



Legislation Details (With Text)

File #: 24-0688 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 4/3/2024 **In control:** Board of Supervisors

On agenda: 4/9/2024 **Final action:** 4/9/2024

Title: Supervisor Thomas recommending the Board:
 1) Authorize reconsideration of the action taken on February 6, 2024 (Legistar 24-0274), to include disbanding the cannabis ad hoc committee and directing staff to no longer pursue any additional changes to the cannabis ordinance, including setbacks, canopy limits, propagation, and manufacturing;
 2) Direct the Clerk of the Board to place an item on a future agenda to reconsider the aforementioned action and provide related direction to staff; and
 3) Direct staff to stay any action on the Ad Hoc Committee pending final reconsideration.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. Public Comment BOS Rcvd. 4-9-2024, 2. Public Comment BOS Rcvd. 4-8-2024, 3. Public Comment BOS Rcvd. 4-4-24

Date	Ver.	Action By	Action	Result
4/9/2024	1	Board of Supervisors	Approved	Pass

Supervisor Thomas recommending the Board:
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FUNDING: N/A

DISCUSSION / BACKGROUND

On January 20, 2024, a public hearing was held to consider amendments to the cannabis ordinance. After the public hearing was closed, a motion was made by Supervisor Parlin, seconded by Supervisor Hidahl to:

- 1) Approve the Introduction (First Reading) of Ordinance 5193, (Attachment C) without the additional changes recommended by the Planning Commission, making modifications to the administrative portions of the cannabis program, waive full reading of the Ordinance, read by title only, and continue this matter to the February 27, 2024 meeting of the Board of Supervisors for Final Passage (Second Reading) to include a two-year permitting process; and
- 2) Find the proposed amendment to the Zoning Ordinance, without the additional changes

recommended by the Planning Commission, is exempt from the California Environmental Quality Act (CEQA) based on the CEQA Guidelines 15060(c)(2) and 15061(b)(3) as it can be seen with certainty that there is no possibility that the modifications to the administrative portions of the cannabis program will not have a significant effect on the environment, and this change will not result in a direct or reasonably foreseeable indirect physical change in the environment; and

3) Direct staff to return to the Board on February 6, 2024 to create an ad hoc committee to work with the Planning Commission to streamline communication.

Supervisor Turnboo registered a No vote on this matter as he believed there should be an annual permitting process not a two-year permitting process. On February 27, 2024, Ordinance 5193 was adopted upon approval of the consent calendar by unanimous vote, with Supervisor Parlin absent.

On February 6, 2024, the Board of Supervisors established a cannabis ad hoc committee to work with staff and the public to study the remaining cannabis ordinance issues, including setbacks, canopy limits, propagation, and manufacturing, and on a 3/2 vote, with Supervisors Parlin and Turnboo dissenting, appointed Supervisor Hidahl and Supervisor Laine to serve on the cannabis ad hoc committee.

Supervisor Thomas recommends that the Board of Supervisors authorize reconsideration of the action of February 6, 2024, to include disbanding the cannabis ad hoc committee and direct staff to no longer pursue any additional changes to the cannabis ordinance including setbacks, canopy limits, propagation, and manufacturing.

The reason for reconsideration of the February 6, 2024 action are as follows:

- 1) The remaining issues regarding the cannabis ordinance are the matters which have potential CEQA considerations and are complex in nature; and
- 2) As we move further into the 2024/25 budget, we understand that financial and staff resources are highly constrained. Staff have been asked to make substantial reductions in resources and do more with less; and
- 3) On April 2, 2024 as the Board considered the General Plan 2016-2020 Five-Year Review, the Board approved staff's recommendation with the amendment that while the basic General Plan assumptions and findings for the General Plan 2016-2020 Five-Year Review were valid, the Board had concerns on the General Plan assumptions on the Auburn Dam, Agricultural and Timber, Water Supply and Traffic Levels of Services as well as the visions and purpose of the General Plan. The Board then directed staff to reach out to all Board members prior to the Work Plan returning to the Board and bring back information, in concert with the Long Range Planning Matrix, on recommendations for either a targeted or a comprehensive General Plan amendment including scope and cost and how it would impact the budget and Long Range Planning Work Plan.; and
- (4) The direction of February 6, 2024 was given without consideration for staffing and workload levels for our minimal staff overseeing the cannabis program. Upon further discussion with staff, it was brought to my attention that the Planning Department has one staff assigned to this unit. Also, the Agricultural Department is imperative in this update and are impacted with limited staffing. With minimal staff, we could either focus on timely processing of submitted applications or update the ordinance, but we do not have the capacity to do both.

When the Board gave direction on February 6, 2024 to create a cannabis ad hoc committee and

consider changes to the cannabis ordinance, a targeted or comprehensive General Plan amendment was not considered at that time. This will have significant implications on the 2024/25 budget as well as on staff time and resources.

The rules for reconsideration are provided in our County Ordinance, Section 2.03.140- Reconsideration.

- A. *The Board of Supervisor may, at any time, reconsider any action previously taken provided the Board finds that substantial new evidence exists which was not considered at the time the previous action was taken.*
- B. *A motion to reconsider may only be made by a Board member who had voted in the majority in the previous action. If a majority of the Board votes to reconsider, the matter shall be placed on the agenda for reconsideration.*
- C. *Those action which are judicial or quasi-judicial in nature and which are governed by the provision of Chapter 2.09 are exempted from this section.*

The aforementioned amendments to the cannabis ordinance represent a strong demand on staff time. Additionally, the Board direction on April 2, 2024 to consider a targeted or General Plan amendment is substantial new evidence to warrant a reconsideration, recognizing that garnering the input of current, sitting supervisors may be a higher priority. Therefore, it is not prudent for the Board to direct staff to spend time on potential amendments to the cannabis ordinance given heavily constrained resources and limited time. As a former member of the affirming party, I am requesting a practical reconsideration of the approval on February 6, 2024 and support for the action recommended today.

ALTERNATIVES

The Board could choose not to reconsider the action of February 6, 2024.

PRIOR BOARD ACTION

2/6/24 - Legistar #24-0274

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

If reconsideration of the 2/6/24 Board action is approved, Clerk of the Board to bring item to the Board on a future date for discussion.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Supervisor Wendy Thomas

