

**RESOLUTION NO. 2017-040**

**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION  
RECOMMENDING THAT THE SHASTA COUNTY BOARD OF SUPERVISORS  
ADOPT ZONE AMENDMENT 17-005 (COMMERCIAL CANNABIS ACTIVITY)**

WHEREAS, the County of Shasta (County) has adopted a Zoning Plan identified as Title 17 (Zoning) of the Shasta County Code (SCC); and,

WHEREAS, on December 13, 2011, the Board of Supervisors adopted Ordinance SCC 2011-04, an amendment to the Zoning Plan, to prohibit in the unincorporated area of the County the operation of Medical Marijuana Dispensaries, as that term is defined in Ordinance SCC 2011-04; and

WHEREAS, on January 28, 2014, the Board of Supervisors adopted Ordinance SCC 2014-02, an amendment to the Zoning Plan, to regulate the cultivation of marijuana in the unincorporated area of the County, allowing such cultivation of up to twelve plants only within a detached structure accessory to a residence and subject to certain requirements; and

WHEREAS, on February 28, 2016, the Board of Supervisors adopted Ordinance SCC 2016-01, to require a zoning permit for the cultivation of marijuana in detached structures accessory to residences, and to explicitly prohibit the delivery of medical marijuana by dispensaries in the unincorporated area of the County; and

WHEREAS, On January 1, 2016, the "Medical Marijuana Regulation & Safety Act" (MMRSA) became effective, to establish a state regulatory structure concerning, among other things, the issuance of state licenses for commercial cannabis activity, as defined in Business & Professions Code section 19300.5, for medical purposes. On June 27, 2016, the "Medical Marijuana Regulation & Safety Act" was renamed as the "Medical Cannabis Regulation & Safety Act. (MCRSA); and

WHEREAS, on November 8, 2016, the California electorate approved Proposition 64, known as the "Adult Use of Marijuana Act" or "AUMA"; and

WHEREAS, the intent and purpose of AUMA is to establish a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana; and

WHEREAS, the AUMA, as amended by the MAUCRSA, at Business & Professions Code § 26200(a), provides that its provisions relating to the state licensing of commercial cannabis activity shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under the AUMA, as amended by the MAUCRSA, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under the AUMA, as amended by the MAUCRSA, within the local jurisdiction; and

WHEREAS, The AUMA, as amended by the MAUCRSA, at Business & Professions Code § 26200(f), provides that its provisions relating to the state licensing of commercial cannabis activity shall not be deemed to limit the authorities or remedies of a county under any provision of law, including, but not limited to, section 7 of Article XI of the California Constitution.

WHEREAS, on January 24, 2017, the Board of Supervisors adopted Resolution No. 2017-010 with the intent to consider amendments the Shasta County Zoning Plan to address the AUMA including, but not limited to the prohibition of commercial marijuana activity; and

WHEREAS, amendments to the Shasta County Zoning Plan to regulate the cultivation of marijuana and to regulate commercial marijuana activity in the unincorporated area of the County should be considered, in furtherance of the public necessity, convenience, and general welfare; and

WHEREAS, such proposed regulations include, but are not limited to, prohibiting commercial marijuana activities which include cultivation, processing, dispensary uses and delivery; and

WHEREAS, the State has established the Bureau of Cannabis Control as the lead agency in developing regulation for medical and adult-use marijuana, which is now referenced by the State and the industry as "cannabis"; and

WHEREAS, beginning on January 1, 2018, the AUMA, as amended by the MAUCRSA, authorizes the issuance of licenses by the State to sell and distribute cannabis through a related business unless the commercial activities are expressly prohibited by the local jurisdiction.

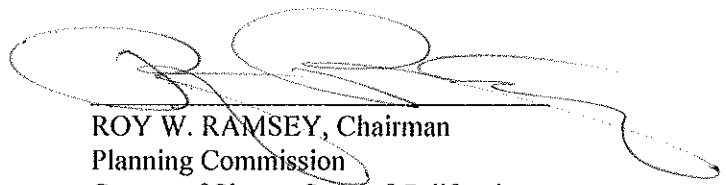
NOW THEREFORE BE IT RESOLVED that the Shasta County Planning Commission makes the following findings:

1. Adoption of the Ordinance is a necessary and appropriate measure to specifically address the AUMA, as amended by MAUCRSA, before January 1, 2018.
2. Adoption of the ordinance will not be subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment), 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including, but not limited to, by direct referral to the County Counsel as appropriate for judicial enforcement), and 15303 (new construction or conversion of small structures, e.g., a residential accessory building). There are no unusual circumstances under CEQA Guideline 15300.2(c). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.


BE IT FURTHER RESOLVED that the Planning Commission recommends that the Shasta County Board of Supervisors adopt the proposed amendments to Title 17 of the Shasta County Code.

DULY PASSED this 19<sup>th</sup> day of October, 2017, by the following vote:

AYES: RAMSEY, MACLEAN, CHAPIN, KERNS, WALLNER  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

  
ROY W. RAMSEY, Chairman  
Planning Commission  
County of Shasta, State of California

ATTEST:

  
RICHARD W. SIMON, Secretary  
Planning Commission  
County of Shasta, State of California