

Fed Id #94-6000543

COUNTY OF TEHAMA
Official Receipt

No. 774733

DEPARTMENT NAME Planning

DEPARTMENT NUMBER 2077

RECEIVED FROM Elizabeth Henry

DATE 2/22/18

ADDRESS Nine dollars and 25/100

AMOUNT \$ 9.25

DOLLARS

FOR Copies

RECEIVED BY TEHAMA COUNTY, CALIFORNIA

BY [Signature]

TITLE AB

PAID BY:

CASH

MONEY ORDER

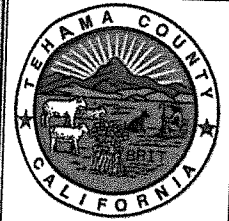
CHECK # 5941

TEHAMA COUNTY PLANNING DEPARTMENT

Kristen Maze- Director of Planning

444 Oak Street, Room "I", Courthouse Annex Second Floor
Red Bluff, California 96080

Telephone (530) 527-2200 Fax (530) 527-2655 Email: planning@co.tehama.ca.us



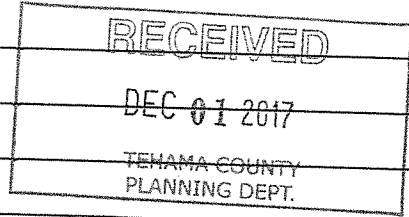
PLANNING DEPARTMENT MASTER APPLICATION

APPLICANT(S):

Name: JASON BROWNE
Mailing Address: P.O. Box 9152
City/State/Zip: RED BLUFF CA 96080
Day Phone: (530) 528-0215
Email: actionmerlot@gmail.com

REPRESENTATIVE: (if other than applicant)

Name: LIZ MERRY
Mailing Address: P.O. Box 474
City/State/Zip: MANTON CA 96059
Day Phone: (530) 228-7347
Email: Lizmerry58@gmail.com



PROPERTY OWNER (if other than applicant) - or- MINERAL RIGHTS OWNER:

Name: N/A, SEE ATTACHED
Mailing Address:
City/State/Zip:
Day Phone:
Email:

CORRESPONDENCE SENT TO: Applicant Representative Property Owner

Name of Engineer/Land Surveyor: _____ License #: _____

PROJECT ADDRESS (or specific location):	LOT SIZE (Acreage)	ASSESSOR'S PARCEL NUMBER(S):
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ZONING DISTRICT DESIGNATION: _____ GENERAL PLAN: _____

EXISTING LAND USE (list structures): _____

PROJECT # Rezone 17-06

(Check One)

- Property is or proposed to be Sewered
- Property is or proposed to be Septic

N/A

(Check One)

- Property is or proposed to be on Public Water
- Property is or proposed to be on Well Water

N/A

Is Property under Williamson Act Contract Yes No

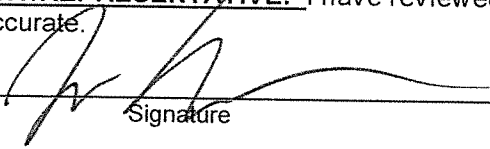
ADJACENT LAND USE: North: _____ East: _____
 South: _____ West: _____

COUNTYWIDE REZONE

DESCRIPTION OF PROPOSED PROJECT AND PROPOSED STRUCTURES (be specific): _____

SEE ATTACHED

APPLICANT/REPRESENTATIVE: I have reviewed this application and attached material. The information provided is accurate.



Signature

Date 12/01/17

PROPERTY OWNER: I have read this application and consent to its Filing. This signature is required on all applications.

N/A

Signature

Date

INFORMATION BELOW TO BE COMPLETED BY PLANNING STAFF

PM or TM (Land Division) # _____

Zoning District: _____

UP (Use Permit) # _____

Planning Fees Collected: \$ 2,365.00

REZ (Rezoning) # 17-06

Receipt #: 774612

GPA (General Plan Amendment) # _____

Arch Study Check # _____

MERGER/LLA # _____

Recording Fees Collected: () Yes () No Amt. \$ _____

SBA (Setback Adj.) # _____

Other: NEIC \$75-

Comments: _____

APPLICANT(S)

NAME: Jason Browne
MAILING ADDRESS: P.O. Box 9152
CITY/STATE/ZIP: Red Bluff, CA 96080
DAY PHONE: (530) 528-0215
Email: actionmerlot@gmail.com

REPRESENTATIVE:
NAME: Liz Merry
MAILING ADDRESS: P.O. Box 474
CITY/STATE/ZIP: Manton, CA 96059
DAY PHONE: (530) 228-7347
Email: Lizmerry58@gmail.com

PROPERTY OWNER: Not Applicable, but both the applicant and representative are property owners in Tehama County. Proposal is a Countywide Ordinance Applicable to All Zoning Districts.

Properties affected may be sewerred, on septic systems, on a public water system or serviced by well water or other legal water source.

Properties affected may be under a Williamson Act Contract.

DESCRIPTION OF PROPOSED PROJECT: The proposed Rezone requires the repeal of seven previously adopted ordinances regulating the cultivation, sales and manufacture of cannabis. Furthermore, the proposed Rezone establishes new regulations that:

- a) Regulate personal and commercial cannabis cultivation, distribution, sales, manufacturing and testing in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses in the unincorporated areas of Tehama County;
- b) Provide clear guidance to law enforcement, regulators, license holders, and the community at large as to what is legally permitted in Tehama County in relation to Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes;
- c) Protect the rights and welfare of Qualified Patients or their designated Primary Caregivers who cultivate medical cannabis for the personal medical use of the Qualified Patient in accordance with the Compassionate Use Act and the Medical Marijuana Program Act; and

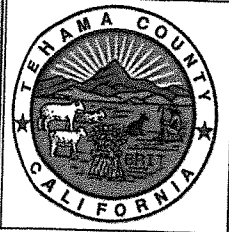
d) Protect the rights and welfare of all citizens pursuant to the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

TEHAMA COUNTY PLANNING DEPARTMENT

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ENVIRONMENTAL REVIEW PROCEDURE

The California Environmental Quality Act (CEQA) requires an assessment of environmental impact for all projects requiring a permit or other discretionary approval from Tehama County decision-making bodies. The Tehama County Planning Department is responsible for making initial environmental determinations and recommending appropriate environmental findings to the decision-making body for adoption.

After a review of pertinent information, the Planning Department will make an initial environmental determination. This determination will result in one of the following:

1. An **Exemption**—This means your project meets criteria for exemption from the requirements of the CEQA. No additional environmental review is required.
2. A **Negative Declaration**—This means your project will not result in any significant effects on the environment. If conditions (mitigation measures) are applied to assure that no significant effects will occur, the environmental document is called a **Mitigated Negative Declaration**.
3. An **Environmental Impact Report (EIR)** - This means your project may have a significant effect on the environment and additional information is necessary to determine appropriate mitigation measures. The Planning Department may give you an option of preparing a "special study" (i.e., traffic study, archaeological survey, etc.) to address the issue(s) instead of preparing an EIR. If an EIR is to be prepared, it must be prepared by a third party consultant selected through the established consultant selection process.

Please fill out the attached Environmental Information Form as accurately and completely as possible. Failure to do so may result in delays in processing your application.

If you need assistance or if you have any questions, please contact the Tehama County Planning Department.

PROJECT #

Rezone 1706

REZONE TO AMEND THE COUNTY MUNICIPAL CODE; BY REPEALING ORDINANCES 1924, 1929, 1936, 1946, 1957, 1980 and 2040; AND TO AMEND THE TEHAMA COUNTY CODE BY ADDING CHAPTER 17.08.090 TO CHAPTER 17.08 - GENERAL PROVISIONS AND EXCEPTIONS ENTITLED; 17.08.090 ESTABLISHMENT OF CANNABIS CULTIVATION, DISTRIBUTION, SALES, MANUFACTURING AND TESTING LIMITATIONS FOR PERSONAL AND COMMERCIAL PURPOSES.

Updated 11-30-17

SECTION 1

Purposes and Intents.

The purposes and intents of this Chapter are to:

- a) Regulate personal and commercial cannabis cultivation, distribution, sales, manufacturing and testing in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses in the unincorporated areas of Tehama County;
- b) Provide clear guidance to law enforcement, regulators, license holders, and the community at large as to what is legally permitted in Tehama County in relation to Cannabis Cultivation, Distribution, Sales and Manufacturing Limitations for Personal and Commercial Purposes;
- c) Protect the rights and welfare of Qualified Patients or their designated Primary Caregivers who cultivate medical cannabis for the personal medical use of the Qualified Patient in accordance with the Compassionate Use Act and the Medical Marijuana Program Act; and
- d) Protect the rights and welfare of all citizens pursuant to the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

Nothing in this Chapter shall be construed to allow:

- a) Any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under State law.

Findings.

(A)

There is a legitimate need for medical cannabis in California. A study published in 2014 shows that 1.4 million Californians have used medical cannabis and an overwhelming majority of those users (92%) believe cannabis helped treat the symptoms of a serious medical condition ("Prevalence of medical marijuana use in California, 2012", *Drug and Alcohol Review* (2014), DOI 10.1111/dar. 12207).

(B)

The voters of the State of California approved Proposition 215, the Compassionate Use Act of 1996 (codified as Health and Safety Code Section 11362.5), in 1996. That Act calls on "federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana."

(C)

The intent of the C.U.A. was to enable persons who are in need of cannabis for medical purposes, to use it without fear of criminal prosecution or other forms of sanction. California's Supreme Court has ruled on numerous occasions that qualified individuals under the C.U.A. are entitled to Qualified Immunity from certain statutes, through the assertion of an Affirmative Defense to criminal charges, or applied as a civil remedy to sanctions (*People v. Mower, People v. Frazier, People v. Konow, et. al.*) Furthermore, California's Supreme Court has ruled that qualified individuals may cultivate and possess cannabis in amounts that are reasonably related to the current / ongoing medical needs of the patient(s) (*People v. Kelly*).

(D)

In 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 et seq., and referred to as the "Medical Marijuana Program Act", or M.M.P.A.) to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with an affirmative defense to certain specified State criminal and civil statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "adopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly or administratively enforce such ordinances. Additionally, California's Civil Courts have ruled that violations of local ordinances cannot be charged as criminal misdemeanors (*Kirby v. Fresno*).

(E)

In the fall of 2015, the California Legislature passed and the Governor signed three significant pieces of legislation regarding medical marijuana. AB 266, AB 243, and SB 643 created a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. Importantly, all licenses which could be issued by the state for such activities may first be approved by local governments. These laws went into effect January 1, 2016. However, the state indicated it needed until January 1, 2018 to create the new agencies that would be administering such a new licensing system, and to draft and adopt new regulations regarding the licensing that will occur. To date, these regulations have been published and State and Local Licensing Agencies have undertaken their Environmental Impact Reports and have received public comments. These regulations should be finalized sometime by early 2018.

(F)

On November 8, 2016, the voters of California adopted Proposition 64. Proposition 64 allows the recreational possession and use of cannabis and cannabis products. As part of that initiative, commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of cannabis was authorized. Like the legislative enactments the year before on medicinal marijuana, Proposition 64 created a new comprehensive state licensing system which would go into effect on January 1, 2018. To date, California's Legislature and Governor have adopted new legislation, collectively known as "the Medical and Adult Use of Cannabis Regulation and Safety Act" (M.A.U.C.R.S.A.).

Unlike the legislative enactment the year before related to medical marijuana, legislative silence on the issue of commercial recreational cannabis activities by local government could nevertheless result in the issuance of state licenses to conduct such activities. Once State licenses are issued in 2018, all local jurisdictions that have not adopted local licensing regulations shall implement California's regulations, by default.

(G)

California voters have enacted state law legalizing both medical and recreational uses of cannabis. Unregulated and irresponsible cultivation, distribution, sales and manufacturing of cannabis can threaten the health and safety of the people of Tehama County. Many counties and cities have minimized these associated risks through the regulation and licensing of cannabis activities. Regulation of lawful cannabis activities maintains the culture of the county while creating increased opportunities for citizens who wish to participate in California's cannabis industry. By allowing cannabis activities, the county will benefit from licensing fees and additional tax revenues, jobs growth and stimulation of the local economy. The adoption of the proposed ordinance will signify the County's willingness to honor the will of the people and California laws to provide a safe method for people to obtain cannabis.

(H)

The county contains areas with special characteristics, which include; timber production areas receiving substantial precipitation and subject to significant sediment runoff, natural habitat and primary flood areas containing sensitive habitats, highly productive agricultural areas within the Farmland Security Zone, general recreation areas set aside for outdoor family oriented recreational activities, private airports and multi-family residential areas, which provide conditions that are unfavorable to cannabis cultivation, commercial distribution and processing because these activities could result in significant environmental impacts.

(I)

The unregulated cultivation of cannabis in the unincorporated area of Tehama County can adversely affect the health, safety, and well-being of the County and its residents. Comprehensive regulation of premises used for cannabis cultivation, for both commercial and personal purposes, is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment and indoor electrical fire hazards that may result from unregulated cannabis cultivation.

(J)

Commercial Cultivation of any amount of cannabis at locations or premises within six hundred feet (M.A.U.C.R.S.A.) of schools, day care centers, day care homes, recreation centers, youth centers, libraries or public parks, creates unique risks that the cannabis plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles.

(K)

It is the intent of this chapter to implement State law by providing a means for regulating the cultivation of cannabis, including hemp, in a manner that is consistent with State law and which balances the needs of qualified patients and their primary caregivers,

cannabis farmers and processors, and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of the County of Tehama.

(L)

This chapter is intended to be consistent with the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.), and towards that end, is not intended to prohibit persons from individually, collectively, or cooperatively exercising any right otherwise granted by State law. Rather, the intent and purpose of this chapter is to establish reasonable regulations upon the manner in which cannabis may be cultivated for personal or commercial purposes, including restrictions on the amount of cannabis that may be cultivated in any location or premises as determined by specific zoning designations of the Tehama County Municipal Code, in order to protect the public health, safety, and welfare in Tehama County.

(M)

The American Herbal Products Association (AHPA), the leading voice in herbal products industry, published recommendations for regulators regarding medical cannabis cultivation and other activity in 2014. These recommendations show that the indoor and outdoor commercial cultivation of medical cannabis can be conducted in a manner that is safe, secure, and sustainable.

(N)

Research conducted by various non-governmental organizations, universities, polling firms, peer review journals and think tanks, show that sensible regulations for medical cannabis preserve safe and legal access for consumers, while reducing crime and the negative impacts associated with criminal diversions of cannabis into the black market. Specifically, all evidence thus far has shown that communities with a fully regulated cannabis industry: have decreased property crime rates in areas with licensed operations; have decreased the rates of opioid dependency and overdose deaths, and; have decreased the rates of teenage cannabis use, when compared to communities without a regulated cannabis industry.

(O)

The County of Tehama is currently \$12 million in debt. The emerging new cannabis industry in California represents a significant growth in local jobs for every community that embraces regulated access to cannabis. The alternative is to literally surrender all cannabis revenues to the black market and prohibition industries. The commercial cultivation, distribution, sales and manufacturing of medical and recreational cannabis can generate a much-needed revenue stream for the County of Tehama.

(P)

According to the Environmental Impact Report issued by the California Department of Food and Agriculture, rogue actions undertaken by various law enforcement agencies have now been categorized as a negative environmental impact to the emerging cannabis industry.

(Q)

The proposed amendment the Tehama County Zoning Code to include Chapter 17.08.090 is consistent with the Tehama County General Plan and its Land Use Classifications.

(R)

The proposed amendment the Tehama County Zoning Code for the Establishment of Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes is compatible with the various zoning designations included in the text of the amendment and provides for policies that will support compatibility findings for projects requiring further environmental review under Chapter 17.70, Use Permits.

(S)

We therefore adopt the following Sections to ensure the protection of the legitimate public interest in regulating the legal uses of medical and recreational cannabis in Tehama County.

SECTION 2

Repeal Ordinance 1924, approved 9-15-2009, An interim urgency ordinance of the Board of Supervisors of the County of Tehama temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 3

Repeal Ordinance 1929, approved 10-27-2009, An ordinance of the Board of Supervisors of the County of Tehama extending Ordinance Number 1924 and temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 4

Repeal Ordinance 1936, approved 4-6-2010, An ordinance of the Board of Supervisors of the County of Tehama adding Chapter 9.06 to the Tehama County Code pertaining to marijuana cultivation, Chapter 9.06.010-9.06.220 of the Tehama County Code.

SECTION 5

Repeal Ordinance 1946, approved 8-31-2010, An urgency ordinance of the Board of Supervisors of the County of Tehama extending Ordinance Numbers 1924 and 1929 and temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 6

Repeal Ordinance 1957, approved 6-28-2011, an ordinance to Prohibit marijuana dispensaries, Chapter 17.09.010-17.09.050 of the Tehama County Code.

SECTION 7

Repeal Ordinance 1980, approved 8-6-13, an ordinance amending Ordinance 1936, Chapter 9.06.010-9.06.220 of the Tehama County Code.

SECTION 8

Repeal Ordinance 2040, approved 5-2-17, an ordinance amending Chapter 9.06 of the Tehama County Code pertaining to Marijuana Cultivation, Chapter 9.06.010-9.06.230 of the Tehama County Code

SECTION 9

Amend the Tehama County Code by adding Chapter 17.08.090 to Chapter 17.08 - GENERAL PROVISIONS AND EXCEPTIONS entitled;

17.08.090 Establishment of Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes.

A. Personal and collective outdoor or mixed light Cannabis cultivation for recreational and medicinal purposes. The personal and collective outdoor or mixed light cultivation of cannabis plants for recreational and medical uses shall be permitted in AG-1, AG-2, AG-3, AG-4, RE and R1 Zoning Districts, provided that;

1. The number of plants or area of plant canopy permitted does not exceed the limits set by the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) or the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

2. The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;

3. The cultivation area shall be less than 1,000 square feet, in all cases;

4. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);

5. The cultivation area shall not be closer than twenty-five feet to any street or property line.

6. Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

B. Commercial outdoor or mixed light Cannabis cultivation for recreational and medicinal purposes. The commercial outdoor or mixed light cultivation of cannabis plants for recreational and medicinal purposes, meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code shall be permitted in R-1, AG-1, AG-2, AG-3, P-D, M-1 and M-2 Zoning Districts, provided that;

1. Only Specialty Cottage Outdoor and Specialty Cottage Mixed-Light licenses are permitted on parcels exceeding five acres in size, in areas classified as Rural Large Lot and Rural Small Lot Residential in the Tehama County General Plan and designated as R-1 Zoning District, provided that;

- a. The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;
- b. The cultivation area shall be less than 2,500 square feet, in all cases;
- c. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);
- d. The cultivation area shall not be closer than twenty-five feet to any street or property line.
- e. The operation shall require the securing of a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- f. The Specialty Cottage Outdoor or Mixed-Light operation shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);
- g. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

2. Specialty, Small and Medium Outdoor and Mixed-Light Licenses, Nursery, Processor and Producing Dispensary Licenses, meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code are permitted in AG-1, AG-2, AG-3, P-D, M-1 and M-2 Zoning Districts, provided that;

- a. The total plant canopy permitted does not exceed the limits set by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

- b. The cultivation area shall not exceed 10% of the premises as defined in Section 17.04.464 of the Tehama County Code;
- c. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);
- d. The cultivation area shall not be closer than twenty-five feet to any street or property line;
- e. The operation shall require the securing of a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- f. Every commercial cannabis farm shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);
- g. Each commercial cannabis farm shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

C. Commercial outdoor Cannabis cultivation for Hemp production purposes.

Outdoor cultivation of cannabis plants for Hemp production purposes shall be permitted in the AG-4; Agricultural-Capay Zoning District, provided that;

- 1. The total plant canopy permitted does not to exceed the limits set by the California Industrial Hemp Farming Act.
- 2. The cultivation area and operations meet all the requirements set by the California Industrial Hemp Farming Act;
- 3. The cultivation area shall not be closer than twenty-five feet to any street;
- 4. The Commercial Hemp Farms secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- 5. Commercial Hemp Farms shall not be located within one mile (5,280 feet) of an existing Commercial Cannabis farming operation permitted pursuant to this Section.

D. Commercial distribution and sales of Cannabis for recreational and medicinal purposes. Commercial distribution and retail sales of recreational and medical cannabis shall be permitted in C-1, C-2, C-3, C-4, P-D, M-1 and M-2 Zoning Districts, provided that;

1. The distributor or dispensary secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation meets all State requirements for commercial distribution or retail sales, as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

E. Commercial manufacturing of non-volatile Cannabis plant conversions for recreational and medicinal purposes and Testing Laboratories. Commercial manufacturing of non-volatile cannabis plant conversions for recreational and medical purposes and testing laboratories shall be permitted in a C-2, C-3, P-D, M-1 and M-2 Zoning Districts, provided that;

1. The non-volatile manufacturer or testing laboratory secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation shall meet all State requirements for commercial non-volatile manufacturing of cannabis products or testing laboratory as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

F. Commercial Manufacturing of Volatile Marijuana Plant Conversions for recreational and medicinal purposes. Commercial manufacturing of volatile marijuana plant conversions for recreational and medical purposes shall be permitted in an M-1 and M-2 Zoning Districts, provided that;

1. The volatile manufacturer secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation shall meet all State requirements for commercial volatile manufacturing of cannabis products as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

G. Outdoor Cannabis Cultivation, Distribution and Sales Prohibited. All outdoor cannabis cultivation and the distribution or sales of cannabis are prohibited in the R-2, R-3, R-4, G-R, AV, PF, PA, NR, FS and TPZ Zoning Districts.

H. Personal Indoor Cannabis cultivation for recreational and medicinal purposes. Personal indoor Cannabis cultivation for recreational and medicinal purposes is allowed in all permitted dwelling units in all Zoning Districts, provided that;

1. The legal resident(s) of the dwelling unit(s) meet the requirements of the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.). Only legal residents may personally cultivate cannabis within the residence.

2. Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

I. Commercial Indoor Cannabis cultivation for recreational and medicinal purposes. Commercial Indoor Cannabis cultivation, meeting the Indoor Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code for recreational and medicinal purposes shall be permitted in the M-1 and M-2 Zoning Districts, provided that:

1. The operation secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;

2. Every commercial cannabis farm shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);

3. Each commercial cannabis farm shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

J. Violations and Penalties. Any violation(s) of any provision(s) of this measure / ordinance, by any individual(s), whether in their personal or professional capacities, shall constitute an Infraction.

K. Severability. If any provision(s) of this measure / ordinance or the application thereof to any person(s) or circumstance(s) is/are held invalid, that invalidity shall not affect other provisions or applications of this measure / ordinance, which can be given effect without the invalid provision(s) or application(s), and to this end, the provisions and applications of this measure / ordinance are severable.

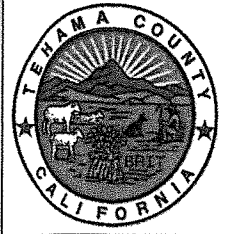
L. Date of Implementation. This measure / ordinance shall take effect sixty (60) days after the date of its adoption.

TEHAMA COUNTY PLANNING DEPARTMENT

Kristen Maze— Director of Planning

444 Oak Street, Room "I", Courthouse Annex Second Floor
Red Bluff, California 96080

Telephone (530) 527-2200 Fax (530) 527-2655 Email: planning@co.tehama.ca.us



ENVIRONMENTAL INFORMATION FORM

(To be completed by the Applicant or Representative)

NOTE: Please answer all questions as accurately and completely as possible to avoid possible delays in processing.

I. **PROJECT TYPE & DESCRIPTION:** Residential Commercial Industrial Agricultural

1. Project Title: REZONE APN: ALL APN 5

2. Describe the proposed project in as much detail as is possible:
SEE ATTACHED REZONE

3. Will development occur in phases? No [] Yes If Yes; is the project a component of larger plans or programs, describe the project's future phases or extensions. If the project is part of a larger project for which an EIR has been required, or for which a Negative Declaration has been granted, attach the EIR or reference and Negative Declaration in this Subsection:

II. **ENVIRONMENTAL SETTING**

1. Attach a copy of the appropriate United States Geological Survey (USGS) topographic map, and indicate the location of the proposed project. (The maps are available from sporting goods stores).

2. Attach photographs of the site, if possible.

3. Describe the existing use(s) on the project site (including the type and number of any structures, roads, etc.):
SEE ATTACHED

4. Describe the existing land use on adjacent properties. Also note any major natural or man-made features (i.e., highways, stream channels, etc.): COUNTY WIDE

North: _____

East: _____

West: _____

South: _____

5. Describe the existing topography on-site (i.e., landforms, slopes, etc.) Any data on soils and geology would also be helpful:

SEE ATTACHED: COUNTY WIDE

6. Describe existing drainage courses or eroded areas on or near the project site i.e., rivers, creeks, drainage ditches):

SEE ATTACHED

7. Describe the existing vegetation on-site and the percentage of the site it covers:

SEE ATTACHED

8. Describe the existing wildlife on-site:

SEE ATTACHED

9. Are there any cemeteries, structures, or other items of historical or archaeological interest on the property?
[] No [] Yes, specify: _____

SEE ATTACHED

10. Describe any site alterations which would result from the proposed project specifically address the amount and location of grading, cuts and fills, vegetation removal, alterations to drainage, removal of existing structures, etc.):

SEE ATTACHED

11. Please include a copy of any studies (soils, geology, marketing, etc.) that you had prepared for this project or project site: SEE ATTACHED References.

III. **SERVICES**

1. Indicate how the following services will be provided for your project and availability of service.

A. Electricity: _____

SEE ATTACHED

B. Natural Gas: _____

C. Water Supply: _____

D. Sewage Disposal: _____

E. Solid Waste Disposal: _____

2. If an extension of service lines is necessary, indicate which service(s) and the distance of the extension(s):

IV. INDUSTRIAL, COMMERCIAL AND INSITUTIONAL PROJECTS

SEE ATTACHED

1. Total number of employees and number of employees on the largest shift: _____

2. Types of equipment and/or machines to be used:

3. Number of on-site parking spaces proposed: _____

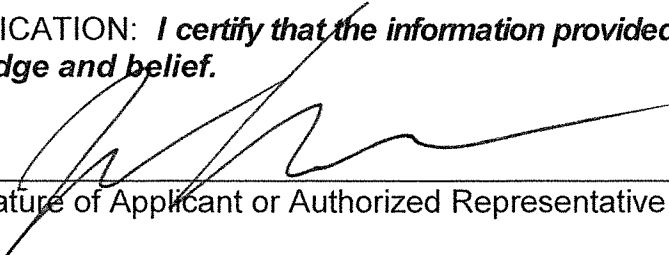
4. Types of materials, chemicals, and/or products to be processed, packaged, or stored:

5. Describe any hazardous substances to be used on the project site:

6. Estimate the type and amount of air emissions or odors:

7. Will the project change the ambient noise levels for adjacent properties?
 No Yes, specify: _____

CERTIFICATION: *I certify that the information provided herein is true and correct to the best of my knowledge and belief.*



Signature of Applicant or Authorized Representative

02/22/18

Date

PROJECT # *Perwone 17-06*

ENVIRONMENTAL INFORMATION FORM

- I. PROJECT TYPE & DESCRIPTION: The proposed rezone contains amendments to the General Provisions Chapter of the Tehama County Zoning Code which provide limitations related to personal and commercial cannabis cultivation, distribution, sales, manufacturing and testing upon all land classifications including residential, commercial, industrial and agricultural within the unincorporated areas of the County.
1. Project Title: REZONE APN: All APNs.
 2. Proposed Purposes and Intent, Findings, Repeal Sections and Text of Proposed Ordinance is attached.
 3. The project will not occur in phases.
- II. ENVIRONMENTAL SETTING
1. The project involves the entirety of the County.
 2. Photographs not applicable.
 3. The existing uses of the project include all uses presently existing in the unincorporated areas of the County.
 4. The existing Land Uses are all those in existence in the County.
 5. Topography: Includes all topography, soil types and geology found to exist in the County.
 6. Existing drainage courses or eroded areas include all river, stream, lake or drainages existing within the County.
 7. Vegetation types include all types of flora found to exist in its natural or man-made state in the County.
 8. Existing wildlife includes all animals found in the County.
 9. The project includes areas that may have cemeteries, structures, or other items of historical or archeological interest in all areas of the County.
 10. The proposed ordinance would allow the personal and collective outdoor or mixed light cultivation of cannabis plants for recreational and medical uses shall be permitted in AG-1, AG-2, AG-3, AG-4, RE and R1 Zoning Districts, provided that;
 - The number of plants or area of plant canopy permitted does not exceed the limits set by the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) or the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).
 - The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;
 - The cultivation area shall be less than 1,000 square feet, in all cases;
 - The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);

- The cultivation area shall not be closer than twenty-five feet to any street or property line.
- Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

ALL COMMERCIAL OUTDOOR OR MIXED LIGHT CULTIVATION OF CANNABIS PLANTS FOR RECREATIONAL AND MEDICINAL PURPOSES, COMMERCIAL OUTDOOR CANNABIS CULTIVATION FOR HEMP PRODUCTION PURPOSES, COMMERCIAL DISTRIBUTION AND SALES OF CANNABIS FOR RECREATIONAL AND MEDICINAL PURPOSES, COMMERCIAL MANUFACTURING OF NON-VOLATILE CANNABIS PLANT CONVERSIONS FOR RECREATIONAL AND MEDICINAL PURPOSES AND TESTING LABORATORIES, COMMERCIAL MANUFACTURING OF VOLATILE MARIJUANA PLANT CONVERSIONS FOR RECREATIONAL AND MEDICINAL PURPOSES, MAY BE ALLOWED IN SPECIFIC ZONING DISTRICTS;

- UPON SECURING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 17.70 OF THE TEHAMA COUNTY CODE.
- THE USES WILL BE SUBJECT TO THE MEDICAL AND ADULT USE OF CANNABIS REGULATION AND SAFETY ACT (M.A.U.C.R.S.A.).
- THE OPERATIONS WILL BE SUBJECT TO SPECIFIC CANOPY LIMITATIONS, PROPERTY LINE AND ROAD FRONTAGE SETBACKS, AND SETBACKS FROM YOUTH ORIENTED AREAS.
- THE ORDINANCE EXPRESSLY PROHIBITS ALL OUTDOOR CANNABIS CULTIVATION AND THE DISTRIBUTION OR SALES OF CANNABIS IN THE R-2, R-3, R-4, G-R, AV, PF, PA, NR, FS AND TPZ ZONING DISTRICTS.

11. STUDIES/REFERENCES/CITATIONS USED TO DEVELOP PROJECT:

- Tehama County General Plan
- Tehama County Municipal Code
- Compassionate Use Act of 1996 (Prop 215)
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=11362.5
- Medical Marijuana Program Act (SB 420)
ftp://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0401-0450/sb_420_bill_20031012_chaptered.html
- Proposition 64: The Adult Use of Marijuana Act (MAUCRSA)
<https://www.ringgenberglaw.com/prop-64-complete-text-of-proposition-64/>

- **SB 94 Cannabis: Medicinal and adult use.**
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB94
- **CA State Water Board Cannabis Cultivation Programs/ Waste Discharge Regulatory Program.**
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf
- **California Department of Food and Agriculture Final Program Environmental Impact Report.**
<https://www.cdfa.ca.gov/calcannabis/PEIR.html>
- **California State Treasurer's Office: Banking Access Strategies for Cannabis-Related Businesses.**
<http://www.treasurer.ca.gov/cbwg/resources/reports/110717-cannabis-report.pdf>
- **The American Herbal Products Association (AHPA) Recommendations for Regulators- Cannabis Operations.**
http://www.ahpa.org/Portals/0/pdfs/AHPA_Recommendations_for_Regulators_Cannabis_Operations.pdf
- **Local Sales and Use Taxes.**
[https://ballotpedia.org/Humboldt_County,_California,_Marijuana_Cultivation_Tax,_Measure_S_\(November_2016\)](https://ballotpedia.org/Humboldt_County,_California,_Marijuana_Cultivation_Tax,_Measure_S_(November_2016))
- **Crime Statistics.**
http://www.rand.org/content/dam/rand/pubs/technical_reports/2011/RAND_TR987.pdf
- **600 Foot Setback.** <https://www.cannalawblog.com/california-cannabis-cultivation-licensing-rules/>

III. SERVICES

1. Electrical, Natural gas, water supply, sewage disposal and solid waste disposal will be provided as currently exists for the personal and collective outdoor or mixed light cultivation of cannabis plants for recreational and medical uses. Electrical, Natural gas, water supply, sewage disposal and solid waste disposal for all other permitted uses as provided by this ordinance will be identified and scrutinized through the Use Permit process.
2. No extensions of service are anticipated.

IV. INDUSTRIAL, COMMERCIAL AND MANUFACTURING USES

1. Total numbers of employees will be established at time of Use Permit Application.

2. Types of equipment and/or machines to be used will be established at time of Use Permit Application.
3. The number of on-site parking spaces for each operation will be established at time of Use Permit Application.
4. Types of materials, chemicals, and/or products to be processed, packaged, tested or stored will be established at time of Use Permit Application.
5. Any hazardous substances to be used on the project site will be established at time of Use Permit Application.
6. The estimate of type and amount of air emissions or odors will be established at time of Use Permit Application.
7. Determination of whether the project will change the ambient noise levels for adjacent properties will be established at time of Use Permit Application.

PROPOSED MITIGATION MEASURES.

1. For all uses that require securing a Use Permit, it is recommended that a Condition Monitoring Plan Fee be established. Said fee shall not exceed the fees set by the State for granting and monitoring State licenses meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

The purpose of the fee is to fund the monitoring costs incurred by the County for insuring that all conditions required by each specific Use Permit are being met.

REZONE TO AMEND THE COUNTY MUNICIPAL CODE; BY REPEALING ORDINANCES 1924, 1929, 1936, 1946, 1957, 1980 and 2040; AND TO AMEND THE TEHAMA COUNTY CODE BY ADDING CHAPTER 17.08.090 TO CHAPTER 17.08 - GENERAL PROVISIONS AND EXCEPTIONS ENTITLED; 17.08.090 ESTABLISHMENT OF CANNABIS CULTIVATION, DISTRIBUTION, SALES, MANUFACTURING AND TESTING LIMITATIONS FOR PERSONAL AND COMMERCIAL PURPOSES.

Updated 11-30-17

SECTION 1

Purposes and Intents.

The purposes and intents of this Chapter are to:

- a) Regulate personal and commercial cannabis cultivation, distribution, sales, manufacturing and testing in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses in the unincorporated areas of Tehama County;
- b) Provide clear guidance to law enforcement, regulators, license holders, and the community at large as to what is legally permitted in Tehama County in relation to Cannabis Cultivation, Distribution, Sales and Manufacturing Limitations for Personal and Commercial Purposes;
- c) Protect the rights and welfare of Qualified Patients or their designated Primary Caregivers who cultivate medical cannabis for the personal medical use of the Qualified Patient in accordance with the Compassionate Use Act and the Medical Marijuana Program Act; and
- d) Protect the rights and welfare of all citizens pursuant to the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

Nothing in this Chapter shall be construed to allow:

- a) Any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under State law.

Findings.

(A)

There is a legitimate need for medical cannabis in California. A study published in 2014 shows that 1.4 million Californians have used medical cannabis and an overwhelming majority of those users (92%) believe cannabis helped treat the symptoms of a serious medical condition ("Prevalence of medical marijuana use in California, 2012", *Drug and Alcohol Review* (2014), DOI 10.1111/dar. 12207).

(B)

The voters of the State of California approved Proposition 215, the Compassionate Use Act of 1996 (codified as Health and Safety Code Section 11362.5), in 1996. That Act calls on "federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana."

(C)

The intent of the C.U.A. was to enable persons who are in need of cannabis for medical purposes, to use it without fear of criminal prosecution or other forms of sanction. California's Supreme Court has ruled on numerous occasions that qualified individuals under the C.U.A. are entitled to Qualified Immunity from certain statutes, through the assertion of an Affirmative Defense to criminal charges, or applied as a civil remedy to sanctions (*People v. Mower, People v. Frazier, People v. Konow, et. al.*) Furthermore, California's Supreme Court has ruled that qualified individuals may cultivate and possess cannabis in amounts that are reasonably related to the current / ongoing medical needs of the patient(s) (*People v. Kelly*).

(D)

In 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 et seq., and referred to as the "Medical Marijuana Program Act", or M.M.P.A.) to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with an affirmative defense to certain specified State criminal and civil statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "adopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly or administratively enforce such ordinances. Additionally, California's Civil Courts have ruled that violations of local ordinances cannot be charged as criminal misdemeanors (*Kirby v. Fresno*).

(E)

In the fall of 2015, the California Legislature passed and the Governor signed three significant pieces of legislation regarding medical marijuana. AB 266, AB 243, and SB 643 created a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. Importantly, all licenses which could be issued by the state for such activities may first be approved by local governments. These laws went into effect January 1, 2016. However, the state indicated it needed until January 1, 2018 to create the new agencies that would be administering such a new licensing system, and to draft and adopt new regulations regarding the licensing that will occur. To date, these regulations have been published and State and Local Licensing Agencies have undertaken their Environmental Impact Reports and have received public comments. These regulations should be finalized sometime by early 2018.

(F)

On November 8, 2016, the voters of California adopted Proposition 64. Proposition 64 allows the recreational possession and use of cannabis and cannabis products. As part of that initiative, commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of cannabis was authorized. Like the legislative enactments the year before on medicinal marijuana, Proposition 64 created a new comprehensive state licensing system which would go into effect on January 1, 2018. To date, California's Legislature and Governor have adopted new legislation, collectively known as "the Medical and Adult Use of Cannabis Regulation and Safety Act" (M.A.U.C.R.S.A.).

Unlike the legislative enactment the year before related to medical marijuana, legislative silence on the issue of commercial recreational cannabis activities by local government could nevertheless result in the issuance of state licenses to conduct such activities. Once State licenses are issued in 2018, all local jurisdictions that have not adopted local licensing regulations shall implement California's regulations, by default.

(G)

California voters have enacted state law legalizing both medical and recreational uses of cannabis. Unregulated and irresponsible cultivation, distribution, sales and manufacturing of cannabis can threaten the health and safety of the people of Tehama County. Many counties and cities have minimized these associated risks through the regulation and licensing of cannabis activities. Regulation of lawful cannabis activities maintains the culture of the county while creating increased opportunities for citizens who wish to participate in California's cannabis industry. By allowing cannabis activities, the county will benefit from licensing fees and additional tax revenues, jobs growth and stimulation of the local economy. The adoption of the proposed ordinance will signify the County's willingness to honor the will of the people and California laws to provide a safe method for people to obtain cannabis.

(H)

The county contains areas with special characteristics, which include; timber production areas receiving substantial precipitation and subject to significant sediment runoff, natural habitat and primary flood areas containing sensitive habitats, highly productive agricultural areas within the Farmland Security Zone, general recreation areas set aside for outdoor family oriented recreational activities, private airports and multi-family residential areas, which provide conditions that are unfavorable to cannabis cultivation, commercial distribution and processing because these activities could result in significant environmental impacts.

(I)

The unregulated cultivation of cannabis in the unincorporated area of Tehama County can adversely affect the health, safety, and well-being of the County and its residents. Comprehensive regulation of premises used for cannabis cultivation, for both commercial and personal purposes, is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment and indoor electrical fire hazards that may result from unregulated cannabis cultivation.

(J)

Commercial Cultivation of any amount of cannabis at locations or premises within six hundred feet (M.A.U.C.R.S.A.) of schools, day care centers, day care homes, recreation centers, youth centers, libraries or public parks, creates unique risks that the cannabis plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles.

(K)

It is the intent of this chapter to implement State law by providing a means for regulating the cultivation of cannabis, including hemp, in a manner that is consistent with State law and which balances the needs of qualified patients and their primary caregivers,

cannabis farmers and processors, and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of the County of Tehama.

(L)

This chapter is intended to be consistent with the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.), and towards that end, is not intended to prohibit persons from individually, collectively, or cooperatively exercising any right otherwise granted by State law. Rather, the intent and purpose of this chapter is to establish reasonable regulations upon the manner in which cannabis may be cultivated for personal or commercial purposes, including restrictions on the amount of cannabis that may be cultivated in any location or premises as determined by specific zoning designations of the Tehama County Municipal Code, in order to protect the public health, safety, and welfare in Tehama County.

(M)

The American Herbal Products Association (AHPA), the leading voice in herbal products industry, published recommendations for regulators regarding medical cannabis cultivation and other activity in 2014. These recommendations show that the indoor and outdoor commercial cultivation of medical cannabis can be conducted in a manner that is safe, secure, and sustainable.

(N)

Research conducted by various non-governmental organizations, universities, polling firms, peer review journals and think tanks, show that sensible regulations for medical cannabis preserve safe and legal access for consumers, while reducing crime and the negative impacts associated with criminal diversions of cannabis into the black market. Specifically, all evidence thus far has shown that communities with a fully regulated cannabis industry: have decreased property crime rates in areas with licensed operations; have decreased the rates of opioid dependency and overdose deaths, and; have decreased the rates of teenage cannabis use, when compared to communities without a regulated cannabis industry.

(O)

The County of Tehama is currently \$12 million in debt. The emerging new cannabis industry in California represents a significant growth in local jobs for every community that embraces regulated access to cannabis. The alternative is to literally surrender all cannabis revenues to the black market and prohibition industries. The commercial cultivation, distribution, sales and manufacturing of medical and recreational cannabis can generate a much-needed revenue stream for the County of Tehama.

(P)

According to the Environmental Impact Report issued by the California Department of Food and Agriculture, rogue actions undertaken by various law enforcement agencies have now been categorized as a negative environmental impact to the emerging cannabis industry.

(Q)

The proposed amendment the Tehama County Zoning Code to include Chapter 17.08.090 is consistent with the Tehama County General Plan and its Land Use Classifications.

(R)

The proposed amendment the Tehama County Zoning Code for the Establishment of Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes is compatible with the various zoning designations included in the text of the amendment and provides for policies that will support compatibility findings for projects requiring further environmental review under Chapter 17.70, Use Permits.

(S)

We therefore adopt the following Sections to ensure the protection of the legitimate public interest in regulating the legal uses of medical and recreational cannabis in Tehama County.

SECTION 2

Repeal Ordinance 1924, approved 9-15-2009, An interim urgency ordinance of the Board of Supervisors of the County of Tehama temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 3

Repeal Ordinance 1929, approved 10-27-2009, An ordinance of the Board of Supervisors of the County of Tehama extending Ordinance Number 1924 and temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 4

Repeal Ordinance 1936, approved 4-6-2010, An ordinance of the Board of Supervisors of the County of Tehama adding Chapter 9.06 to the Tehama County Code pertaining to marijuana cultivation, Chapter 9.06.010-9.06.220 of the Tehama County Code.

SECTION 5

Repeal Ordinance 1946, approved 8-31-2010, An urgency ordinance of the Board of Supervisors of the County of Tehama extending Ordinance Numbers 1924 and 1929 and temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 6

Repeal Ordinance 1957, approved 6-28-2011, an ordinance to Prohibit marijuana dispensaries, Chapter 17.09.010-17.09.050 of the Tehama County Code.

SECTION 7

Repeal Ordinance 1980, approved 8-6-13, an ordinance amending Ordinance 1936, Chapter 9.06.010-9.06.220 of the Tehama County Code.

SECTION 8

Repeal Ordinance 2040, approved 5-2-17, an ordinance amending Chapter 9.06 of the Tehama County Code pertaining to Marijuana Cultivation, Chapter 9.06.010-9.06.230 of the Tehama County Code

SECTION 9

Amend the Tehama County Code by adding Chapter 17.08.090 to Chapter 17.08 - GENERAL PROVISIONS AND EXCEPTIONS entitled;

17.08.090 Establishment of Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes.

A. Personal and collective outdoor or mixed light Cannabis cultivation for recreational and medicinal purposes. The personal and collective outdoor or mixed light cultivation of cannabis plants for recreational and medical uses shall be permitted in AG-1, AG-2, AG-3, AG-4, RE and R1 Zoning Districts, provided that;

1. The number of plants or area of plant canopy permitted does not exceed the limits set by the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) or the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

2. The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;

3. The cultivation area shall be less than 1,000 square feet, in all cases;

4. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);

5. The cultivation area shall not be closer than twenty-five feet to any street or property line.

6. Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

B. Commercial outdoor or mixed light Cannabis cultivation for recreational and medicinal purposes. The commercial outdoor or mixed light cultivation of cannabis plants for recreational and medicinal purposes, meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code shall be permitted in R-1, AG-1, AG-2, AG-3, P-D, M-1 and M-2 Zoning Districts, provided that;

1. Only Specialty Cottage Outdoor and Specialty Cottage Mixed-Light licenses are permitted on parcels exceeding five acres in size, in areas classified as Rural Large Lot and Rural Small Lot Residential in the Tehama County General Plan and designated as R-1 Zoning District, provided that;

- a. The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;
- b. The cultivation area shall be less than 2,500 square feet, in all cases;
- c. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);
- d. The cultivation area shall not be closer than twenty-five feet to any street or property line.
- e. The operation shall require the securing of a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- f. The Specialty Cottage Outdoor or Mixed-Light operation shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);
- g. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

2. Specialty, Small and Medium Outdoor and Mixed-Light Licenses, Nursery, Processor and Producing Dispensary Licenses, meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code are permitted in AG-1, AG-2, AG-3, P-D, M-1 and M-2 Zoning Districts, provided that;

- a. The total plant canopy permitted does not exceed the limits set by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

- b. The cultivation area shall not exceed 10% of the premises as defined in Section 17.04.464 of the Tehama County Code;
- c. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);
- d. The cultivation area shall not be closer than twenty-five feet to any street or property line;
- e. The operation shall require the securing of a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- f. Every commercial cannabis farm shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);
- g. Each commercial cannabis farm shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

C. Commercial outdoor Cannabis cultivation for Hemp production purposes.

Outdoor cultivation of cannabis plants for Hemp production purposes shall be permitted in the AG-4; Agricultural-Capay Zoning District, provided that;

- 1. The total plant canopy permitted does not to exceed the limits set by the California Industrial Hemp Farming Act.
- 2. The cultivation area and operations meet all the requirements set by the California Industrial Hemp Farming Act;
- 3. The cultivation area shall not be closer than twenty-five feet to any street;
- 4. The Commercial Hemp Farms secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- 5. Commercial Hemp Farms shall not be located within one mile (5,280 feet) of an existing Commercial Cannabis farming operation permitted pursuant to this Section.

D. Commercial distribution and sales of Cannabis for recreational and medicinal purposes. Commercial distribution and retail sales of recreational and medical cannabis shall be permitted in C-1, C-2, C-3, C-4, P-D, M-1 and M-2 Zoning Districts, provided that;

1. The distributor or dispensary secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation meets all State requirements for commercial distribution or retail sales, as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

E. Commercial manufacturing of non-volatile Cannabis plant conversions for recreational and medicinal purposes and Testing Laboratories. Commercial manufacturing of non-volatile cannabis plant conversions for recreational and medical purposes and testing laboratories shall be permitted in a C-2, C-3, P-D, M-1 and M-2 Zoning Districts, provided that;

1. The non-volatile manufacturer or testing laboratory secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation shall meet all State requirements for commercial non-volatile manufacturing of cannabis products or testing laboratory as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

F. Commercial Manufacturing of Volatile Marijuana Plant Conversions for recreational and medicinal purposes. Commercial manufacturing of volatile marijuana plant conversions for recreational and medical purposes shall be permitted in an M-1 and M-2 Zoning Districts, provided that;

1. The volatile manufacturer secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation shall meet all State requirements for commercial volatile manufacturing of cannabis products as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

G. Outdoor Cannabis Cultivation, Distribution and Sales Prohibited. All outdoor cannabis cultivation and the distribution or sales of cannabis are prohibited in the R-2, R-3, R-4, G-R, AV, PF, PA, NR, FS and TPZ Zoning Districts.

H. Personal Indoor Cannabis cultivation for recreational and medicinal purposes. Personal indoor Cannabis cultivation for recreational and medicinal purposes is allowed in all permitted dwelling units in all Zoning Districts, provided that;

1. The legal resident(s) of the dwelling unit(s) meet the requirements of the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.). Only legal residents may personally cultivate cannabis within the residence.

2. Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

I. Commercial Indoor Cannabis cultivation for recreational and medicinal purposes. Commercial Indoor Cannabis cultivation, meeting the Indoor Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code for recreational and medicinal purposes shall be permitted in the M-1 and M-2 Zoning Districts, provided that:

1. The operation secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;

2. Every commercial cannabis farm shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);

3. Each commercial cannabis farm shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

J. Violations and Penalties. Any violation(s) of any provision(s) of this measure / ordinance, by any individual(s), whether in their personal or professional capacities, shall constitute an Infraction.

K. Severability. If any provision(s) of this measure / ordinance or the application thereof to any person(s) or circumstance(s) is/are held invalid, that invalidity shall not affect other provisions or applications of this measure / ordinance, which can be given effect without the invalid provision(s) or application(s), and to this end, the provisions and applications of this measure / ordinance are severable.

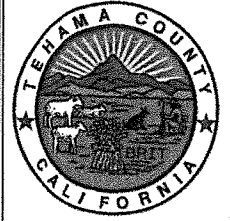
L. Date of Implementation. This measure / ordinance shall take effect sixty (60) days after the date of its adoption.

TEHAMA COUNTY PLANNING DEPARTMENT

Kristen Maze- Director of Planning

444 Oak Street, Room "I", Courthouse Annex Second Floor
Red Bluff, California 96080

Telephone (530) 527-2200 Fax (530) 527-2655 Email: planning@co.tehama.ca.us



AGENT AUTHORIZATION FORM

STATEMENT OF AGENCY

I, the undersigned, am an owner of a record title interest in the property involved with this proposed project.

I hereby appoint LIZ MERRY as my agent(s) for purposes of this project, as set forth below.

My agent(s) is/are hereby authorized and empowered to: (check as appropriate)

+ Represent me in all matters relating to the proposed project, except execution of certificates of ownership, offers of dedication, dedications, and agreements to construct improvements;

OR

+ Submit the application(s) and related information to the Planning Department;

+ Represent me before the Planning Commission or Board of Supervisors;

+ Consent to conditions imposed if and when the application(s) is/are approved;

+ Represent me before the Board of Supervisors in case of appeal.

I agree to be bound by all the representations, drawings and statements tendered by my agent(s) to the County of Tehama for purposes of this proposed project as if the same were made by me personally. I further agree to be bound by all the conditions imposed by the County of Tehama on the approval of this proposed project pursuant to State law and the Tehama County Code.

I understand that I may revoke the authority granted by this statement at any time by written notice sent to: Tehama County Planning Department, 444 Oak Street, Room I, Red Bluff, CA 96080.

SIGNATURE OF OWNER(S) BEFORE A NOTARY PUBLIC:

CERTIFICATE OF ACKNOWLEDGMENT

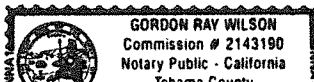
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California)
County of Tehama)

On Dec 1st 2017 before me, Gordon Ray Wilson ^{Notary Public} personally appeared Jason Browne, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. (Seal)
Signature _____



PROJECT # Rezone 17-06

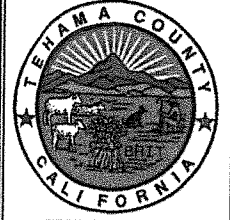
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Red Bluff, California 96080

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WAIVER OF LIABILITY

WAIVER OF LIABILITY ENVIRONMENTAL QUALITY ACT 1970

Project # Perzone 17-06

Property Owner: JASON BROWNE

Applicant: JASON BROWNE waives any claim of liability or damages against the County of Tehama based on the issuance/ approval of this application, on any subsequent Court Order declaring this application invalid and on any further damages suffered by the owner/applicant by reason of the issuance/approval of this application or his reliance thereon.

Signature before a Notary Public

[Signature]
Property Owner

12-01-17
Date

Applicant

Date

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

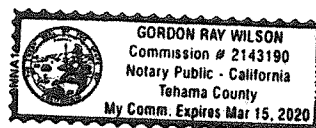
State of California)
County of Tehama)

On Dec 1st 2017 before me, Gordon Ray Wilson ^{Notary Public} personally appeared JASON BROWNE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Signature]

(Seal)

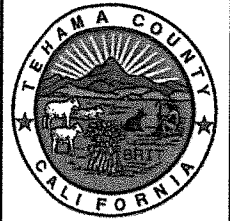


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STATEMENT OF APPLICANT RESPONSIBILITY & INDEMNIFICATION

Statement of Applicant Responsibility

Please read the following statement outlining your responsibilities in the application hearing process.

An amendment to California Law (AB 884), adopted in 1977 and effective January 1, 1978, requires the County of Tehama and all other jurisdictions in the state to take final action to approve or disapprove a request like yours within one year of the County's acceptance of your application as complete. In most cases, the County has approved requests like yours in significantly less time. However, the legislation now requires the County to "count down" the days so that requests are not inadvertently approved without approval by the Board of Supervisors or a designated body. The law requires Tehama County to inform you within 30 days after the application is submitted if your application is incomplete for our needs. If the application is complete and has all the information we need, the processing will be initiated immediately. If additional data is needed, a letter will be sent to you specifically stating the information needed. The staff will not certify the application is complete until all the requested items have been submitted to the County and the required fees have been paid. **PLEASE BE ADVISED THAT THIS APPLICATION IS NOT APPROVED UNTIL THE ULTIMATE HEARING BODY HAS TAKEN ITS FINAL ACTION AND ALL APPEALS EXHAUSTED. ANY RECOMMENDATIONS OR COMMENTS BY STAFF OR ACTIONS BY INTERMEDIATE HEARING BODIES ARE ONLY ADVISORY AND SHOULD NOT BE RELIED ON FOR THE PURPOSES OF MAKING FINANCIAL COMMITMENTS.**

Indemnification

The Applicant(s) shall defend, indemnify, and hold harmless, at the Applicant(s) sole expense, the County of Tehama and its employees, officers, contractors, and agents (the "County Indemnitees") from and against any claim, action, or judicial or administrative proceeding brought against the County Indemnitees, or any of them, to attack, set aside, void, annul, or otherwise challenge the County's decision on the proposed project to the Applicant, any environmental review or absence thereof associated with the proposed project, or the manner in which the County interprets or enforces the terms and conditions of proposed project at any time. The Applicant shall further pay all losses, liabilities, damages, penalties, costs, awards, judgments, fees (including reasonable attorney's fees) and expenses arising from such claim, action, or judicial or administrative proceeding. Counsel for the County Indemnitees in any such legal defense shall be selected by the County. Upon request of the County, the Applicant shall execute a formal written agreement containing the foregoing terms, but the Applicant(s) obligations hereunder shall be fully operative and enforceable regardless of whether such an agreement is executed.

Signature before a Notary Public



Property Owner

Applicant

12-01-17
Date

Date

CERTIFICATE OF ACKNOWLEDGMENT

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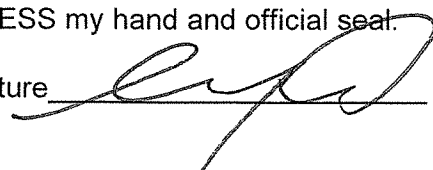
State of California)
County of Tehama)

On Dec 1st 2017 before me Gordon Ray Wilson Notary Public personally appeared JASON BROWNE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

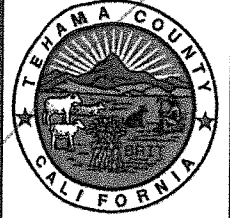


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AUTHORIZATION TO ENTER PRIVATE PROPERTY

AUTHORIZATION TO ENTER PRIVATE PROPERTY

Not Applicable

Government Code Section 65105 authorizes County Planning Department personal, in the performance of their duties, to enter property and make examinations and surveys which do not interfere with use of the land by those person (s) lawfully entitled to the possession thereof. Often times responsible and trustee agencies must also be consulted and given the opportunity to review and comment on proposed projects, necessitating their entry onto the property in order to obtain all relevant information needed to process and application in a timely way.

If County and affected agency personal are not able to enter the project site/ property, significant delays in the processing of the project, particularly the environmental review of the project, could occur and the project applicant may be required to hire consultant to submit information necessary to prepare the environmental documents address the project site.

I have read and understand the foregoing. I authorized the County and other affected personnel to enter the property located at:

_____ for the limited purpose of examining the property with respect to the proposed project/land use, upon making reasonable efforts to give me a 24-hour notice of intended entry.

Property Owner/Agent Signature

Contact Phone Number

PROJECT # _____

COUNTY OF TEHAMA

Fed Id #94-6000543

Official Receipt

No. 767493

DEPARTMENT NAME Fire DEPARTMENT NUMBER 2042
 RECEIVED FROM Elizabeth Merry DATE 12/1/17
 ADDRESS PO Box 474 Manton 96059 AMOUNT \$ 128⁰⁰
One hundred twenty eight DOLLAR
 FOR Rezone app

RECEIVED BY TEHAMA COUNTY, CALIFORNIA
 BY [Signature]
 TITLE SSA

PAID BY:
 CASH
 MONEY ORDER
 CHECK #