



County of Fresno

OFFICE OF THE COUNTY COUNSEL
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COUNTY COUNSEL

Staff Report January 8, 2019

SUBJECT: Report prepared pursuant to Government Code Section 65858, subdivision (d), describing the measures taken to alleviate the condition which led to the adoption of Interim Urgency Ordinance No. 18-021, prohibiting the possession, planting, cultivation harvesting, drying, or processing of nonmedical cannabis outdoors on the grounds of a private residence to the fullest extent permitted by State law, and the establishment or operation of a business engaged in commercial cannabis activity.

LOCATION: Countywide

STAFF CONTACT: Kyle R. Roberson, Deputy County Counsel
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DISCUSSION:

On December 4, 2018, the Board considered and adopted an Interim Urgency Ordinance prohibiting, in all Zoning Districts of Fresno County, the possession, planting, cultivation, harvesting, drying, or processing of nonmedical cannabis outdoors on the grounds of a private residence to the fullest extent permitted by State law, and the establishment or operation of a business engaged in commercial cannabis activity. The Interim Urgency Ordinance will expire on January 20, 2019, unless extended. On January 8, 2019, the Board will consider a request for an extension in order to allow staff adequate time to continue researching and developing proposed revisions to the Ordinance Code of Fresno County to address the threat to public health, safety, and welfare posed by nonmedical cannabis and reconcile the regulatory framework by the State and neighboring local jurisdictions over nonmedical cannabis activity.

Since the Board hearing on December 4, 2018, County Counsel has continued the process of identifying changes to the Ordinance Code, which may be appropriate to address the threats posed by nonmedical cannabis. This includes an analysis of significant changes in State law and regulations implementing Proposition 64, including the Medical and Adult-Use Cannabis Regulation and Safety Act, and changes in neighboring jurisdictions' ordinance codes regarding cannabis cultivation and commercial activity, which require further analysis to address the conditions which led to the adoption of the Interim Urgency Ordinance. County Counsel expects to circulate a draft of the proposed revisions to the Ordinance Code (the "Proposed Ordinance") in the next 90 days for review and comment by County Departments. County Counsel will address any comments to the Proposed Ordinance received from Departments before finalizing the Proposed Ordinance. The Proposed Ordinance will then be submitted to the Department of Public Works and Planning for environmental review. The Department will conduct the level of environmental review and work with County Counsel to schedule the appropriate public hearings.