

OFFICE OF THE COUNTY COUNSEL
COUNTY OF NEVADA

ALISON A. BARRATT-GREEN, COUNTY COUNSEL
AMANDA S. UHRHAMMER, ASSISTANT COUNTY COUNSEL
JAMIE L. HOGENSON, DEPUTY COUNTY COUNSEL
KATHRYN E. JACOBS, DEPUTY COUNTY COUNSEL
SCOTT A. MCLERAN, DEPUTY COUNTY COUNSEL
RHETTA K. VANDER PLOEG, DEPUTY COUNTY COUNSEL



ERIC ROOD ADMINISTRATIVE CENTER
950 MAIDU AVENUE, SUITE 240
NEVADA CITY, CA 95959
TELEPHONE (530) 265-1319
FACSIMILE (530) 265-9840
county.counsel@co.nevada.ca.us

December 14, 2016

Honorable Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

DATE OF MEETING: January 10, 2017

SUBJECT: Ordinance Adding Subsections G-IV 5.2.X, G-IV 5.3.CC, G-IV 5.3.DD, G-IV 5.4.M and G-IV 5.4.N to Article 5 of Chapter IV of the Nevada County General Code Regarding Indoor Personal Marijuana Cultivation.

RECOMMENDATION: Adopt proposed Ordinance

FUNDING: Not applicable.

BACKGROUND:

This limited amendment to the County's existing marijuana regulations was introduced on December 13, 2016 as a good faith effort to ensure the current ordinance is aligned with the legal requirements of Proposition 64. Proposition 64, which legalized recreational adult use of marijuana, prohibits a local agency from entirely banning indoor cultivation of up to 6 marijuana plants inside a private residence or accessory structure to a private residence.

The proposed amendment to the current ordinance would permit the personal cultivation of no more than 6 plants inside a Private Residence or Accessory Structure to a Private Residence by adults 21-years old or older. The amendment also provides exceptions to the setback requirements if application of the current setbacks would prevent cultivation Indoors of 6 plants or less.

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On December 13, 2016, this amendment was introduced to the Board with the clarification that the 6 plant indoor grows allowed under this amendment is not in addition to the plant count maximums already stated in the existing ordinance. It is recommended that the Board of Supervisors adopt the ordinance as introduced.

Initiated and approved by:

ALISON A. BARRATT-GREEN
County Counsel

Honorable Board of Supervisors
Eric Reed, Administrative Officer
150 Main Avenue
Hayward, CA 94543

DATE OF MEETING: January 10, 2017

SUBJECT: Ordinance Adding Subsection 2-4.1 to Article 2 of Chapter IV to the Nevada County General Code Regarding Indoor Personal Marijuana Cultivation

RECOMMENDATION: Staff proposed Ordinance

FUNDING: Not applicable

BACKGROUND:

This Ordinance amends the County's existing marijuana regulation, which was introduced in Ordinance 2016-01 as a general law. The Ordinance is designed to align with the legal requirements of Proposition 64, which allows for the production and sale of marijuana products. Local health and safety concerns are addressed by limiting the number of indoor grows to six per property. The Ordinance also includes a provision for the removal of existing grows that do not comply with the new regulations.

The Ordinance is consistent with the intent of Proposition 64, which allows for the production and sale of marijuana products. The Ordinance also includes a provision for the removal of existing grows that do not comply with the new regulations. The Ordinance is designed to align with the legal requirements of Proposition 64, which allows for the production and sale of marijuana products.



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE ADDING SUBSECTIONS G-IV 5.2.X, G-IV 5.3.CC, G-IV 5.3.DD, G-IV 5.4.M AND G-IV 5.4.N TO ARTICLE 5 OF CHAPTER IV OF THE NEVADA COUNTY GENERAL CODE REGARDING INDOOR PERSONAL MARIJUANA CULTIVATION

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Subsections G-IV 5.2.X, G-IV 5.3.CC, G-IV 5.3.DD, G-IV 5.4.M and G-IV 5.4.N are hereby added to Article 5 of Chapter IV of the Nevada County General Code to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION II:

The County finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to 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) as this is an administrative action to address recent changes in state law. In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15301 (permitting, leasing and minor alterations to existing facilities), 15303 (construction and location of new, small structures), 15304 (minor alterations to land), 15307 (actions taken as authorized by local ordinance to assure protection of natural resources), and 15308 (actions taken as authorized by local ordinance to assure protection of the environment).

SECTION III:

If any provision of the amended Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall take effect and be in force thirty (30) days after the adoption hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the