

COUNTY OF SHASTA MEASURE A

MEASURE A

Shall Ordinance SCC 2014-02 (Medical Marijuana Cultivation in the County's Unincorporated Area) be Adopted?

Amends current Shasta County medical marijuana cultivation restrictions for the County's unincorporated area to, among other things: (1) prohibit the outdoor cultivation of marijuana, (2) limit the cultivation of marijuana per premises to a total of twelve plants within a structure that is detached from and accessory to a residence of a qualified medical marijuana patient or primary caregiver of a qualified medical marijuana patient, (3) prohibit the unlawful surface drawing of water and unlawful discharges of water related to marijuana cultivation, (4) require that if the person cultivating marijuana is not the owner of the property, notarized statements from all legal owners consenting to the cultivation must be obtained, (5) make any violation of the marijuana cultivation restrictions a misdemeanor, and (6) amend residential accessory building requirements.

Yes

No

IMPARTIAL ANALYSIS BY COUNTY COUNSEL OF MEASURE A

Measure A was placed on the ballot by a referendum petition signed by the requisite number of voters challenging Ordinance SCC 2014-02 (the "Ordinance"). The Ordinance was adopted by the Shasta County Board of Supervisors on January 28, 2014. The referendum stopped the Ordinance from going into effect and required that the Ordinance be submitted to the voters for approval. The Ordinance amends current medical marijuana cultivation restrictions for Shasta County's unincorporated area.

Currently, qualified medical marijuana patients and their primary caregivers may cultivate medical marijuana in the unincorporated County on properties where the qualified medical marijuana patients or their primary caregivers reside. The cultivation may occur both outdoors and inside structures detached from the residences, but is limited to a total cultivation area (both outdoors and indoors) ranging from 60 to 360 square feet based on property size. The cultivation may not occur inside a residence. The cultivation also may not occur within 1,000 feet of a school and other sensitive uses. Outdoor cultivation is also subject to setback and fencing requirements. Grow light systems are prohibited for outdoor cultivation, but may be used for indoor cultivation with certain requirements.

In general, violations of the current restrictions are criminal infractions. However, every person who violates the current restrictions three or more times is guilty of a misdemeanor for the third and every subsequent violation during a twelve month period.

The Ordinance amends these current medical marijuana cultivation restrictions for the unincorporated County. Primarily, the Ordinance will:

- (1) Prohibit outdoor cultivation of marijuana;
- (2) Limit marijuana cultivation per premises to a total of 12 plants inside a structure that is detached from and accessory to a residence of a qualified medical marijuana patient or primary caregiver;
- (3) Establish criteria for the cultivation structure, including setbacks and electricity use, light systems, odor filtration systems, and security systems;
- (4) Require a legal water source on the premises and prohibit the unlawful surface drawing of water and unlawful discharges of water related to marijuana cultivation;
- (5) Require that if the person cultivating marijuana is not the owner of the property, notarized statements from all legal owners consenting to the cultivation be obtained;
- (6) Amend residential accessory building requirements;

- (7) Continue to prohibit marijuana cultivation within 1,000 feet of a school and other sensitive uses;
- (8) Continue to prohibit marijuana cultivation inside a residence; and
- (9) Make any violation of the marijuana cultivation restrictions a misdemeanor.

Similar to other County ordinances, the Ordinance may be enforced by administrative, civil, or criminal proceedings.

A "Yes" vote by a majority of those voting on Measure A means that the Ordinance will go into effect and will replace the existing medical marijuana cultivation restrictions.

A "No" vote by a majority of those voting on Measure A means that the Ordinance will not go into effect and the existing medical marijuana cultivation restrictions will remain in place.

/s/ Rubin E. Cruse, Jr.
Shasta County Counsel

The above statement is an impartial analysis of Measure A. If you desire a copy of the ordinance or measure, please call the elections official's office at 530-225-5730 and a copy will be mailed at no cost to you. You may also access the full text of the measure on the county Web site at the following Web site address www.elections.co.shasta.ca.us

ARGUMENT IN FAVOR OF MEASURE A

Outdoor medical marijuana cultivation has greatly expanded in recent years. This has led to many complaints regarding the number of plants, plant odor, drug trafficking, noise from generators, and growing near schools, churches, and other sensitive areas.

Commercial size operations are common. Such operations often have armed persons guarding their crop, cause damage to the environment, create blight conditions, and negatively impact the value of property and homes. Now explosions and fires are occurring as a result of the processing of marijuana, endangering others, homes, and property.

Many crimes are associated with marijuana operations, especially during harvest season. These crimes include drug sales, assaults, thefts, home invasions, water thefts, shootings, stabbings, robberies, and even murders.

A Yes Vote supports the action of the Board of Supervisors to place reasonable land use limitations on medical marijuana cultivation.

A Yes Vote limits the number of plants to 12 plants and continues to prohibit cultivation near sensitive areas such as schools and churches.

A Yes Vote continues to require a qualified patient or primary caregiver on the property to have a legally permitted residence in order to grow medical marijuana on the site.

A Yes Vote requires that cultivation occur inside non-residential structures with filters to limit noxious odor impacts to neighbors.

A Yes Vote prevents negative environmental impacts to land, creeks, and streams such as clear cutting of land, hundreds of cubic yards of earth being moved for grow sites, water theft, stream diversion, silt, sewage, and chemicals running off into streams.

A Yes Vote in favor of Measure "A" helps improve the quality of life in Shasta County while respecting the needs of medical marijuana patients.

Vote Yes on Measure "A." Measure A is good for you, me, and the community.

/s/ Les Baugh, Chairman
Board of Supervisors, County of Shasta

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REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

Vote No! This poorly conceived ordinance tramples property rights of law abiding citizens, and will drive cultivation into city neighborhoods. It will allow police on your property without a warrant, simply based on suspicion of cultivation. It increases profits for illegal trespass grows by stimulating black market demand.

Enforce the current law. The Impartial Analysis by County Counsel plainly describes a restrictive ordinance currently unenforced. Good citizens should not become criminals because of County Code Enforcement's mismanagement. If the process has been streamlined, there should be no problem enforcing the existing ordinance.

Law Enforcement is setting a record this year abating grows with no outdoor ban in place. This proves that the County already has the tools it needs to address bad-neighbor gardens. Are we to believe that law enforcement cannot tell the difference between hundreds of plants and a few plants in a backyard?

The Sheriff claims rising crime as a reason for the ban, but the total violent crime rate from 2012-13 was down 17.02%. (<http://reddingpolice.org/CrimeStatistics.html>).

The ACLU has filed suit against the County of Fresno for their cultivation ban. Their Supervisors recently approved \$210,000 in taxpayer funds to defend it. There comes a time when the elected officials must have a reasonable discussion with their constituents and write a law that doesn't impose on civil liberties or make criminals of law abiding citizens.

Not even one plant outdoors, on my own property? A complete ban of outdoor cultivation is far from a reasonable balance. Vote No.

/s/ Matthew D. Meyer, PhD
/s/ Curtis Keaton, Concerned Citizen
/s/ Wilma Marler Sherwood, Retired School Teacher
/s/ Rick Arons, Local Small Business Owner
/s/ Loel Yerion, Union Representative

ARGUMENT AGAINST MEASURE A

Vote No on Measure A. Measure A will not stop neighborhood grows, but it will waste scarce County resources. Residents of the unincorporated County will flock to City of Shasta Lake and Redding to cultivate, where this ordinance's misdemeanor charge will not apply, increasing neighborhood grows.

The Board of Supervisors has said that they need this law to combat commercial gardens in the County of Shasta. However the 2013-14 Grand Jury Report stated, "...the Grand Jury became concerned that the County does not effectively enforce its adopted rules and regulations." (http://www.co.shasta.ca.us/docs/Grand_Jury/full-reports/2013-2014-full-report.pdf?sfvrsn=2 p. 17) Enforce the existing laws.

Vote No. Commercialized operations and processing butane concentrates are already illegal. Drawing of surface water, stealing water from hydrants, and discharging chemicals into the watershed are all illegal.

Vote No. This ordinance places land restrictions on every homeowner in the County of Shasta that will allow law enforcement to enter your property without a warrant under suspicion of cultivation.

Vote No. It forces cultivation indoors increasing the risks for fire, thefts, home invasions, and pollution, thus stressing on our electrical grid and natural resources further.

Vote No. Citizens with medical issues will be burdened with the high cost of the required residential accessory structure, which the news reports estimate at \$12,000. They will also be required to pay an additional electrical bill, increasing their cost of living.

Vote No. Measure A eliminates the only affordable way for patients to grow their medicine organically under the sun.

Vote No. Other Counties who have banned outdoor cultivation have suffered multiple civil rights lawsuits, which are very costly.

Vote No. The 2011 county ordinance already prohibits cultivation near sensitive areas such as schools and churches.

Enforcing the laws we already have will improve the quality of life for all in the County of Shasta.

/s/ Jessica L. Lunsford, Proponent Concerned Citizen
/s/ Curtis Keaton, Concerned Citizen
/s/ Tyler Terrell, Concerned Citizen
/s/ Rick Arons, Concerned Citizen
/s/ Mandy Arons, Concerned Citizen

REBUTTAL TO ARGUMENT AGAINST MEASURE A

Vote Yes on Measure A. Shasta County is overrun with persons claiming to grow marijuana for medicinal purposes. Some grow hundreds, up to thousands, of plants. These operations create nuisances for neighbors and adjoining landowners, such as strong marijuana plant odors, blight conditions, illegal water diversions, environmental damage, and noise. Measure A places reasonable limitations on such operations.

These operations attract the criminal element. Robberies, beatings, violent assaults, gunfire, and even murders have occurred. Measure A combats these problems.

Measure A creates a limit of 12 marijuana plants per premises. The marijuana plants must be grown in a separate building with odor filtration to reduce the impact of noxious odors on others. Building codes must be followed to ensure safety. Vote Yes on Measure A.

Measure A continues to require that patients or their primary caregivers reside where the marijuana is grown. Measure A does not expand the current ordinance's definition of cultivation.

Shasta County has officers dedicated for medical marijuana ordinance enforcement. Shasta County has improved and streamlined the administrative process for ordinance violations.

Marijuana investigations and inspections are legal and proper. Measure A is consistent with legal requirements for warrants.

Shasta County developed an ordinance consistent with court decisions regarding medical marijuana cultivation.

Measure A strikes a balance between medical marijuana patients and people living near marijuana grow sites. Vote Yes on Measure A.

Help Shasta County reduce crime and ensure the safety of county residents. Measure A is good for all of Shasta County. Vote Yes on Measure A.

/s/ Les Baugh, Chairman
Board of Supervisors, County of Shasta

/s/ Tom Bosenko,
Shasta County Sheriff-Coroner

/s/ Betty Cunningham,
Executive Director
Partners for a Drug-Free Community