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December 14, 2016

Honorable Board of Supervisors  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, CA 95959

**DATE OF MEETING:** January 10, 2017

**SUBJECT:** Ordinance Adding Subsections G-IV 5.2.X, G-IV 5.3.CC, G-IV 5.3.DD, G-IV 5.4.M and G-IV 5.4.N to Article 5 of Chapter IV of the Nevada County General Code Regarding Indoor Personal Marijuana Cultivation.

**RECOMMENDATION:** Adopt proposed Ordinance

**FUNDING:** Not applicable.

**BACKGROUND:**

This limited amendment to the County's existing marijuana regulations was introduced on December 13, 2016 as a good faith effort to ensure the current ordinance is aligned with the legal requirements of Proposition 64. Proposition 64, which legalized recreational adult use of marijuana, prohibits a local agency from entirely banning indoor cultivation of up to 6 marijuana plants inside a private residence or accessory structure to a private residence.

The proposed amendment to the current ordinance would permit the personal cultivation of no more than 6 plants inside a Private Residence or Accessory Structure to a Private Residence by adults 21-years old or older. The amendment also provides exceptions to the setback requirements if application of the current setbacks would prevent cultivation Indoors of 6 plants or less.

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On December 13, 2016, this amendment was introduced to the Board with the clarification that the 6 plant indoor grows allowed under this amendment is not in addition to the plant count maximums already stated in the existing ordinance. It is recommended that the Board of Supervisors adopt the ordinance as introduced.

Initiated and approved by:

ALISON A. BARRATT-GREEN  
County Counsel