



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 11/13/2018  
Agenda Placement: 9E  
Set Time: 10:30 AM PUBLIC HEARING  
Estimated Report Time: 10 minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** David Morrison, Director, Planning, Building & Environmental Servi - (707) 253-4805

**SUBJECT:** Commercial Cannabis Moratorium Extension

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### **RECOMMENDATION**

Director of Planning, Building, and Environmental Services recommends adoption of an interim ordinance extending a temporary moratorium on commercial cannabis activities within the unincorporated area of Napa County and declaring the urgency thereof.

### **EXECUTIVE SUMMARY**

On August 28, 2018, the Board of Supervisors engaged in a discussion regarding commercial cannabis activities. In the event that the municipalities within the County did not provide for sufficient access to recreational cannabis through the allowance of one or more recreation cannabis retailers, the Board directed staff to return to a future Board meeting with a proposed ordinance allowing a commercial cannabis retailer in the unincorporated area. The proposed interim ordinance would extend the County's current moratorium on all commercial cannabis activities, originally adopted in December 2017, in order to maintain the status quo while staff studies and drafts an ordinance consistent with the Board's direction.

### **PROCEDURAL REQUIREMENTS**

1. Staff reports and discussion;
2. Open the Public Hearing and receive comments;
3. Close the Public Hearing;
4. Clerk reads the Ordinance Title;
5. Motion, second, discussion and vote to waive the balance of the reading of the ordinance (4/5 vote required); and
6. Motion, second, discussion, and vote on intention to adopt the ordinance (4/5 vote required).

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) because the activity is not a project and meets the “general rule” as defined in Sections 15378 and 15061(b)(3) of the CEQA Guidelines. Adoption of the ordinance has no potential for resulting in physical changes to the environment, either directly or indirectly. Furthermore, pursuant to Section 15060(c)(2) of the CEQA Guidelines, the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment because this Ordinance prohibits changes in the environment pending the contemplated review of zoning ordinance amendments applicable to commercial cannabis activity and outdoor cultivation of cannabis. Finally, this ordinance adoption is not subject to CEQA under the “general rule” because it can be seen with certainty that there is no possibility the proposed adoption of an ordinance prohibiting new activities may have a significant effect on the environment.

**BACKGROUND AND DISCUSSION**

At the December 5, 2017 Board meeting, the Board adopted an interim ordinance as an urgency measure to prohibit commercial cannabis activity and outdoor cultivation while the Board continued to study and draft permanent ordinances on these topics. On January 16, 2018, the Board extended the moratorium on commercial cannabis activity until December 2018. State law allows for the County to extend the moratorium for an additional year, until December 2019.

On August 28, 2018, the Board of Supervisors engaged in a discussion regarding commercial cannabis activities. In the event that the municipalities within the County did not provide for sufficient access to recreational cannabis through the allowance of one or more recreation cannabis retailers, the Board directed staff to return to a future Board meeting with a proposed ordinance allowing a commercial cannabis retailer in the unincorporated area. During the discussion on August 28, staff informed the Board of the need to extend the County's moratorium on commercial cannabis activities while staff studied the planning issues associated with potentially allowing a cannabis retailer.

The proposed interim ordinance would extend the County's current moratorium on all commercial cannabis activities, originally adopted in December 2017, in order to maintain the status quo while staff studies and drafts an ordinance consistent with the Board's direction.

**SUPPORTING DOCUMENTS**

A . Commercial Cannabis Moratorium Extension

CEO Recommendation: Approve

Reviewed By: Helene Franchi