



Agenda Item

DATE: October 26, 2010

TO: Board of Supervisors

FROM: Alan Weaver, Director *Alan Weaver*
Department of Public Works and Planning

SUBJECT: Regulation of Outdoor Medical Marijuana Cultivation

RECOMMENDED ACTION:

Consider and take action on the proposed extension of Interim Urgency Ordinance No. 10-019 pursuant to Government Code Section 65858 establishing a prohibition on the outdoor cultivation of medical marijuana in all zone districts in the unincorporated areas of Fresno County pending the development of standards and regulations relating to cultivation (4/5 vote).

The recommended action is a follow-up to your Board's September 14, 2010 adoption of Interim Urgency Ordinance No. 10-019 prohibiting the outdoor cultivation of medical marijuana in all zone districts the unincorporated areas of Fresno County pending the development of standards and regulations relating to cultivation. The recommended action will extend the Ordinance to September 14, 2011.

ALTERNATIVE ACTION:

Determine that the specific Findings cannot be made pursuant to Government Code Section 65858 and take no action on the proposed Agenda Item.

FISCAL IMPACT:

There is no net County cost associated with the recommendation action.

ADMINISTRATIVE OFFICE REVIEW _____

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BOARD ACTION: DATE _____

APPROVED AS RECOMMENDED _____

OTHER _____

UNANIMOUS _____ ANDERSON _____ CASE _____ LARSON _____ PEREA _____ POOCHIGIAN _____

IMPACTS ON JOB CREATION:

Approval of the recommended action would not affect the efforts to create jobs in Fresno County.

DISCUSSION:

On September 14, 2010, your Board considered and adopted an Interim Urgency Ordinance pursuant to making the Findings required under Government Code Section 65858, prohibiting the outdoor cultivation of medical marijuana dispensaries in all zone districts the unincorporated areas of Fresno County pending completion of the development of standards intended to regulate such activities. The originally adopted Interim Urgency Ordinance will expire on October 28, 2010, unless extended.

Your Board must make two Findings in order to extend the Interim Urgency Ordinance, as was the case with the initial action:

1. That there is a current and immediate threat to the public health, or welfare; and
2. That the approval of additional entitlements for the land use would result in that threat to public health, safety, or welfare.

If extended, the Interim Urgency Ordinance would be in effect for an additional 10 months and 15 days. It is anticipated that the additional extension will be needed in order to allow adequate time to process and prepare and complete processing of the Amendment to Text Application, which was initiated by your Board originally on July 13, 2010.

REFERENCE MATERIAL

BAI #13, July 13, 2010

BAI #9, August 24, 2010

BAI #6, September 14, 2010

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