis events.

SUMMARY:

On October 2, 2018 the Board of Supervisors adopted Ordinance 2018-1799, which prohibited all commercial cannabis activities in unincorporated Solano County. Temporary cannabis events were not specifically addressed in the Ordinance. On October 23, Chair Vasquez asked staff to bring back an urgency ordinance addressing temporary cannabis events and other Board members concurred with his request. Because there is known interest in pursuing such temporary events in the County and the State rulemaking continues to evolve, staff is recommending that the Board adopt an urgency ordinance establishing a 45-day moratorium on temporary cannabis events. This ordinance would prohibit temporary cannabis events at all potential event venues in the County, including at fairground and district agricultural association sites. Should the Board choose to adopt the recommended urgency ordinance, the matter would be brought back to the Board on December 11, 2018 for further consideration including possible extension of the urgency ordinance or presentation of a permanent ordinance, depending on Board direction.

DISCUSSION:

Since the passage of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), the three state agencies responsible for regulating the cannabis industry have been in the process of creating the regulatory framework for commercial cannabis activities. The Bureau of Cannabis Control (BCC) added two license types that address cannabis events: a "Cannabis Event Organizer License" and a "Temporary Cannabis Event License". An individual would apply for a Cannabis Event Organizer License in order to

operate a Temporary Cannabis Event. The Temporary Cannabis Event is limited to four consecutive days. Initially, these Temporary Cannabis Events were limited to County Fair and Agricultural Association buildings. In Solano County; these would include the Dixon Mayfair/36th District Agricultural Association located in Dixon and the Solano County Fairgrounds in Vallejo. However, with the recent signing of Assembly Bill 2020 by Governor Brown in September, Temporary Cannabis Events can be held in other venues at the discretion of the local jurisdiction. AB 2020 retained the requirement that a state temporary event license shall only be issued in local jurisdictions that authorize such events. AB 2020 will go into effect on January 1, 2019.

Although the Board of Supervisors did not include temporary cannabis events in its prohibition on commercial cannabis activities, the Board has also not acted to authorize these events. There may be some confusion by the public that because the recently enacted ordinance did not specifically prohibit temporary cannabis events, these events are allowed. Adopting an urgency ordinance establishing a moratorium would remove any confusion by the public; that any person or group considering hosting such an event at this time is premature until the Board has had the opportunity to fully assess how the County will address temporary cannabis events within unincorporated Solano County, including a possible blanket prohibition of such events.

FINANCIAL IMPACT:

The cost to analyze County options for regulating cannabis and to prepare the agenda item are included in the department's FY2018/19 Adopted Budget.

ALTERNATIVES:

The Board may choose to:

1. Not adopt the 45-day urgency ordinance and direct staff to prepare a permanent ordinance addressing temporary cannabis events. This alternative is not recommended given current uncertainties in State rulemaking and legislation and the potential that temporary cannabis events in the County could be proposed prior to permanent ordinance provisions becoming effective.
2. Not adopt the 45-day urgency ordinance and not proceed with permanent provisions addressing temporary cannabis events. This alternative is not recommended as a greater degree of certainty will be needed in the short term and in the future of what may or may not be permitted relative to temporary cannabis events.

Adopting the 45-day interim urgency ordinance will clarify that temporary cannabis events are not permitted within the unincorporated areas of Solano County. Directing staff to prepare a permanent ordinance regulating temporary cannabis events is the Board's discretion.

OTHER AGENCY INVOLVEMENT

County Counsel assisted with this item.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION