

**STAFF REPORT TO AMADOR COUNTY PLANNING COMMISSION  
FOR MEETING OF TUESDAY, DECEMBER 11, 2018**

**ITEM NO. 1 - REVIEW AND CONSIDERATION OF A PROPOSED ORDINANCE  
REPEALING CHAPTERS 19.84 AND 19.86 OF THE AMADOR COUNTY CODE  
RELATING TO MEDICAL MARIJUANA DISPENSARIES AND MEDICAL  
MARIJUANA CULTIVATION AND ADDING NEW CHAPTER 19.84 PERTAINING TO  
RESTRICTIONS ON CANNABIS AND RELATED ACTIVITIES.**

**BACKGROUND:** Currently, Amador County prohibits Medical Marijuana Dispensaries (County Code Chapter 19.84 Medical Marijuana Dispensaries Prohibited) and the cultivation of medical marijuana except under and within specific conditions and criteria (County Code Chapter 19.86 Medical Marijuana Cultivation) wherein a limited amount of medical marijuana (12 plants within a 100 square-foot canopy) may be cultivated if all of the conditions set forth in 19.86.050 can be met. These conditions relate generally to location, visibility, landowner permission, light and glare and odors.

2015 legislation in the form of Assembly Bill 266, Senate Bill 643, and Assembly Bill 243 created new regulatory and licensing schemes for regulating medical marijuana at both the state and local levels. In response, the County approved an Urgency Ordinance in 2016 establishing regulations which prohibited the commercial cultivation, distribution and sale of medical marijuana, while maintaining the 12-plant allowance for personal medical marijuana cultivation.

Proposition 64, the “Adult Use of Marijuana Act,” was approved by California voters on November 8, 2016 and legalized adult recreational use of marijuana. Citing an immediate need to prevent unregulated cultivation of nonmedical marijuana, the Board of Supervisors adopted an Interim Ordinance prohibiting commercial nonmedical marijuana activities and outdoor cultivation of nonmedical marijuana on February 28, 2017. The Interim Ordinance has been extended by the Board of Supervisors and expires February 13, 2019.

On June 27, 2017, the State of California adopted the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) which merged the regulations for medical and recreational marijuana into a single framework. The purpose of the proposed ordinance is to provide local regulations for both medical and recreational cannabis cultivation.

Specifically, the proposed replacement of Chapter 19.84 clarifies that:

- *Indoor cultivation of adult-use cannabis* by a person 21 years of age or older is limited to no more than six (6) living cannabis plants;
- *Indoor or outdoor cultivation of medicinal cannabis* by a qualified patient or caregiver is limited to no more than twelve (12) mature or immature plants per parcel;
- *All commercial or industrial cannabis activity* including but not limited to manufacture, distribution, processing, storing, packaging, labeling, laboratory testing, transportation, deliveries, and sales are prohibited in all zoning districts in unincorporated Amador County;

The ordinance replacement also:

- Eliminates the 100-square-foot canopy limitation for cannabis cultivation (based on the 100-square-foot limit no longer being applied in State regulations, and the fact that a plant count is easier than measuring area when required for code enforcement);
- Includes additional conditions for cultivation of cannabis related to occupancy of the parcel on which the cultivation is taking place, water source requirements, and prohibition of any illicit discharges of water or chemicals from the property; and
- Specifies which County officials may enforce the regulations and what enforcement procedures, mechanisms and penalties are available.

**PLANNING COMMISSION ACTION:** The Planning Commission, after taking public comment on the proposed draft ordinance, may make any recommendations felt necessary. Those recommendations will be forwarded to the Board of Supervisors for their consideration at a future public hearing.

**RECOMMENDED FINDING:** The adoption of these ordinances is not a project under CEQA pursuant to sections 15060(c)(3) and 15378 of the CEQA Guidelines, and is otherwise exempt from CEQA pursuant to sections 15061(b)(3) and 15308 of the CEQA Guidelines. Categorical Exemptions should be adopted and filed with the County Recorder.