File #: 17-0243, **Version:** 1

To: Board of Supervisors

From: County Counsel

Meeting Date: April 17, 2017

Department Contact: Matthew Kiedrowski   **Phone:** 234-6885
Department Contact: Brina Blanton   **Phone:** 234-6885

Item Type: Regular Agenda   **Time Allocated for Item**: 2 hours

Agenda Title:
Discussion and Possible Action Including Introduction and Waive Reading of an Ordinance Adding Chapter 9.30 to the Mendocino County Code Regulating the Cultivation of Recreational Marijuana Pursuant to Proposition 64 and Amending Chapter 9.31 Regarding Medical Marijuana Cultivation (Sponsor: County Counsel)

Recommended Action/Motion:
Introduce and waive reading of an Ordinance adding Chapter 9.30 to the Mendocino County Code regulating the cultivation of recreational marijuana pursuant to Proposition 64 and amending Chapter 9.31 regarding medical marijuana cultivation.

Previous Board/Board Committee Actions:
In 2016, the Board adopted Ordinance No. 4356, making certain changes to the County's medical marijuana cultivation ordinance. On February 14, 2017, staff presented the idea of an ordinance regulating marijuana pursuant to Proposition 64 and corresponding changes to 9.31, and received initial direction from the Board. On March 28, 2017, staff returned to the Board seeking additional direction.

Summary of Request:
Pursuant to previous direction of the Board, staff has prepared an ordinance creating a new Chapter 9.30 of the County Code and amending Chapter 9.31. Chapter 9.30 will establish regulations related to the cultivation of adult use marijuana pursuant to Proposition 64. Corresponding and various other changes will be made to the provisions of Chapter 9.31.

Until this year, the County's regulations on the cultivation of medical marijuana have been located in Chapter 9.31, originally adopted in 2008. Chapter 9.31 contained regulations on how and where medical marijuana may be cultivated, with a general limit of 25 marijuana plants allowed per parcel, and in various years has included a permit program operated by the Sheriff's Office that allowed a larger number of plants.

On April 4, 2017, the County adopted an ordinance adding Chapters 10A.17 and 20.242 to the County Code. These chapters adopted additional regulations on cultivating medical marijuana, some of which were based on regulations in Chapter 9.31, and also created a permit program for the cultivation of medical marijuana.

In 2016, California voters approved Proposition 64 related to legalizing the adult use of marijuana. Proposition 64 contains provisions allowing the personal cultivation of up to 6 marijuana plants and allows local governments to adopt reasonable restrictions on such cultivation. Chapter 9.30 is proposed to place regulations on the personal cultivation of adult use marijuana pursuant to Proposition 64. Chapter 9.30 would not allow any other cultivation than the personal cultivation of 6 plants.

In response to Board direction, staff has also prepared amendments to Chapter 9.31. The initial purpose of amending Chapter 9.31 was to clarify that a person could cultivate a maximum of 25 marijuana plants, of which six (6) could be designated as adult use marijuana under Proposition 64. Staff has further discussed with the Board that Chapter 9.31 could continue to serve as the County's medical marijuana cultivation regulation for portions of the County not being regulated by Chapters 10A.17 and 20.242. As such, amendments to Chapter 9.31 are proposed that would make the cultivation regulations consistent, the extent possible, with Chapters 10A.17 and 9.30.

Alternative Action/Motion:
Decline to adopt ordinance; provide additional direction to staff.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A **Budgeted in Current F/Y:** No
Current F/Y Cost: N/A **Annual Recurring Cost:** N/A

Supervisorial District: All **Vote Requirement:** Majority

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Alan D. Flora, Assistant CEO
CEO Review: Yes
Comments: