

10-DAY REPORT ON THE CITY OF BUELLTON'S MORATORIUM ON PRIVATE MARIJUANA CULTIVATION AND NON-MEDICAL MARIJUANA FACILITIES

BACKGROUND

On January 12, 2017, pursuant to Government Code section 65858, the City Council of the City of Buellton enacted Ordinance No. 17-01 as an urgency measure imposing a 45-day moratorium on private marijuana cultivation and non-medical marijuana facilities. The Ordinance prohibits non-medical marijuana facilities citywide, prohibits any person or entity from cultivating marijuana at any location in the City (with a limited exception for personal indoor cultivation of six marijuana plants or less), and prohibits non-medical marijuana facilities from delivering to any person in the City. Government Code section 65858 allows an initial 45-day moratorium to be extended for up to 10 months and 15 days after a noticed public hearing is held. A second extension for up to an additional 12 months is also allowed. As required by Government Code section 65858(d), the City must produce a report 10 days prior to extending a moratorium that describes the measures taken since the adoption of the urgency ordinance.

UPDATE ON THE MEASURES TAKEN TO ALLEVIATE THE CONDITIONS THAT LED TO THE ADOPTION OF THE URGENCY ORDINANCE

1. The City is currently considering its options for regulating private marijuana cultivation and non-medical marijuana facilities and businesses. With regard to private marijuana cultivation, the City must evaluate the extent to which it wants to regulate private indoor cultivation of six marijuana plants or less and the extent to which it wants to allow and regulate other forms of private cultivation. With regard to non-medical marijuana businesses, the City must analyze a range of regulatory options and their potential impacts on the community and the enforceability of non-medical marijuana regulations.
2. The City is analyzing the potential negative impacts that could stem from private cultivation and/or non-medical marijuana businesses, including but not limited to property crimes, loitering, drugged driving, business displacement, nuisance conditions, and fire hazards. This analysis includes an evaluation of issues that other cities have faced or are facing with regard to marijuana land uses and how the City could avoid or minimize negative secondary effects that may occur if the City were to allow non-medical marijuana facilities.
3. The adoption of a comprehensive marijuana ordinance that addresses both private cultivation and commercial recreational marijuana businesses will take time and careful consideration and will require input from various community stakeholders and the general public. There has been insufficient time since the adoption of Ordinance No. 17-01 to complete this process. The City, therefore, needs additional time, as allowed under Government Code section 65858, to fully address the conditions that led to the adoption of Ordinance No. 17-01.