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TO: Board of Supervisors

**FROM: Matthew Kiedrowski, Deputy County Counsel
Brina Blanton, Deputy County Counsel**

DATE: February 14, 2017

SUBJECT: Discussion and Possible Direction to Staff on Development and Adoption of an Ordinance Establishing a Chapter 9.30 Regulating the Cultivation of Recreational Cannabis Pursuant to Proposition 64 and Possible Corresponding Changes to County Code Chapter 9.31

Honorable Board Members,

Cultivation of medical marijuana in the County is currently governed by Chapter 9.31, which was most recently amended in 2016. While the County is currently in the process of reviewing new medical cannabis cultivation regulations, these regulations do not cover recreational cannabis cultivation pursuant to Proposition 64.

The passage of Proposition 64 allows the cultivation of cannabis for recreational or adult use, although it allows cities and counties to enact and enforce reasonable regulations to regulate such cultivation. The County's current ordinance and its setback and other limitations do not apply to the cultivation of cannabis for adult use, even under Proposition 64's personal cultivation allowance of 6 plants.

Staff seeks direction from the Board of Supervisors regarding whether to bring forward an ordinance creating Chapter 9.30 that would regulate the cultivation of cannabis pursuant to Proposition 64, and what limitations should apply to such cultivation.

Please note that this ordinance would not serve as the County's final regulation regarding permitted, commercial cannabis cultivation pursuant to Proposition 64. The purpose of bringing forward an ordinance at this time is to apply, to the extent desired, limitations that have always existed for medical cannabis under Chapter 9.31 to cultivation of cannabis pursuant to Proposition 64.

Proposition 64 does state that cities and counties may not completely prohibit the possession, planting, cultivation, harvesting, drying or processing of not more than 6

living marijuana plants either (a) inside a private residence or (b) inside an accessory structure to a private residence located on the grounds of a private residence that is fully enclosed and secure.

Ordinance No. 4356 is included with this agenda packet for the purpose of assisting the Board in reviewing the County's current requirements and how they may be applied to cannabis cultivation pursuant to Proposition 64.

Staff also seeks direction on how cultivation of cannabis pursuant to Proposition 64 could or should interact with cultivation of medical cannabis. For the time being, the County's Chapter 9.31 allows 25 medical cannabis plants per legal parcel. The County could permit a legal parcel to have both 25 medical cannabis plants and 6 recreational plants. Among other alternatives, the County could seek to limit a legal parcel to no more than 25 plants, of which 6 could be for recreational use. The Board of Supervisors could also consider other alternatives to these limitations.