

Agenda



County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

SPECIAL MEETING

DECEMBER 21, 2017

8:30 a.m. PLEDGE OF ALLEGIANCE

1. **PUBLIC COMMENT**
2. **COUNTY ADMINISTRATOR/COUNTY COUNSEL/PLANNING/PUBLIC WORKS/AG COMMISSIONER** – Request Board: A) conduct a public hearing on the proposed ordinance titled "An Interim Ordinance of the Inyo County Board of Supervisors Extending the Interim Ordinance 1216 Prohibiting Commercial Medical and Recreational Marijuana Activities, Including Commercial Cultivation, Distribution, Storage, Manufacturing, Processing, Provision or Sale of Cannabis Products in the Unincorporated Area of Inyo County;" and B) enact aforementioned interim ordinance (4/5ths vote required).



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 2
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- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 8:30 a.m. Closed Session Informational

FROM: County Administrator/County Counsel/Planning/Public Works/Agricultural Commissioner

FOR THE BOARD MEETING OF: December 21, 2017

SUBJECT: Extension of Interim Urgency Ordinance to Prohibit Commercial Cannabis Activities in Unincorporated Inyo County.

DEPARTMENTAL RECOMMENDATION:

Conduct a public hearing and enact the attached ordinance extending the prohibition on commercial medical and recreational marijuana activities, including commercial cultivation, distribution, storage, manufacturing, processing, provision or sale of cannabis products in the unincorporated area of Inyo County. A 4/5ths vote is required.

SUMMARY DISCUSSION:

On November 7, 2017, the Board enacted an Interim Ordinance prohibiting commercial medical and recreational cannabis activities, including commercial cultivation, distribution, storage, manufacturing, processing, provision or sale of cannabis products in the unincorporated area of Inyo County. That Interim Ordinance expires after 45 days absent your Board extending the moratorium. Since adoption of the initial moratorium, staff has conducted numerous public meetings seeking input on this matter and brought draft regulations back before your Board for further discussion. The County is initiating the process of codifying these regulations based on Board directions, however, the regulations cannot be enacted and take effect until after the State is mandated to begin accepting applications for commercial cannabis licenses, on January 1, 2018.

Therefore, for reasons previously stated on November 7th, including ensuring a level playing field whereby all potential applicants go through the same local process and to avoid the State potentially issuing licenses for commercial cannabis activities in Inyo County prior to the County's regulations taking effect and without the anticipated local process being followed, it is necessary to extend the moratorium.

As such, and pursuant to Government Code Section 65858, staff recommends you extend the Interim Ordinance for an additional ten months and 15 days. Of course, if/when the County adopts a comprehensive regulatory system governing commercial cannabis activities as currently expected, your Board can concurrently rescind this moratorium.

Government Code Section 65858(a) requires that the Board conduct a public hearing to extend the ordinance. Accordingly, a notice of public hearing was published in the Inyo Register on December 9, 2017.

ALTERNATIVES:

Not adopt the ordinance and risk the state issuing licenses to applicants for businesses within the unincorporated areas of Inyo County with the mistaken understanding that such activities are already allowed without any local regulations or requirements.

APPROVALS	
COUNTY COUNSEL: <i>yes</i>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/ CONTROLLER: N/A	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR: N/A	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

 _____ Date: 12/14/17

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

 _____ Date: 12-14-2017

ORDINANCE 1220

AN INTERIM ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS
EXTENDING THE INTERIM ORDINANCE 1216 PROHIBITING COMMERCIAL
MEDICAL AND RECREATIONAL MARIJUANA ACTIVITIES, INCLUDING
COMMERCIAL CULTIVATION, DISTRIBUTION, STORAGE, MANUFACTURING,
PROCESSING, PROVISION OR SALE OF CANNABIS PRODUCTS IN THE
UNINCORPORATED AREA OF INYO COUNTY

WHEREAS, Government Code section 65858 authorizes the adoption of an interim ordinance as an urgency measure to prohibit any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the Board of Supervisors, planning commission or planning department is considering or studying or intends to study within a reasonable time, when necessary to protect the public safety, health, and welfare; and

WHEREAS, California adopted the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which consolidated the State's legalization and regulation of medical and recreational commercial cannabis activity allowing for commercial uses beginning on January 1, 2018; and

WHEREAS, the State issued emergency regulations for the commercial cannabis industry and will begin accepting applications for State licenses on or about January 1, 2018; and

WHEREAS, the MAUCRSA gives local governments authority to regulate commercial medical and recreational marijuana activities within their jurisdictions, including enacting licensing requirements, land use restrictions and/or certain local sales and use taxes subject to local voter approval; and

WHEREAS, the Inyo County Board of Supervisors has not had the opportunity to hear adequate public comment or receive comprehensive input from local communities with regard to the imposition of local land use or other regulations, nor to consider the effect of eventual State regulations; and

WHEREAS, in order to preserve the ability to establish local regulations in the future, as well as preserve the status quo within the unincorporated areas of the County and discourage illegal cannabis activities, while staff and decision makers analyze and consider potential local regulations to address these new laws the Board of Supervisors desires to extend its temporary moratorium on commercial medical and recreational marijuana activities within the unincorporated areas of the County in accordance with Government Code section 65858.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO FINDS AND ORDAINS THAT:

SECTION ONE: There is a current and immediate threat to the public health, safety and welfare as a result of newly enacted, and currently proposed, State laws within the unincorporated areas of the County for the reasons set forth above, and additionally as follows:

- A. Mandatory State regulations governing commercial cannabis activities under MAUCRSA only been issued in emergency form; and
- B. Commercial cannabis activities remain illegal until such regulations are in place, notwithstanding their apparent statutory authorization; and
- C. There is a lack of understanding among members of the public regarding the current legality of commercial cannabis activities; and
- D. This lack of understanding is likely to result in an increase in illegal commercial cannabis activities within the unincorporated areas of the County; and
- E. Such illegal activity will require law enforcement action which has the potential to endanger the health and safety not only of law enforcement officers themselves, but of the public.

SECTION TWO: Commercial medical marijuana activities described in MAUCRSA, including commercial cultivation, distribution, transportation, delivery, storage, laboratory testing, manufacturing, processing, provision or sales of cannabis products within the unincorporated areas of Inyo County are hereby temporarily prohibited for ten months and fifteen days beyond the initial forty-five day moratorium in order to allow for the proper study and assessment of public sentiment, State regulation and County land use and regulatory needs as they relate to commercial medical marijuana activities. This temporary prohibition also applies to marijuana produced for recreational use, pursuant to the newly enacted MAUCRSA.

SECTION THREE: During the temporary prohibition created by this ordinance, staff shall identify and analyze the relevant issues associated with various commercial medical marijuana activities and the impact these activities would have on law enforcement and the community at large, should commercial activities not be regulated at the local level, and shall develop recommendations for the Board regarding possible local land use or other regulations governing their implementation.

SECTION FOUR: This temporary prohibition does not apply to cannabis activities that are otherwise currently legal under State law. This moratorium will also not affect an individual's right to engage in cultivation of 6 or fewer plants for personal use as allowed by State law.

SECTION FIVE: This ordinance shall become effective upon adoption as an urgency measure pursuant to Government Code sections 65858 and 25123 and shall remain in effect, unless extended as allowed by law, for ten months and fifteen calendar days. The Clerk of the Board of Supervisors shall post this ordinance and also publish it or a summary thereof in the manner prescribed by Government Code section 25124 no later than 15 days after the date of its adoption.

PASSED AND ADOPTED this 21st day of December, 2017, by the following vote of the Inyo County Board of Supervisors:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dan Totheroh, Vice Chairperson

ATTEST: Kevin Carunchio
Clerk to the Board

By: _____
Darcy Ellis, Assistant