



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

October 31, 2017

Agenda Item #9 November 7, 2017

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Honorable Board of Supervisors
Administration Building
1221 Oak Street
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Dear Board Members:

SUBJECT: RESOLUTION RESCINDING AN INTERIM OPERATIONS PROGRAM FOR MEDICAL CANNABIS DISPENSARIES AND CULTIVATION

RECOMMENDATION:

That the Board of Supervisors:

Adopt the proposed resolution to rescind the previously adopted resolution establishing an Interim Operations Program for Medical Cannabis Cultivation in the unincorporated area of Alameda County (No. 2017-217) and the previously adopted resolution establishing an Interim Operations Program for Medical Cannabis Dispensaries in the unincorporated area of Alameda County (No. 2017-218).

BACKGROUND:

On July 11, 2017, the Board of Supervisors adopted two resolutions establishing Interim Operations Programs for Medical Cannabis Dispensaries and Cultivation to enable the Director of the Community Development Agency to allow temporary medical cannabis activities, subject to specified conditions consistent with the proposed medical cannabis dispensary and cultivation ordinances. Cultivators could demonstrate eligibility for participation in the interim operations program either through possession of a current and valid permit to operate a medical cannabis dispensary in the unincorporated County; or selection for participation in the program pursuant to a competitive selection process conducted by the Director. New dispensary operators could also be selected through a competitive selection process conducted by the Director. All medical cannabis business operators would also be required to obtain a conditional use permit from the Planning Department prior to beginning operations. No permits for temporary medical cannabis activities have been granted since the Interim Operations Programs were put in place.

DISCUSSION/SUMMARY:

The Board of Supervisors held the second readings of the Medical Cannabis Dispensary and Cultivation Ordinances at the September 12, 2017 Board Planning meeting, and the ordinances

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went into effect on October 12, 2017. With the ordinances in place, the Interim Operations Programs for Medical Cannabis Dispensaries and Cultivation are no longer necessary.

CONCLUSION:

Staff recommends that your Board adopt the proposed resolution rescinding the previously adopted resolutions establishing interim operations programs for medical cannabis dispensaries and cultivation. Information about the proposed cannabis dispensary and cultivation ordinances is available on the County website at: <http://www.acgov.org/cda/planning/landuseprojects/medical-cannabis.htm>.

Very truly yours,



Chris Bazar, Director
Community Development Agency

Attachment

- A Resolution to Rescind Resolution Nos. 2017-217 and 2017-218 Regarding Temporary Medical Cannabis Cultivation and Dispensaries Pursuant to an Interim Operations Program

RESOLUTION NO. 2017-_____

A RESOLUTION TO RESCIND RESOLUTION NOS. 2017-217 AND 2017-218
REGARDING TEMPORARY MEDICAL CANNABIS CULTIVATION AND
DISPENSARIES PURSUANT TO AN INTERIM OPERATIONS PROGRAM

WHEREAS, in 2016 and 2017, County staff studied cannabis issues and drafted revisions to the County's ordinances to align with the State of California's recently enacted commercial cannabis law, now titled the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code sections 26000, *et seq.*) ("MAUCRSA"); and

WHEREAS, on September 12, 2017, the Board of Supervisors adopted the proposed ordinance revisions regulating medical cannabis dispensaries and cultivation operations, including adding Chapter 6.106, amending Chapter 6.108, and amending Title 17 of the Alameda County Ordinance Code ("Ordinances"); and

WHEREAS, on July 11, 2017, the Board of Supervisors adopted Resolution Nos. 2017-217 and 2017-218 to temporarily permit the interim operations of dispensaries and cultivation sites prior to the effective date of the Ordinances, subject to certain conditions and permit requirements; and

WHEREAS, the Ordinances became effective on October 12, 2017, rendering Resolution Nos. 2017-217 and 2017-218 obsolete and superfluous; and

NOW, THEREFORE, BE IT RESOLVED THAT

- A. The Board of Supervisors hereby rescinds Resolution No. 2017-217 entitled, "A Resolution Authorizing the Community Development Agency Director to Allow Temporary Medical Cannabis Cultivation Pursuant to an Interim Operations Program."
- B. The Board of Supervisors hereby rescinds Resolution No. 2017-218 entitled, "A Resolution Authorizing the Community Development Agency Director to Allow Temporary Medical Dispensaries Pursuant to an Interim Operations Program."

PASSED AND ADOPTED by the Board of Supervisors of the County of Alameda at a regular meeting of the Board on the ___ day of November, 2017 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Wilma Chan, President of the Board

ATTEST:

Clerk of the Board of Supervisors
of the County of Alameda

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

BY: _____
Heather M. Littlejohn
Deputy County Counsel