RESOLUTION - ACTION REQUESTED 2017-236

MEETING: April 25, 2017

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Initiate GP/ZO Amendments: Prohibit Commercial Marijuana Uses and Activities

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Of Intention pursuant to Zoning Ordinance Section 17.128.020.B. initiating amendments to the General Plan and Zoning Ordinance to prohibit any uses or activities requiring a license from the State of California, pursuant to Division 10 of the Business and Professions Code, in accordance with the “Control, Regulate and Tax Adult Use of Marijuana Act” (Proposition 64).

This resolution will initiate proceedings to amend the Mariposa Town Planning Area Specific Plan, Fish Camp Town Planning Area Specific Plan, Coulterville Town Planning Area Specific Plan and Mariposa County Code Title 17 (Zoning Ordinance) to prohibit activities for which a license is required pursuant to Division 10 of the Business and Professions Code. The activities to be prohibited relate to commercial cultivation, processing, manufacture, sale or public consumption of marijuana plans and any resulting or derivative product.

Amendments are not intended to affect those aspects of Proposition 64 which allow limited personal possession, private cultivation and private use of marijuana.

Amendments are not intended to affect existing County regulations related to medical marijuana.

Amendments will require noticed Public Hearings before the Planning Commission and Board of Supervisors.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 21, 2017 the Board of Supervisors adopted Ordinance 1122, an Interim Urgency Ordinance prohibiting operation of any activity for which a license is required pursuant to Division 10 of the Business and Professions Code.

The Board directed staff to process the amendments contained within this resolution.
ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative: Amend text to be processed.

Negative action: Not applicable (based on Board direction on March 21, 2017).

FINANCIAL IMPACT:
There will be no financial impact on the General Fund resulting from the initiated amendments.

ATTACHMENTS:
BOS.SR.Initiate.Ord amend.ZO 108.200  (DOC)
BOS Reso Initiate GP.ZO Amendment (DOC)
Ord.1122.adopted  (PDF)
170216 Sheriff’s Memo  (PDF)
170213 DA Letter  (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Dallin Kimble
Dallin Kimble, Interim CAO  4/18/2017

RESULT:     ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:     Merlin Jones, District II Supervisor
SECONDER:  Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey