



# RESOLUTION No. 14-140

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION CALLING A SPECIAL ELECTION FOR, AND AUTHORIZING THE SUBMISSION TO THE VOTERS OF, A BALLOT MEASURE REGARDING MEDICAL MARIJUANA CULTIVATION, AND CONSOLIDATING THE SPECIAL ELECTION WITH THE NOVEMBER 4, 2014, STATEWIDE GENERAL ELECTION

WHEREAS, on June 16, 2013, the Nevada County Elections Official received a Notice of Intention to Circulate Petition for an initiative to repeal Nevada County Ordinance No. 2349 regarding Medical Marijuana Cultivation and establish new regulations regarding the size, location and manner in which medical marijuana may be cultivated in Nevada County; and,

WHEREAS, on July 3, 2013, the County Counsel prepared a ballot title and summary as required by law, designating the proposed initiative as the Medical Marijuana Cultivation Measure (“Measure”); and,

WHEREAS, the proposed Measure would amend existing law regarding the size of cultivation areas by (a) increasing the maximum square footage allowed for indoor cultivation in all areas of the County; (b) eliminating square footage limitations and increasing the number of plants allowed in outdoor grow areas for properties over two acres located in R-1, R-2 and R-3 residential zones; (c) eliminating square footage limitations, using plant counts to establish outdoor cultivation limitations, and increasing the maximum size of indoor and outdoor grow areas on properties located in residential-agricultural (RA), agricultural (AG and AE), forest reserve (FR) and timber production (TPZ) zones; and (d) eliminating cultivation restrictions for properties in all other zoning districts; and,

WHEREAS, the proposed Measure would also amend existing law regarding the allowed locations of cultivation areas by, among other things, (a) reducing required distances between cultivation areas and adjacent residences; (b) reducing required distances between cultivation areas and schools, churches, parks and other youth oriented facilities from 1000 feet to 600 feet; (c) eliminating requirements for minimum distances between cultivation areas and school bus stops, school evacuation sites, and outdoor living areas on adjacent parcels; and (d) eliminating various nuisance control regulations and restrictions pertaining to the cultivation of marijuana including odor control, noise, dust, traffic, lighting, anti-glare, noxious gasses, and smoke restrictions, fencing and security requirements, and the requirement that tenants obtain written, notarized consent to cultivate medical marijuana from the legal parcel owner; and,