

Cannabis Land Use Ordinance Draft Environmental Impact Report Public Briefing



Kern County Board of Supervisors

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Overview

PROPOSITION 64

CALIFORNIA MARIJUANA LEGALIZATION INITIATIVE Passed Statewide on November 8, 2016

- State licensing begins January 1, 2018.
- Adult Use – limited to 21 and over.
- Medicinal – limited to 18 and over with a medical card.
- Collective structure will be repealed automatically on January 1, 2018.
Can only be purchased from a retail store.



Project History

Referral from Board – July 19, 2016

- Options for consideration
- Environmental Impact Report

Proposed Project

Management of commercial and personal use medicinal and recreational cannabis in unincorporated county.

Two (2) options fully presented

Option A – Ban

Option B - Regulate



Option A - Ban

- Repeal all prior ordinances – medical marijuana and current moratorium.
- Adopt new ordinance banning commercial cannabis activities for both medicinal and adult use.
- Ban personal use of cannabis in public, county parks, vendors at county fair.
- Ban outdoor cultivation of allowed six plants for personal use (indoors only).
- Create an established, funded Cannabis Activity Enforcement Task Force.
- Amortization Program – Twenty-two (22) existing court determined legal retail medical dispensaries operate for one year with temporary State license for medicinal cannabis only. Closing after that one year period.
- All illegal retail dispensaries to close immediately.

Option A – Ban Fiscal Public Services Impact

Cannabis Activity Enforcement Task

- Sheriff – 1 Supervisor, 5 Deputies, and 1 Clerical.
- District Attorney – 1 Supervisor, 2 Attorneys, and 1 Paralegal.
- County Counsel – 1 Supervisor, 2 Attorneys, and 1 Paralegal.
- Support Staff – 1 Office Service Specialist, 1 Code Compliance Officer, and 1 Land Use Planner.

- Ongoing coordination with Public Health, Agricultural Commissioner, Fire Department, State and Federal agencies.



Option A – Ban

Fiscal Public Services Impact

Cannabis Activity Enforcement Task

- First year – Partial staffing.
- Second and third year – Focused enhanced activity.
- Proactive detection and enforcement system.
- \$1.2 million to \$2.7 million a year.

- General Fund – State and Federal funding uncertain.



Option B – Regulate

Repeal

- All prior ordinances on medical marijuana and current moratorium.

Adopt new Ordinance

- Standards and conditions for commercial activities.

Establish Setbacks

- ½ mile (2640 feet) from schools (K-12), public parks, large family daycares, youth centers (11-18) and city limits.

Option B – Regulate

Establish limits on development and restrict zone districts

- Indoor Cultivation – greenhouses and warehouses – 2 million square feet of buildings.
- Processing and Preparation (edibles, infused drinks, oils, solids) – 500,000 square feet of buildings.
- Outdoor Cultivation – 150 acres.
- Testing Facilities – 5 countywide.
- Distribution and Transport – 20 countywide.
- Retail Stores – 40 countywide – no more than two (2) in any unincorporated community.



Option B – Regulate

- Greenhouses – Agricultural zone site plan review – (no hearing).
- Warehouse – Agricultural and industrial site plan review – (no hearing).
- Processing and Preparation – Agriculture (A) and Industrial (M-2 and M-3) site plan review – (no hearing).
- Outdoor Cultivation – Agricultural – (A) site plan review – (no hearing).
- Testing – Agriculture, commercial, industrial – Conditional Use Permit.
- Distribution and Transport – Agriculture – (A) and Industrial (M-2 and M-3) site plan review – (no hearing).
- Retail Stores – Commercial and industrial only – Conditional Use Permit.



Option B – Regulate

Amend Uniform Rule

- Cannabis cultivation not eligible for Williamson Act or Farmland Security Zone contract reduced property taxes.

Ban Personal Use of Cannabis

- Public, county parks, and vendors at county fair.

Restrict Outdoor Personal Growing

- Areas having a locked enclosure and cannot be viewed from a public walkway or roadway.

Option B – Regulate

Temporary State License

- Allow 22 existing court determined legal retail medical dispensaries to operate for two years with a temporary State license for medicinal cannabis only and then close or obtain a CUP to continue operations beyond two years.

Closure of Illegal Retail Dispensaries

- Require all illegal retail dispensaries to close immediately.

Conditional Use Permit

- Allow processing of CUP for any proposed locations for cannabis activities (indoor and outdoor cultivation, processing/preparation) to fail to meet setback requirements or request a waiver from adopted Development Standards.

Option B – Regulate Fiscal Public Services Impact

Fiscal Impact Analysis – The Natelson Dale Group, Inc.

- Public Services Impact – \$523,979 a year (based on full buildout of uses).
- Property Tax to General Fund and Fire Fund - \$498,885.
- Property Tax to Schools - \$955,999.
- Sales Tax to County - \$1,028,676.
- Total to County General Fund - \$1,577,561.



Option B – Regulate Fiscal Public Services Impact

Mitigation Measure 4.13-3

- Annual 45 cents a square foot of building (not canopy of cannabis)
- Allocation by CAO as follows:
 - Treasurer – Tax Collector – one time \$300,000
(Construction and equipment cash counting room)
 - Public Health - \$200,000
 - County Counsel - \$200,000
 - Sheriff - \$200,000
 - CAO administration - \$50,000
 - Community Benefit Fund – up to \$508,000
- Community Benefit Fund – new county grants program for community group’s alcohol and drug education support for children, teens and young adults up to age twenty (20).

Option B – Regulate Fiscal and Voter Tax

Based on Full Buildout of Uses

- Placed on ballot – need simple majority.
- Phased – two (2) incremental stages – annual.
- Cultivation – Square footage of canopy of cannabis plant.
- Canopy includes all areas that could be occupied by a cannabis plant even if not planted.
- \$5.00 sq. ft. (2018-2019), \$7.50 sq. ft. (2020-2021), \$10.00 sq. ft. (2022-on)
- Retail, Processing/Preparation facilities – percentage of gross sales 5% (2018-2019), 7.5% (2020-2021), 10% (2022-on).

Option B – Regulate Fiscal and Voter Tax

Annual Revenue

- \$16.7 million – Retail, Processing/Preparation
- \$16.3 million – Indoor Cultivation
- \$4.9 million – Outdoor Cultivation

Total = \$33 million to \$39.5 million.



Option B – Regulate Fiscal and Jobs

Permanent Jobs

- Estimated 8,750 full time jobs.

Construction and Indirect Jobs

- Additional employment for construction activities.

Job Training Programs

- New industries equate to new opportunities for job training.

Environmental Impact Report

Notice of Preparation

- January to February 2017

Draft EIR Circulation – Released July 27, 2017

- 45 days – Comment period ends September 11, 2017.
- Over 425 copies distributed – every library & online.

Option A – Ban - 1 Mitigation Measure.

Option B – Regulate - 83 Mitigation Measures.



Environmental Impact Report

Significant and Unavoidable Impacts after mitigation

Option A – Ban

- Air Quality
- Greenhouse Gas Emissions
- Public Services
- Transportation and Traffic



Environmental Impact Report

Significant and Unavoidable after mitigation

Option B – Regulate

- Aesthetics
- Agriculture and Forest Resources
- Biological Resources
- Cultural and Tribal Resources
- Air Quality
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Public Services
- Transportation and Traffic
- Utilities and Service Systems



Environmental Impact Report

Alternatives Analyzed

A – No Project Alternative

B – Retail Cannabis Stores Only

C – Reduced Project

The analyzed alternatives can be found in Chapter 6 of the Draft Environmental Impact Report. Alternative B – Retail Cannabis Stores Only is considered the environmentally superior alternative in accordance with the California Environmental Quality Act (CEQA).



Next Steps

Close of DEIR
Comment Period
(September 11, 2017)

Planning Commission
Hearing
(September 28, 2017)

Board of Supervisors
Hearing
(October 2017)



Information

- A copy of the Draft Environmental Impact Report is located at all county public libraries for review by the public.
- An electronic copy of the Draft Environmental Impact Report has been placed on the Kern County Planning & Natural Resources Department website and can be downloaded by going to the following link:

<http://pcd.kerndsa.com/cannabis-land-use-ordinance>

