



## Legislation Details (With Text)

**File #:** 23-1501      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 7/31/2023      **In control:** Board of Supervisors

**On agenda:** 9/12/2023      **Final action:** 9/12/2023

**Title:** County Counsel and the Planning and Building Department, Commercial Cannabis Division, recommending the Board:  
 1) Provide direction on changes to the County's existing cannabis ordinances; and  
 2) If changes are supported, direct staff to return to the Board with a Resolution of Intent reflecting the Board's guidance to start the ordinance amendment process.

**FUNDING:** General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - County Counsel Memo, 2. B - Sheriff's Office Memo, 3. C - Cannabis Workshop Response, 4. Cannabis Advocates Presentation, 5. Public Comment Rcvd 9-12-2023 BOS 9-12-2023, 6. Public Comment BOS Rcvd. 9-11-2023, 7. Public Comment BOS Rcvd. 9-8-2023

Date	Ver.	Action By	Action	Result
9/12/2023	1	Board of Supervisors	Approved	

County Counsel and the Planning and Building Department, Commercial Cannabis Division, recommending the Board:  
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### DISCUSSION / BACKGROUND

The purpose of this report is to provide information and background for this cannabis public study session. The study session is a result of the litigation in *El Dorado County Growers Advocacy Alliance v. El Dorado County Board of Supervisors, et al.* In November of 2021 petitioners filed an action challenging the County's implementation of its commercial cannabis program. The case has now been resolved and as part of that process the Board of Supervisors directed the Planning Commission to hold a public study session to identify issues related to implementation and functionality of the County's cannabis regulations. The Planning Commission held the study session during their July 13, 2023 meeting (Legistar Item 23-1032), and as directed, provides this report with recommendations regarding potential changes to County cannabis regulations. The study session is an opportunity for the former petitioners, the cannabis industry, public, and other County departments and agencies to give input on the current cannabis regulations. The Board may determine if changes to the ordinances are warranted, and if so, provide further direction to staff to pursue changes through the ordinance amendment process. If so directed, the cannabis ordinance would return to the Planning Commission for specific text revisions based on that direction and then back to The Board for final adoption.

The County Counsel memorandum dated July 31, 2023 (Attachment A) focuses on the policy themes distilled from the Planning Commission study sessions. These policy themes, along with the recommendations from the Commission are detailed in the attached memorandum. Attachments B and C are memorandums from the El Dorado County Sheriff's Office and the Department of Planning and Building, respectively, providing additional information on the policy considerations.

By the Board directing the Planning Commission study session and holding today's cannabis discussion, the County's obligations under the settlement agreement resolving the litigation in *El Dorado County Growers Advocacy Alliance v. El Dorado County Board of Supervisors* are met. There was no commitment to legislative changes by the Board as part of the settlement process, only to complete the study session process.

### **ALTERNATIVES**

The Board could receive and file the recommendations of the Planning Commission and choose to take no further action. The Board could also direct staff to study some or all of these issue areas further and provide additional analysis of the issues.

### **PRIOR BOARD ACTION**

23-0418 - El Dorado County Growers Advocacy Alliance v. County of El Dorado; El Dorado County Board of Supervisors; El Dorado County Sheriff's Department, et al. Case No. 21CV0161.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Planning and Building

### **CAO RECOMMENDATION / COMMENTS**

Provide direction as recommended.

### **FINANCIAL IMPACT**

There is no financial impact associated with the discussion of the cannabis ordinances. Should the Board choose to pursue any changes to the ordinance, there may be costs attributable to staff time, environmental review, or affects resulting from the number of applications and cannabis cultivators or business operations.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

### **STRATEGIC PLAN COMPONENT**

Economic Development and Good Governance.

### **CONTACT**

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