

# Public Scoping Meeting

**Kern County Marijuana Land Use Ordinance Project  
Amendment to Title 19 – Kern County Zoning Ordinance**

**Focused on**

**Chapter 19.120 (Medical Marijuana Dispensaries)**

**Environmental Impact Report**

**Notice of Preparation**

February 10, 2017

# Overview

- What is CEQA?
- Purpose of Scoping Meeting
- Description of Proposed Project
- Notice of Preparation
- Potential Environmental Impacts
- Environmental Impact Report
- Public Participation Timelines
- Contact Information
- Questions

# What is CEQA?

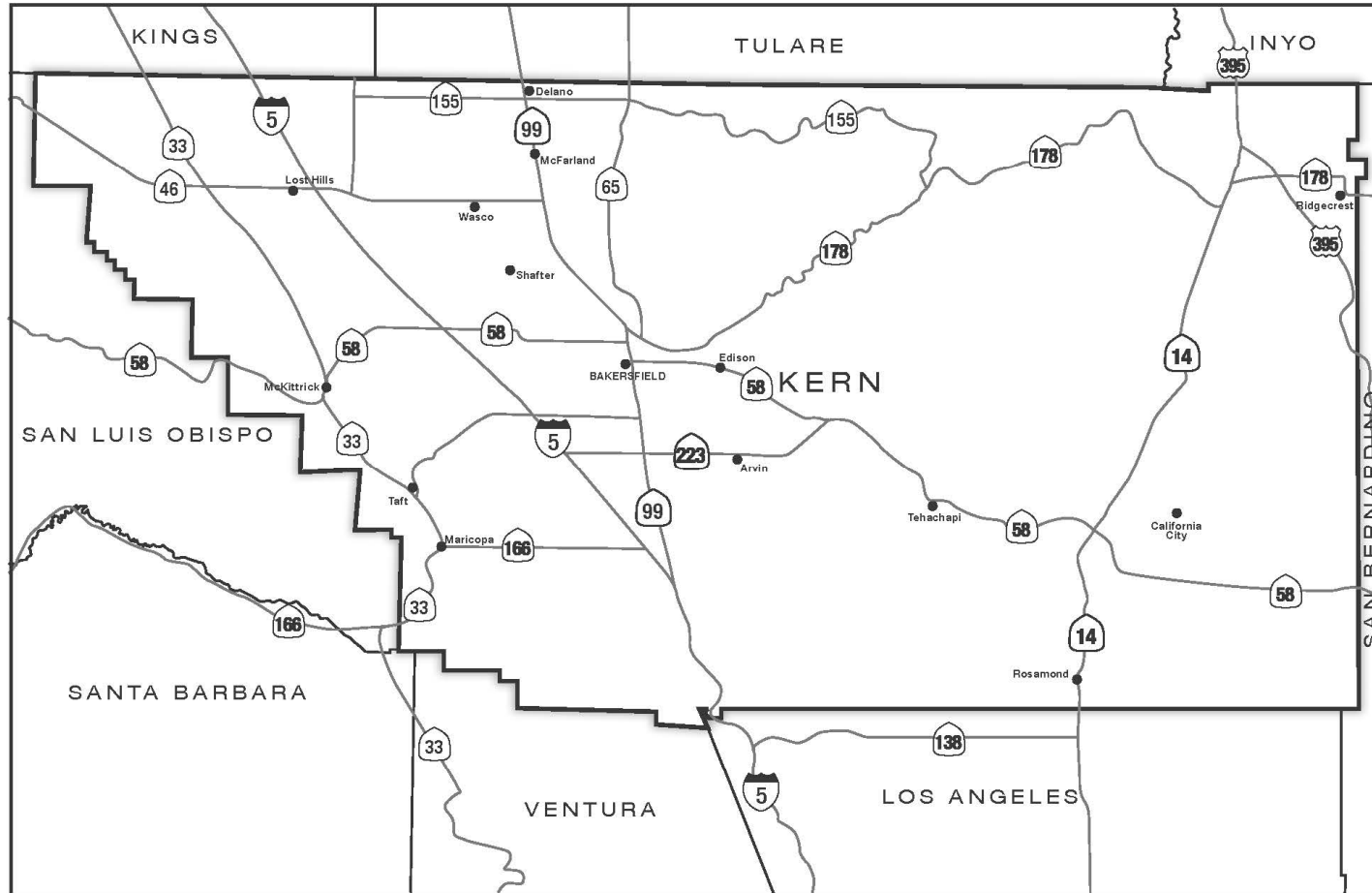
## California Environmental Quality Act

- 1970 State of California environmental law
- Purpose of CEQA:
  - Provide information to decision makers and public about environmental consequences of actions ***before they are made***
  - Evaluate the project's anticipated physical environmental effects
  - Provide the public with an opportunity to comment on the environmental issues
  - Obligation to avoid or reduce harm to the environment when feasible ("mitigation")
  - Does not mandate disapproval of projects

# Purpose of Scoping Meeting

- Enhance public participation as part of the proposed project's review under CEQA
- Provide an overview of the proposed project
- Solicit comments on the “scope” of the Environmental Impact Report (EIR)
- The scope of the EIR is determined by:
  - Responses to Notice of Preparation (NOP) from responsible agencies
  - Input from the community
  - Lead Agency's experience with projects of similar magnitude

# Project Location



Project Vicinity

# Amendment to Title 19 of the Ordinance Code of Kern County

- Amend the following:
  - Chapter 19.120
  - Any other related ordinances
- Option A – Ban all activities except those covered by Proposition 64
- Option B – Update standards and conditions for future activities

# Activities - Cultivation

## Option A

- Ban medical and recreational cultivation
- Allowed under Proposition 64
  - Indoor cultivation only
  - Individual Maximum = 6 plants
  - For personal use only

## Option B

- Indoor cultivation
  - State License Types 1A, 1B, 2A , 2B, 3A, 3B
  - Allowed in Zones A and A-1 (greenhouses)
  - allowed in Zones A, A-1, M-1 PD, M-2 PD, and M-3 PD (warehouses or similar)
  - Countywide maximum = 2,000,000 square feet
- Outdoor cultivation
  - State License Types 1, 2, 3, and 4
  - Allowed in Zone A
  - Countywide maximum = 150 acres
- Fully comply with development standards

# Activities – Processing and Packaging

## Option A

- Ban medical and recreational processing and packaging
- Allowed under Proposition 64
  - Personal use only
  - Processing of up to 6 plants

## Option B

- State License
  - Department of Public Health (manufacturing licenses)
  - Bureau of Medical Cannabis Regulation (distribution, transportation, laboratory testing)
- Allowed in Zones A, M-2 PD, M-3 PD
- Countywide maximum = 500,000 square feet
- Fully comply with development standard



# Activities – Dispensaries

## Option A

- Ban medical and recreational dispensaries and mobile delivery
- Allowed under Proposition 64
  - Personal Possession of
    - 1 ounce of flower
    - 8 grams of concentrates
  - State licensed establishments 2018 (if allowed at local level)
  - Large-scale corporate entities 2023 (if allowed at local level)

## Option B

- State License
  - Bureau of Medical Cannabis Regulation distribution, transportation, dispensary [sale])
- Allowed in Zones C-1 PD, C-2 PD, CH PD, M-1 PD, M-2 PD, M-3 PD
- Countywide maximum = 20 dispensaries
- No more than 1 allowed in each unincorporated community
- Requires conditional use permit

# Notice of Preparation (NOP)

- Notifies responsible agencies and other interested parties that an EIR will be prepared
- Solicits input regarding the scope, focus, and content of the upcoming EIR
- Comments received as part of the NOP will be included in the Draft Program EIR.
- CEQA Checklist: initial evaluation based on project's potential effect on eighteen (18) environmental factors

# CEQA Environmental Checklist

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology & Soils
- Greenhouse Gases
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use & Planning
- Mineral Resources
- Noise
- Population & Housing
- Public Services
- Recreation
- Transportation & Traffic
- Tribal Cultural Resources
- Utilities & Service Systems
- Mandatory Findings of Significance

# Potential Environmental Impacts

18 of 19 environmental factors with at least one impact as  
*Potentially Significant:*

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use & Planning
- Noise
- Population & Housing
- Public Services
- Recreation
- Transportation & Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Mandatory Findings of Significance

# Environmental Impact Report

- Fully disclose all potential environmental impacts
- Substantial Evidence
- Informational document based on facts, not speculation
- Must Show a Good Faith Effort
- Unbiased process that neither supports nor opposes the project
- Primary Purpose: *Educate decision makers to make an informed decision on the project*

# Program EIR vs. Project EIR

- Program EIR
  - Specific to a series of actions that are characterized as one large project
  - Policy alternatives
  - Program-wide mitigation measures
  - Subsequent activities may need further CEQA review
- Project EIR
  - Specific development project
  - Focusses on development project impacts
  - Examines all phases of the project: planning, constructions, and operation
  - No further CEQA review

# Technical Assessments

- Technical Study
  - Traffic Analysis
- Assessments within the Program EIR with Technical Appendices
  - Air Quality
  - Greenhouse Gas Emissions
  - Energy Discussions

# Analysis in Draft Program EIR

- Threshold-Based Analysis
- Short-Term Impacts
  - Construction for Future Projects
- Long-Term Impacts
  - Implementation of Amendment to Title 19
- Identify feasible program-wide mitigation measures
- Identify significant unavoidable impacts
- Cumulative Impacts
- Program Alternatives



# Public Participation: “The Backbone” of CEQA

- NOP 30-day Public Circulation
  - You are encouraged to comment at this meeting
  - NOP Comment Period will end on ***February 24, 2017 at 5:00 p.m***
- Written and verbal comments are accepted
- Please limit comments to environmental issues to be analyzed in the EIR

# Public Participation: “The Backbone” of CEQA (continued)

- Future Public Comment Opportunities
  - Draft Program EIR 45-day Public Circulation
  - Planning Commission Program EIR Hearing
  - Board of Supervisors Program EIR Hearing
- Anticipated 45-day Draft Program EIR Comment Period (May – June 2017).
- Anticipated Planning Commission Hearing (August 2017)
- Anticipated Board of Supervisors Hearing(s) (September – October 2017).

# Contact Information

- Please submit written comments (or e-mails) to:

**Kern County**

**Planning and Natural Resources Department**

Attention: Mr. Shawn Beyeler, Supervising Planner

2700 M Street, Suite 100

Bakersfield, CA 93301-2370

BeyelerS@co.kern.ca.us

- Comments must include: name, address, e-mail, or contact number.

*THANK YOU FOR  
ATTENDING!*

*Questions & Answers*