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Title

An Ordinance Repealing Yuba County's Marijuana Cultivation Ordinance and Implementing an Ordinance Allowing Increased Marijuana Cultivation and Outdoor Marijuana Cultivation

Summary

Yuba County presently has an ordinance that allows the cultivation of medical marijuana. Under the present ordinance, such marijuana cultivation is allowed only indoors in an "accessory structure" and is limited to 12 plants regardless of the size of the parcel or accessory structure. An "accessory structure" is a building, separate from a residence, such as a greenhouse, garage, or shed, that meets County building codes. The present ordinance also has a registration requirement, where persons seeking to cultivate marijuana must register with the County and pay a fee.

This initiative proposes supplanting the County's present ordinance with a new ordinance that would allow greater plant counts based upon parcel size and would allow outdoor marijuana cultivation. Under the proposed ordinance, on parcels less than one acre a maximum of 12 plants would be allowed, 6 of which could be grown outdoors. On parcels from one to five acres in size 18 plants would be allowed; on parcels from five to twenty acres in size 36 plants would be allowed; and on parcels larger than twenty acres 60 plants would be allowed. The proposed ordinance would allow all of the allowable plant count to be grown outdoors on parcels larger than one acre. The proposed ordinance would also allow an additional 6 plants per residence on parcels with more than one established residence. Under the proposed ordinance, there must be a residence, occupied by a qualified medical marijuana patient or caregiver, on the parcel for

marijuana to be legally cultivated, but a residence that is “under construction”, as defined in the proposed ordinance, would qualify.

The proposed ordinance would require that enforcement of the ordinance be “complaint driven”; that a person complaining about excessive or illegal marijuana cultivation must file a written complaint and must live or work within 600 feet of the cultivation area in question. In the absence of a valid complaint, the County may be precluded from conducting enforcement activities on its own.

The proposed ordinance has a registration requirement for those seeking to cultivate marijuana, with fees based on a combination of parcel size and the number of marijuana plants grown on the parcel. Under the proposed ordinance the Board of Supervisors could, by subsequent ordinance, allow cultivation of marijuana in quantities greater than the plant counts authorized in the proposed ordinance, but could never restrict cultivation to amounts less than authorized in the proposed ordinance.