

**RESOLUTION NO. 2017-\_\_\_\_\_**

**RESOLUTION OF INTENT OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SHASTA TO CONSIDER AMENDMENTS TO THE SHASTA  
COUNTY ZONING PLAN REGULATING PERSONAL MARIJUANA  
CULTIVATION AND COMMERCIAL MARIJUANA ACTIVITY**

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

**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.

**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.

**WHEREAS**, on February 2, 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.

**WHEREAS**, on November 8, 2016, the California electorate approved Proposition 64, known as the “Adult Use of Marijuana Act” or “AUMA.”

**WHEREAS**, the AUMA’s purpose and intent 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.

**WHEREAS**, under the AUMA, a county may enact and enforce reasonable regulations to reasonably regulate personal cultivation as described in Health & Safety Code § 11362.1(a)(3). *See* Health & Safety Code § 11362.2(b)(1).

**WHEREAS**, under the AUMA, no county may completely prohibit persons engaging in personal cultivation, as described in Health & Safety Code § 11362.1(a)(3), inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure. *See* Health & Safety Code § 11362.2(b)(2).

**WHEREAS**, under the AUMA, a county may completely prohibit persons from engaging in personal cultivation, as described in Health & Safety Code § 11362.1(a)(3), outdoors upon the grounds of a private residence until such time as the California Attorney General determines that nonmedical use of marijuana is lawful in the State of California under federal law. *See* Health & Safety Code § 11362.2(b)(3) & (4).

**WHEREAS**, nothing in the AUMA relating to the state licensing of commercial marijuana activity shall 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 including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under the AUMA within the local jurisdiction. *See* Business & Professions Code § 26200(a).

**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, (1) continuing to prohibit outdoor cultivation of marijuana for medical and nonmedical purposes, (2) requiring a permit for cultivation of marijuana for medical and nonmedical purposes within a private residence as well as within an accessory structure, (3) distinguishing a six plant limit for cultivation for nonmedical purposes from the twelve plant limit for cultivation for medical purposes, and (4) prohibiting commercial marijuana activity.

**NOW THEREFORE, BE IT RESOLVED**, that the Shasta County Board of Supervisors, pursuant to section 17.92.080(B) of the Shasta County Code, hereby intends to consider 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, in furtherance of the public necessity, convenience, and general welfare.

**BE IT FURTHER RESOLVED**, that such proposed regulations include, but are not limited to, (1) continuing to prohibit outdoor cultivation of marijuana for medical and nonmedical purposes, (2) requiring a permit for cultivation of marijuana for medical and nonmedical purposes within a private residence as well as within an accessory structure, (3) distinguishing a six plant limit for cultivation for nonmedical purposes from the twelve plant limit for medical purposes, and (4) prohibiting commercial marijuana activity.

**BE IT FURTHER RESOLVED**, that the Shasta County Department of Resource Management is directed to study the matter, propose amendments to the

Shasta County Zoning Plan, and submit any proposed amendments to the Shasta County Planning Commission, in accordance with section 17.92.080 of the Shasta County Code, for the Planning Commission's consideration and recommended action.

**BE IT FURTHER RESOLVED**, that nothing in this resolution shall be construed to authorize any activity that is prohibited under the federal Controlled Substances Act or any other federal, state, or local, law, statute, rule, or regulation.

**DULY PASSED AND ADOPTED** this \_\_\_ day of January 2017, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
DAVID KEHOE, CHAIRMAN  
Board of Supervisors, County of Shasta  
State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy