



Legislation Details (With Text)

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File created: 4/23/2020 **In control:** Board of Supervisors

On agenda: 5/12/2020 **Final action:** 5/12/2020

Title: HEARING - To consider Final Passage of amendments to Title 130 - Zoning Ordinance to add two Meyers Area Plan zoning districts to Chapter 130.41.300 - Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis. The proposed amendments would allow for commercial cannabis Distribution Facilities, Retail Sales and limited Manufacturing Facilities to the Meyers Community Center District (MAP-1) and would allow for commercial cannabis Indoor Cultivation, Distribution Facilities, Delivery Facilities, Testing Laboratories, and limited Manufacturing Facilities to the Meyers Industrial District (MAP-2), subject to specific regulations. The proposed amendments would also eliminate the 500 foot separation to a residential zoning district in Meyers for uses in the Meyers Community Center District (MAP-1), due to the mixed use nature of the parcel structure in Meyers where residences are in close proximity to commercial land uses. Finally, the proposed amendments would allow for one (1) additional Retail Storefront within the Meyers Area Plan boundary. Staff is recommending the Board of Supervisors take the following actions, based on the Planning Commission's recommendation:

- 1) Find that the adoption of the proposed amendments to Sections 130.41.300 - Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis are not subject to the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code Section 26055(h); and
- 2) Recommend approval of amendments to Section 130.41.300 of the El Dorado County Ordinance Code.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Amended Section 130.41.300 for Meyers Area Plan (Clean Version) BOS 05-12-20, 2. B - Amended Section 130.41.300 for Meyers Area Plan (Track Changes Version) BOS 05-12-20, 3. C - Signed Blue Route BOS 05-12-20, 4. D - Planning Commission 04-23-20 Minute Order BOS 05-12-20, 5. E - Proof of Publication - Mountain Democrat BOS 05-12-20, 6. F - Proof of Publication - Tahoe Daily Tribune BOS 05-12-20, 7. G - Proof of Publication - Georgetown Gazette BOS 05-12-20, 8. Public Comment BOS Rcvd 5-11-20, 9. Public Comment BOS Rcvd 4-28-20, 10. Proof of Publication - Mountain Democrat - Post-Passage Summary of Ordinance No. 5124, 11. Proof of Publication - Tahoe Daily Tribune - Post-Passage Summary of Ordinance No. 5124, 12. Executed Ordinance 5124

Date	Ver.	Action By	Action	Result
5/12/2020	1	Board of Supervisors	Approved	Pass

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DISCUSSION / BACKGROUND

Request to consider final passage of Title 130 Zoning Ordinance Amendments to add two Meyers Area Plan zoning districts to Chapter 130.41.300 - Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and limited Manufacturing of Commercial Cannabis. The proposed amendments would allow for commercial cannabis Distribution Facilities, Retail Sales and limited Manufacturing Facilities to the Meyers Community Center District (MAP-1) and would allow for commercial cannabis Indoor Cultivation, Distribution Facilities, Delivery Facilities, Testing Laboratories, and limited Manufacturing Facilities to the Meyers Industrial District (MAP-2), subject to specific regulations. The proposed amendments would also eliminate the 500 foot separation to a residential zoning district in Meyers for uses in the Meyers Community Center District (MAP-1), due to the mixed use nature of the parcel structure in Meyers where residences are in close proximity to commercial land uses. Finally, the proposed amendments would allow for one (1) additional Retail Storefront within the Meyers Area Plan boundary. The reason the amendments are requested is because the County's creation of the Meyers Area Plan zoning districts coincided with the work on the commercial cannabis ballot measures and thus the Meyers area was inadvertently left out of the Commercial Cannabis Ordinance during its adoption. (County Contact: Brendan Ferry) (Exemption pursuant to Section 26055(h) of the Business and Professions Code)

Staff presented the proposed amendments to Title 130 to the Planning Commission on April 23rd, 2020 and the Planning Commission approved the item unanimously, without amendments. The proposed amendments, as identified on the red-line versions of the ordinance, include the following:

- Adds the words "With the exception of the Meyers Community Center (MAP-1) zoning district" to the beginning of the second sentence in Section 130.41.300.D.3., which describes a minimum 500 foot setback to a residential zoning district.
- Adds the sentence "For the Meyers Community Center (MAP-1) zoning district, proximity to a residence shall be evaluated to determine compatibility of the proposed use." to the Section 130.41.300.D.3.
- Adds Meyers Industrial (MAP-2) zoning district to Section 130.41.300.E.1. - Indoor Cultivation of Commercial Cannabis.
- Adds Meyers Community Center (MAP-1) and Meyers Industrial (MAP-2) zoning districts to Section 130.41.300.F.1. - Commercial Cannabis Distribution Facilities.
- Adds Meyers Community Center (MAP-1) zoning district to Section 130.41.300.G.1. - Commercial Cannabis Retail Sale and Delivery Facilities - Limitation on use for storefront retail.
- Adds Meyers Industrial (MAP-2) zoning district to Section 130.41.300.G.2. - Commercial Cannabis Retail Sale and Delivery Facilities - Limitation on use for non-storefront retail (delivery only).

- Adds the sentence “One (1) additional cannabis retail storefront facility may be permitted in the Meyers Community Center (MAP-1) zoning district for a total of eight (8) potential cannabis retail storefront facilities in the County” to Section 130.41.300.G.4. - Commercial Cannabis Retail Sale and Delivery Facilities.
- Adds Meyers Industrial (MAP-2) zoning district to Section 130.41.300.H.1. -Commercial Cannabis Testing Laboratories.
- Adds Meyers Industrial (MAP-2) zoning district to Section 130.41.300.I.1.a. - Type 7 Licenses - Commercial Cannabis Manufacturing Facilities.
- Adds Meyers Industrial (MAP-2) zoning districts to Section 130.41.300.I.1.b. - Type 6 Licenses - Commercial Cannabis Manufacturing Facilities.
- Adds Meyers Community Center (MAP-1) and Meyers Industrial (MAP-2) zoning districts to Section 130.41.300.I.1.c. - Type N and P Licenses - Commercial Cannabis Manufacturing Facilities.

Staff has also presented the general concepts of the proposed amendments to the public at five Meyers Advisory Council Meetings. There has been general support of the concept of adding Meyers into the Commercial Cannabis Ordinance from the Meyers community present at the meetings.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Planning and Building.

CEQA COMPLIANCE

Business and Professions Code section 26055(h) provides a categorical CEQA exemption for the adoption of an ordinance by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in a commercial cannabis activity. The categorical exemption has been extended through July 1, 2021. In the proposed amendments, the permitting of any uses in the Meyers Area Plan remains subject to a discretionary Commercial Cannabis Use Permit that will require compliance with CEQA at a project-specific level and thus would be exempt under this section.

FINANCIAL IMPACT

It is the intent of the County to recoup all costs associated with the development, implementation, and management of the Commercial Cannabis Program.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk to obtain the Chair's signature on the original copies of the Ordinances.
- 2) Clerk to send one (1) fully executed copy of each Ordinance to the Planning and Building Department, attention of Julie Saylor, Clerk of the Planning Commission.

CONTACT

Brendan Ferry, Planning Manager
Planning & Building Department