

**SOLANO COUNTY PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_**

**RECOMMENDING ADOPTION OF AN ORDINANCE AMENDING CHAPTER 28 TO ALLOW  
NON-COMMERCIAL PERSONAL USE AND PRIMARY CAREGIVER CANNABIS  
CULTIVATION IN EVERY ZONE THAT ALLOWS A RESIDENCE AS A PRIMARY USE AND  
ADDING SECTION 28.82 TO REGULATE NON-COMMERCIAL CANNABIS CULTIVATION  
FOR PERSONAL USE AND PRIMARY CAREGIVER CULTIVATION IN UNINCORPORATED  
SOLANO COUNTY**

---

WHEREAS, Proposition 64 decriminalizing the use, possession, and cultivation of recreational cannabis in the State of California was passed by voters on November 8, 2016; and

WHEREAS, Proposition 64 mandates that, at a minimum, an individual be allowed to cultivate up to 6 cannabis plants for recreational use in a residence or in a locked, secured structure on the grounds of a residence; and

WHEREAS, Proposition 64 permits a city or county to enact reasonable regulations on personal cannabis cultivation, although the city or county may not ban indoor personal cultivation; and

WHEREAS the Medical Marijuana Regulation and Safety Act (MMRSA) was enacted on September 11, 2015 (the Act was renamed the "Medical Cannabis Regulation and Safety Act" (MCRSA) on June 27, 2016) to provide a comprehensive state-wide licensure and regulatory scheme for medical cannabis; and

WHEREAS, MCRSA allows a medical cannabis patient to cultivate up to 100 square feet of cannabis for personal use and a designated primary caregiver to cultivate up to 500 square feet of cannabis for up to 5 patients' use; and

WHEREAS, MCRSA permits a city or county to regulate or ban such personal or caregiver cultivation of medical cannabis; and

WHEREAS, Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) was signed by the Governor on June 27, 2017 and was generally intended to impose the same requirements on both medicinal and recreational cannabis, where possible; and

WHEREAS, MAUCRSA provided that a recreational cannabis user could cultivate up to six (6) cannabis plant, a patient could cultivate up to six (6) mature and twelve (12) immature cannabis plants, and a caregiver of a patient could cultivate up to six (6) mature and twelve (12) immature plants for up to five (5) patients; and

WHEREAS, MAUCRSA provided that such cultivation amounts would be exempt from state commercial cannabis activity licensing requirements as long as the cultivator was in compliance with both when done the cultivator was in compliance with Business and Professions Code section 26033 and Health and Safety Code section 11362.1; and

WHEREAS, there are currently no provisions regulating or explicitly allowing for cultivation of personal or caregiver cannabis in the Solano County Zoning Regulations; and

WHEREAS, the Board of Supervisors enacted a moratorium on commercial marijuana activities and personal and caregiver outdoor cultivation on December 6, 2016 and extended it on January 10, 2017, allowing the County time to gather public input and consider how best to regulate cannabis locally under MCRSA, AUMA, MAUCRSA and to consider the regulations that the State of California are drafting; and

WHEREAS, the Board of Supervisors, at public meetings on November 1, 2016 and January 24, 2017 expressed a desire to apply reasonable regulations to personal cultivation and caregiver cultivation in order to mitigate potential nuisance impacts of cannabis cultivation; and

WHEREAS, the Solano County Planning Commission held public meetings on November 17, 2016 and January 19, 2017 to invite public comment and discuss potential reasonable regulations for personal and caregiver cultivation of cannabis; and

WHEREAS, on February 8, 2017, County staff held a community meeting to hear from the public regarding reasonable regulations for personal cultivation and caregiver cultivation; and

WHEREAS, the Solano County Planning Commission recommended the Board of Supervisors adopt amendments regarding non-commercial personal and caregiver cannabis cultivation to the Chapter 28 Zoning Regulations on March 16, 2017; and

WHEREAS, during a noticed public meeting on August 29, 2017, the Board of Supervisors reviewed and discussed the Planning Commission's recommendation and the proposed ordinance and after receiving public comment, directed staff to amend the Planning Commission-recommended ordinance to include one or more modifications that had not been reviewed and considered by the Planning Commission; and

WHEREAS, in compliance with Government Code section 65857, the Board of Supervisor's modifications to the proposed ordinance has been referred to the Planning Commission for a report and recommendation; and

WHEREAS, on September 21, 2017 the Planning Commission reviewed and discussed the Board of Supervisor's modifications and received public comment and a staff report.

NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above Recitations are true and correct; and
2. The Planning Commission does hereby report and recommend that the Board of Supervisors adopt the proposed modifications to the amendments to Chapter 28 of the zoning code (Exhibit A).

\*\*\*\*\*

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on September 21, 2017 by the following vote:

AYES:	Commissioners	_____
		_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: \_\_\_\_\_  
Bill Emlen, Secretary

DRAFT