



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject An ordinance repealing Section 17.17.090(C) and section 17.18.080(C) of the Calaveras County Code	Board Meeting Date January 28, 2025	Agenda Number 17
Dept: Building Contact: Doug Oliver Preparer: Doug Oliver Phone: (209) 754-6390	Supervisory District Number Countywide	Regular Agenda
Published Notice Required? Yes Public Hearing Required? Yes		Estimated Time: 45 Minutes
Type of Document? Ordinance PowerPoint Presentation Included? No		

RECOMMENDATION:

Conduct a public hearing; adopt an Ordinance repealing Sections 17.17.090(C) and Section 17.18.080(C) of the Calaveras County Code to remove Zoning Code references to the repealed Cannabis Background Clearance Badge program; authorize a summary publication of the ordinance; find ordinance exempt from CEQA.

DISCUSSION/SUMMARY:

On September 12, 2023, the Board of Supervisors heard an informational presentation by the Chief Building Official regarding the cannabis cultivation permit program, regulated primarily by Chapter 17.95 of Calaveras County Code (CCC). Contained in the presentation was a request for direction on the Cannabis Background Clearance Badge (CBCB) program that is primarily contained in Chapter 9.22 of the CCC. During this presentation, the Board of Supervisors gave direction to the Chief Building Official to repeal the CBCB program. Chapter 9.22 was duly repealed on December 10, 2024. However, direction for cannabis cultivation permit applicants to comply with CCC Chapter 9.22 remains in sections 17.17 and 17.18 of the Zoning Code. The language of these sections are as follows:

17.17.090

C. All owners and workers, as these terms are defined in Chapter 9.22 of the county code, shall have and maintain a current, valid cannabis background clearance badge whenever engaging in any commercial cannabis activity on the premises and shall comply with all provisions of Chapter 9.22

17.18.080

C. All owners and workers, as these terms are defined in Chapter 9.22 of the county code, shall have and maintain a current, valid cannabis background clearance badge, as defined in Chapter 9.22, whenever engaging in any commercial cannabis activity on the premises and shall comply with all provisions of Chapter 9.22.

Because Chapter 9.22 of the County Code no longer exists, these ordinance sections are proposed to be repealed.

On February 22, 2024, the Calaveras County Planning Commission considered a Resolution 2024-009 recommending repeal of Section 17.91.090(C) and Section 17.95.080(C) concurrently with the County's repeal of Chapter 9.22 related to cannabis background clearance badges. At

the meeting the Planning Commission voted to approve the resolution 3/0/1 (one absent). A copy of the signed resolution is attached. On July 16, 2024, the Board of Supervisors adopted the updated comprehensive Zoning Code, which resulted in 17.91.090(C) and 17.95.080(C) being renumbered to 17.17.090(C) and 17.18.080(C) respectively. No changes to the text were made; therefore, the Planning Commission's February 22, 2024 resolution remains valid.

GENERAL PLAN CONSISTENCY

There are no policies in the General Plan that specifically address cannabis cultivation, and there is nothing in the General Plan that would support retaining references in the Zoning Code to county programs that no longer exist. Also, the County encourages economic development as expressed in Goal LU-5 (A strong and diversified economic base through the creation, retention, expansion and attraction of business, agriculture, and industry). The proposed amendment would assist in retaining previously approved cultivators who conformed with the regulatory program from 2016 to 2018. Policies LU 5.4 and LU 5.6 encourage attraction of compatible businesses and provide for a business-friendly environment with clear permitting regulations. This amendment is intended to clear up inconsistencies in the adopted ordinance and enhance the ability to conduct business. The ordinance would not increase the potential number of cultivators and the use is still restricted to the zones authorized in the regulatory ordinance adopted in October, 2019.

ENVIRONMENTAL REVIEW:

This zoning amendment is not a project under the California Environmental Quality Act (CEQA), as it merely removes citations in the Zoning Code to a background check program for cannabis workers that no longer exists; it bears no relation to the environment. Alternatively, the project is exempt under CEQA Guideline 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the physical environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ALTERNATIVES:

The Board may direct staff not to adopt this ordinance. Conflicting language in Title 17 of Code will remain in place even though the program under County Code 9.22 has already been repealed.

APPROVED BY:

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
January 28, 2025

Ordinance
No. (ID # 8228)

**AN ORDINANCE REPEALING SECTIONS 17.17.090(C)
AND 17.18.080(C) OF COUNTY ORDINANCE CODE,
WHICH CITE TO A DEFUNCT PROGRAM INVOLVING
CANNABIS BACKGROUND CHECK CLEARANCE BADGES**

The Board of Supervisors of the County of Calaveras hereby ordains as follows:

SECTION 1. Section 17.17.090(C) is hereby repealed.

SECTION 2. Section 17.18.080(C) is hereby repealed.

SECTION 3. The Board of Supervisors hereby finds that this Ordinance is not a project and therefore not subject to review under the California Environmental Quality Act (CEQA), or it is exempt from CEQA pursuant to Public Resources Code §15061(b)(3).

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more section, subsection, clause or phrase be declared unconditional or invalid.

SECTION 5. EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be in full force and effect thirty (30) days from the date of its passage. The text of this Ordinance, or a summary thereof, including the names of the Board of Supervisors voting for and against the ordinance shall be published within fifteen (15) days after the date hereof in a newspaper of general circulation printed and published in the County of Calaveras, State of California.

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2024- 009

A RESOLUTION RECOMMENDING REPEAL OF SECTION 17.91.090(C), AND SECTION 17.95.080(C) OF THE CALAVERAS COUNTY ZONING CODE CONCURRENTLY WITH THE COUNTY'S REPEAL OF SECTION 9.22 RELATED TO CANNABIS BACKGROUND CLEARANCE BADGES

WHEREAS, on September 12, 2023, the Calaveras County Board of Supervisors directed the Division of Cannabis Control to eliminate the Cannabis Background Clearance Badge requirements contained Chapter 9.22 of the Calaveras County Code (a non-zoning ordinance); and

WHEREAS, Chapter 17.91 (Cannabis Retailers) and Chapter 17.95 (Regulation of Commercial and Non-Commercial Cannabis Cultivation and Commerce) currently require compliance with these requirements and are included in the County's Title 17 Zoning Code; and

WHEREAS, the Planning Commission considered all of the information presented to it, including its Staff Report and public testimony presented in writing and at the meeting.

BE IT THEREFORE RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt an Ordinance repealing Section 17.91.090(C), and Section 17.95.080(C), based on the following findings:

1. The proposed ordinance complies with the requirements of CEQA.

Evidence:

The changes proposed here relate only to background checks and could not give rise to any potentially significant change in the environment. Amending the zoning code to rescind its requirements to comply with a local background check program under a separate chapter of County Code that will no longer exist does not change the project description in the 2017 "Medical Cannabis Cultivation and Commerce Ordinance Project" program EIR prepared to adopt Chapter 17.95 or the 2020 mitigated negative declaration prepared to adopt Chapter 17.91, nor will this change give rise to any new environmental effects that were not identified by the EIR or MND, worsen any of the impacts identified in the EIR or MND, and does not constitute new information that would impact the relevance or usability of the EIR or MND. The proposed amendments to 17.95 and 17.91 are therefore "later activities within the scope" per 15168(e) and 15162 and no addendum or subsequent CEQA document is required.

Alternatively, the proposed changes to Chapter 17.95 and 17.91 are not a project under CEQA because it is unrelated to any physical impact on the environment and/or it is

exempt from CEQA under 15061(b)(3), the “commonsense” exemption, because it can be seen with certainty that this change could not have any potentially significant effects on the environment.

2. The proposed ordinance is internally consistent with other applicable provisions of Title 17.

Evidence: The ordinance amendment has been prepared to ensure that internal consistency of the Zoning Ordinance and the provisions of state law are maintained, including Chapters 17.91 and 17.95 of the County Code, MAUCRSA, Title 3 and Title 16 of the California Code of Regulations. The local background check program was required by Chapter 9.22, which is not part of the Zoning Code, so removing the Zoning Code’s requirement for commercial cannabis operators to comply with it enhances the consistency of the Zoning Code with the rest of County Code and does not affect any other provisions of County Code.

3. The proposed ordinance amendment is consistent with the General Plan.

Evidence: The proposed ordinance amendment is intended to streamline county cannabis permit regulations by eliminating the local background check requirement for testing, distribution, and retail permits, which is, for owners as defined by State law, duplicative of the background checks already required to obtain permits through the California Division of Cannabis Control. The General Plan encourages economic development as expressed in Goal LU-5 (A strong and diversified economic base through the creation, retention, expansion and attraction of business, agriculture, and industry). The proposed amendment would increase efficiencies in the testing, distributing, and retailing application process by eliminating duplicative background check processes for owners as defined by State law, removing the county requirement for workers on these sites, and relying instead on existing requirements in state and local law for such owners to ensure that there are no adverse or illegal conditions on their sites. This will in turn reduce the cost to start and maintain a cannabis permit. Policies LU 5.4 and LU 5.6 encourage attraction of compatible businesses and provide for a business-friendly environment with clear permitting regulations. This amendment is intended to assist cultivators in the hiring and retention of employees by eliminating background checks that are currently not required for the maintenance of a cultivation permit issued by the State Division of Cannabis Control.


PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on February 22, 2024, on a motion by Commissioner Laddish and seconded by Commissioner Parker.

AYES: Plotnik, Laddish, Parker

NOES:


ABSTAIN:

ABSENT: Lozano



Chair, Planning Commission

ATTEST:



Gabriel Elliott
Planning Director

Attachment: Signed Amended PC Reso 2024-009 (8228 : An ordinance repealing Section 17.17.090(C) and section 17.18.080(C) of the