

RESOLUTION NUMBER 2011-037

**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
RECOMMENDING THAT THE SHASTA COUNTY BOARD OF SUPERVISORS
APPROVE AMENDMENTS TO THE ZONING PLAN IDENTIFIED AS ZONE
AMENDMENT 09-010 – MEDICAL MARIJUANA DISPENSARIES**

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 which was codified as California Health and Safety Code Section 11362.5, and entitled "The Compassionate Use Act of 1996" ("the Compassionate Use Act"); and

WHEREAS, the intent of the Compassionate Use Act was to enable persons who are in need of marijuana for medical purposes to obtain and use it under limited, specific circumstances, without being subject to criminal prosecution under certain state statutes; and

WHEREAS, on January 1, 2004, Senate Bill 420, codified as California Health and Safety Code sections 11362.7 et seq. and entitled "The Medical Marijuana Program," became effective to clarify the scope of the Compassionate Use Act; and

WHEREAS, adverse impacts have been reported in association with Medical Marijuana Dispensaries including but not limited to, strong disagreeable odors, an increased risk in crimes such as burglary and robbery, increases in traffic, noise, and the sale of illegal drugs including the illegal resale of marijuana from medical marijuana dispensaries in the areas immediately surrounding such medical marijuana dispensaries; and

WHEREAS, the Shasta County Resource Management Department was directed by the Board of Supervisors to study the options for regulation of Medical Marijuana Dispensaries and propose amendments to the Shasta County Code, Title 17, Zoning Plan for consideration by the Planning Commission and Board of Supervisors for the purpose of regulating Medical Marijuana Dispensaries in a manner that accommodates the needs of patients while promoting the public health, safety, and general welfare; and

WHEREAS, said amendments were referred to various County departments for review and comment; and

WHEREAS, the Planning Commission of the County of Shasta has considered the proposed amendments to the Zoning Plan initiated by the Board of Supervisors, in accordance with the Shasta County Code, Title 17, Zoning Plan; and

WHEREAS, a duly noticed public hearing was held on October 13, 2011, at which public testimony was taken; and

WHEREAS, the Shasta County Planning Commission has considered public comments and a report from the Planning Division.

NOW, THEREFORE BE IT RESOLVED, by the Shasta County Planning Commission:

1. The foregoing recitals are true and correct.
2. The Planning Commission makes the following findings:

- A. Under the current Zoning Plan, there are no specific regulations addressing Medical Marijuana Dispensaries in the unincorporated areas of the County of Shasta; and
 - B. The County of Shasta may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and
 - C. The Medical Marijuana Program Act, at Health & Safety Code section 11362.768, authorizes the County of Shasta to adopt an ordinance restricting the establishment of Medical Marijuana Dispensaries.
 - D. Effective January 1, 2012, AB 1300, amending Health & Safety Code section 11362.83, additionally authorizes the County of Shasta to adopt an ordinance restricting the establishment of medical marijuana cooperatives and collectives.
 - E. Regulations are needed to protect the public health, safety, and welfare of residents, children, and businesses from harmful secondary effects of sales and distribution of marijuana and any other illegal drugs under local, state, or federal laws.
3. Recommends that the Shasta County Board of Supervisors find that this Section 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). 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) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).
4. Recommends that the Shasta County Board of Supervisors amend the Shasta County Code, Title 17, Zoning Plan adding section 17.88.310, Prohibition of Medical Marijuana Dispensaries in furtherance of the public health, safety, and general welfare.

DULY PASSED this 13th day of October, 2011, by the following vote:

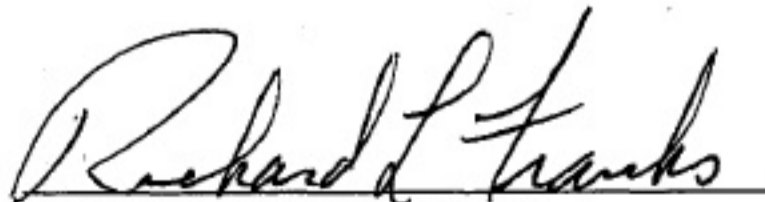
AYES: FRANKS, CORNELIUS, RAMSEY, SIMMONS

NOES:

ABSENT:

ABSTAIN:

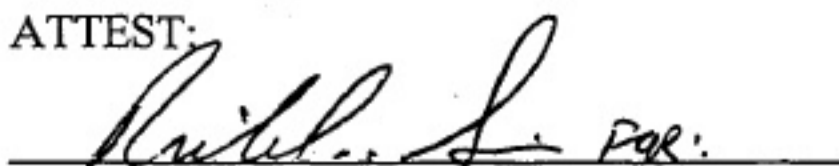
RECUSE:



RICHARD L. FRANKS, Chairman

Planning Commission, County of Shasta, State of California

ATTEST:



RUSS MULL, Secretary

Planning Commission, County of Shasta, State of California