



Board Report

File #: 20-650, **Version:** 2

Approve a request to change the use of the Cannabis Program allocation for unlicensed enforcement overtime and fixed wing and helicopter surveillance to allow the Cannabis Program Manager to use discretion for these funds for general unlicensed enforcement needs, and to expedite the processing of cannabis land use permits and construction permits by an outside consultant.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a) Approve request to change the use of the Cannabis Program allocation for unlicensed enforcement overtime and fixed wing and helicopter surveillance to allow the Cannabis Program Manager to use discretion for these funds for general unlicensed enforcement needs, and to expedite the processing of cannabis land use permits and construction permits by an outside consultant; and
- b) Provide direction to staff as appropriate.

SUMMARY:

On October 22, 2019, the Board of Supervisors adopted a resolution authorizing the Auditor Controller to amend the FY 2019-20 adopted budget by increasing appropriations in the amount of \$236,400 for CAO Budget Unit 001-1050-8054-CAO004 for use as enforcement overtime and fixed wing and helicopter surveillance. This allocation was included in the FY 2020-21 adopted budget. As needs of the Cannabis Program (Program) change, staff is requesting the use of the funds to be for general use for unlicensed enforcement and to expedite the processing of cannabis land use permits and construction permits by an outside consultant. Staff requests the Cannabis Program Manager be provided discretion on the use of this allocation and report its use through the Cannabis Program Memorandum presented to the Board of Supervisors Cannabis Committee meeting each month. On August 5, 2020 the Board of Supervisors Cannabis Committee approved the recommendation.

In order to address cumulative impacts of cannabis cultivation, staff determined that CEQA required an Initial Study/Mitigated Negative Declaration (IS/MND) as part of these entitlements prior to them moving forward. At that point, approximately 70 cannabis land use permits were put on hold for CEQA analysis to be completed. In an effort to streamline the process, and accurately capture the cumulative impacts, the industry developed a draft programmatic IS/MND which analyzed a majority of these projects. Staff is reviewing and processing this for Board consideration in late September or early October of this year. Once adopted, most of the 70 projects currently on hold can then move forward with their application for land use permits since they will be able to rely on the adopted IS/MND.

Although most will be Administrative Permits (approved by Chief of Planning), these roughly 70 applications still represent the potential for a large amount of work on planning and building services to process all at the same time. Since there is currently a backlog to process planning and building permits, RMA proposes use of consultants to help with application review, consistency determinations, staff reports, resolutions, conditions of approval, plan checks, and building inspections. The overall process would still be overseen by RMA Planning and Building, but much of the work could be outsourced to avoid delays.

RMA estimates outside consultant costs for the processing of cannabis land use permits to be up to \$250,000.

Staff anticipates the Program will return to this Committee with a request for an augmentation to this allocation in this fiscal year.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel was involved in the drafting/review of this report and provided related information. Resource Management Agency provided input regarding impacts related to processing Planning and Building permits. The Monterey County Sheriff's Office was informed of this proposed change of use, as this allocation was originally designated for their usage alone and agrees.

FINANCING:

The approval of the recommended actions will not have any impact on the 001-1050-8533-CA0004-6821-CANNABIS at this time, however the Program anticipates requesting an augmentation to this allocation in this fiscal year to accommodate the cost of an outside consultant for processing cannabis land use permits in addition to unlicensed enforcement costs.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Monterey County Cannabis Program addresses each of the Strategic Initiative Policy Areas that promote the growth of a responsible and legal Monterey County cannabis industry.

Mark a check to the related Board of Supervisors Strategic Initiatives

- X Economic Development
- X Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

Prepared by: Joann Iwamoto, Program Manager II, x3017

Approved by: Nicholas E. Chiulos, Assistant CAO, x5145