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TO: Planning Commission

Agenda of: December 14, 2023

FROM: Evan Mattes, Senior Planner

Legistar No.: 23-2192

RE: Commercial Cannabis Chapter 130.41 Amendment ROI

Discussion: In March of 2023, the Board authorized a settlement in the matter of El Dorado County Growers Advocacy Alliance v. El Dorado County Board of Supervisors, et al., Case No. 21CV0161 which involved a challenge to the County's implementation of its commercial cannabis program. As part of the settlement agreement, the Board directed the Planning Commission to hold a public study session on the County's cannabis regulations. The Planning Commission held multiple sessions and forwarded policy discussion areas to the Board of Supervisors. On September 12, 2023, the Board of Supervisors held a study session, and although not required by the settlement agreed that several cannabis policy items should proceed through the ordinance revisions process and directed that a Resolution of Intention (ROI) be prepared. During the Board's deliberations, ordinance changes related to operational and administrative aspects of the program were separated from the contemplated revisions with potential environmental impacts and approved to move through the ROI process.

Pursuant to Section 130.63.020 of the Zoning Ordinance, which requires County-initiated Zoning Ordinance amendments to be initiated by a Resolution of Intention (ROI) by the Board of Supervisors, staff recommend the Board approve further amendments to the Zoning Ordinance, Chapter 130.41 - Commercial Cannabis. The ROI was adopted October 17, 2023, by a 5-0 vote directing staff bring the following to the Planning Commission for consideration.

1. Incorporate the State definition of "owner" of a cannabis business (Attachment A)
2. Require issuance of the annual cannabis operating permit issue upon completion of the conditions of the Commercial Cannabis Use Permit.
3. Remove the requirement for resubmission of all application materials upon renewal of an annual operating permit.
4. The Agricultural Commission will review cannabis projects only involving land zoned for or designated agricultural or lands adjacent to agricultural lands (General Plan Policy 8.1.4.1).
5. Consider a multiyear cannabis license

Attachment A: DCC Commercial Cannabis Regulation Section 15003

Attachment B: El Dorado County Zoning Ordinance Chapter 130.41 Unmarked

Attachment C: El Dorado County Zoning Ordinance Chapter 130.41 Redline