

Planning Commission Staff Report, January 21, 2014
Attachment 1

City of Concord (Contra Costa County)

Ordinance limits marijuana cultivation to occupied dwellings, dwelling units, and housing units, which are defined so as to exclude cultivation both outside and in accessory structures, including but not limited to greenhouses, storage sheds, workshops, gazebos and cabanas.

City of Anderson (Shasta County)

On February 18, 2011, an ordinance took effect in Anderson that prohibits cultivation either inside a dwelling or in an outdoor garden, limits the growing, harvesting and processing of medical marijuana to a 50-square-foot outbuilding that is built to city, state and federal codes, is protected by an audible alarm system, and contains electrical, plumbing and ventilation. A suit was filed against the Anderson ordinance on April 15, 2011.

City of Arcata (Humboldt County)

City Council passed an ordinance allowing no more than 50 square feet for cultivation. In addition, dispensaries will be prohibited from using more than 25% of their property for cultivation and patients must grow in their own homes, which must be mainly residential space. Those with special needs may request more grow space.

City of Berkeley (Alameda County)

Measure JJ, passed by the voters in 2008, repealed Berkeley's plant and possession limits. Outdoor gardens that are observable are limited to 10 plants.

City of Biggs (Butte County)

City code requires marijuana be grown in a "fully enclosed and secure structure."

City of Chico (Butte County)

Chico allows the outdoor, residential cultivation of 50 square feet per parcel by qualified patients or caregivers. Plants must be enclosed, screened and five feet from the property line. Indoor cultivation is also allowed in residential zones with written permission of the property owner, but the area used for cultivation must not exceed 50 square feet and grow lights cannot exceed 1200 watts. Any violation of the ordinance is declared a public nuisance and subject to abatement. States all marijuana grown must be for personal use only.

City of Corning (Tehama County)

The city of Corning prohibits cultivation outdoors or in a residential structure. Gardens must be located in a secure detached structure in the rear yard only, removed ten feet from the property line and with a six foot solid fence and with a mechanical ventilation system and security system approved by a Building Official or the Police Dept.

City of Dunsmuir (Siskiyou County)

On May 19, 2011 the city of Dunsmuir enacted an ordinance (Chapter 17.34 of city code) that

disallows outdoor cultivation, and requires anyone growing for more than one person to submit an affidavit to the city manager. A maximum of 100 square feet may be grown per patient, not to exceed three patients per parcel. Patients must live on the property, and growing must take place in a garage.

City of Elk Grove (Sacramento County)

The city of Elk Grove adopted an ordinance banning the cultivation of medical marijuana in all agricultural (except agricultural-residential), commercial, office, industrial, open space, special purpose, and overlay/combining zoning districts. In addition, the ordinance bans outdoor or greenhouse cultivation in residential zones, but allows for cultivation inside a residence or in a detached structure (within residential zones) with a city issued marijuana cultivation permit, and if the property is not owner occupied, the written permission of the property owner. Only qualified patients and primary caregivers may engage in the cultivation of medical marijuana. In addition to complying with the city's building code, detached structures must be fully enclosed, have a complete roof, minimal wall thickness, and be secured against unauthorized entry through one locked door. The ordinance limits the grow area of the detached structure to no more than 120 square feet and requires the yard to be enclosed with a 6-foot high fence. Inside a residence, medical marijuana can be grown in an area of no more than 50-square feet, excluding the bathroom, kitchen, or bedrooms used for sleeping purposes. Grow lights cannot exceed 1200 watts and must comply with building, electrical and fire codes. The gas products (CO2, butane, propane, and natural gas), as well as generators are prohibited for use in cultivation and processing. Cultivation is not permitted within 1,000 feet of any school, child care center or public park, and the growing area must not be accessible to anyone 17 years of age or younger. A ventilation and filtration system is required to be installed and must be approved by the city's building official. In addition, a mechanical or electronic security system must be installed and approved by the city building official and police chief. Any violation of the ordinance is declared a public nuisance and subject to abatement.

City of Eureka (Humboldt County)

On May 3, 2011, Eureka city council approved an ordinance that allows personal cultivation within 50 square feet in area and 10 feet in height, or up to 100 feet with an Exemption Request, only in a residence. Processing area cannot exceed 20 square feet. Also regulates dispensaries, delivery services, and labs.

City of Fort Bragg (Mendocino County)

Cultivation Ordinance allows up to 100 sq. feet, indoors

City of Gridley (Butte County)

The city of Gridley has banned outdoor cultivation.

City of Imperial Beach (San Diego County)

On July 7, 2011, with a 4 to 1 vote, the Imperial Beach City Council approved an ordinance

banning collective cultivation of medical marijuana within city limits including in the private homes of qualified patients.

Town of Moraga (Contra Costa County)

The city of Moraga outlaws outdoor cultivation; indoor is allowed only if not visible.

City of Manteca (Merced)

Allows the cultivation of medical marijuana in secured enclosed structures, not visible from the public right-of-way, by qualified patients and caregivers (as defined in the Health & Safety Code). The structures must be fully enclosed by solid walls, a ceiling, roof or top. Also limits the number of plants that can be cultivated to six mature or twelve immature plants, or as otherwise recommended by a doctor in accordance with Health & Safety Code §11362.77. Cultivation by collectives or cooperatives is prohibited in all residential districts within the city or within 1000 feet of any residential district, school, recreation center, or youth center. In addition, collectives and cooperatives are subject to additional requirements, including registering with the Manteca Chief of Police, identifying all participating qualified patients and caregivers, providing a description of the proposed cultivation process, and diagram of the property, including location of the proposed area of cultivation and distance from property lines. All violations of the ordinance are declared a public nuisance subject to summary abatement and misdemeanor criminal penalties.

City of Modesto (Merced)

Cultivation of marijuana is banned, unless the cultivating is by a primary caregiver as defined in the Health and Safety Code or by a qualified patient and complies strictly with Health and Safety Code §11362.5.

10-3.210 Medical Marijuana Uses. The following medical marijuana uses are prohibited in all zones:

- (a) Medical marijuana dispensary.
- (b) Any facility or location, stationary or mobile, used for the purpose of cultivating marijuana unless such cultivating of marijuana is by a primary caregiver as defined in the Health & Safety Code or by a patient and complies strictly with applicable law including, but not limited to, Health & Safety Code Section 11362.5.
- (c) Any facility or location, stationary or mobile, used for the purpose of delivering, giving away, providing, or furnishing of marijuana unless such delivering, giving away, providing, or furnishing of marijuana is by a primary caregiver as defined in the Health & Safety Code and complies strictly with applicable law including, but not limited to, Health & Safety Code Section 11362.765 and Health & Safety Code Section 11362.77.
- (d) Any use which is prohibited by State and Federal law.

City of Oakland (Alameda County)

Indoors – 72 plants in maximum 32 sq. ft growing area. Outdoors – 20 plants, no area limit. Weight limit 3 lbs dried marijuana per patient. Collective gardens limited to 3 patients. Dispensaries serving four or more patients are allowed max. 6 mature and 12 immature plants and 1/2 pound per patient.

City of Redding (Shasta County)

An ordinance passed in 2010 restricts medical marijuana gardens to a maximum of 100 square feet of canopy or 10% of home or garden area.

City of Ripon (San Joaquin County)

Outdoor cultivation is not permitted in the city. The ordinance also limits the number of plants that can be grown in accordance with Health & Safety Code §11362.77 for patient cultivation; and collective cultivation at 99 plants, whether mature or immature.

City of Rocklin (Placer County)

2011, the city of Rocklin passed ordinance 970 (Section 1. Chapter 17.81 of Rocklin Municipal Code), which limits cultivation to 50 square feet and ten feet in height per residence only within an enclosed structure. Marijuana cultivation lighting cannot exceed 1200 watts, and the authorized grower must reside in the residence where the marijuana cultivation occurs. Other building and fire codes, issues of privacy, noise, odor, etc. must be observed. With documentation of a second patient living on the premises, up to 100 square feet can be grown. Penalty for violation is \$500/day.

City of San Carlos (San Mateo County)

San Carlos’s collective regulation ordinance says a patient may grow medical marijuana for consumption at their residence. It adds: All cultivated marijuana must be secured in structures consisting of at least four walls and a roof, and be held secure to the satisfaction of the police chief.

City of San Diego (San Diego County)

City Municipal Code allows up to 1 lb of marijuana, 24 plants in 64 square feet indoors; no outdoors growing allowed except in enclosed greenhouses.

City of San Francisco (San Francisco County)

Patients allowed up to 24 plants or 25 square feet of canopy; dispensary gardens capped at 99 plants in 100 square feet. Possession limited to 8 oz. dried cannabis per patient. See p. 44 of the ordinance. San Francisco has enacted regulations on edibles.

City of San Mateo (San Mateo County)

San Mateo’s city collective ordinance says:
Marijuana cultivated and possessed at a private residence must not be visible from adjacent

public areas or neighboring properties, and must be secured within structures consisting of at least four walls and a roof with standard locks.

City of Santa Cruz (Santa Cruz County)

100 sq.ft. canopy and up to 99 plants is allowable under county guidelines, for a patient or a bone fide caregiver.

City of Sebastopol (Sonoma County)

In January 2011, Sebastopol city council enacted an ordinance allowing patients and caregivers to grow up to 30 plants within 100 square feet of their homes. Under the ordinance, patients and caregivers can possess up to 3 lbs. at the garden site. It also allows two secured 750 square-foot gardens for dispensing collectives, and two more for non-dispensing patients and caregivers.

City of Shasta Lake (Shasta County)

In December 2010, city council adopted an ordinance that allows growing only in residential or mixed-used zoning districts, while it would be banned in commercial and industrial districts. The ordinance allows for growing up to 100 square feet inside a garage or adjacent building, but not inside the home. Outdoor growing is limited to 25 square feet on a half-acre parcel, 60 square feet on a parcel between half-acre and one acre and 240 square feet on parcels larger than one acre. Outdoor grows must also be enclosed in a 6-foot high, non-climbable fence with a locking gate. Chain-link fences are not allowed, according to the ordinance.

City of South Lake Tahoe (Eldorado County)

On May 17, 2011, the City of South Lake Tahoe unanimously passed an ordinance “to require that medical marijuana be cultivated in appropriately secured, enclosed, and ventilated structures” in permitted residential structures only; “in compliance with the maximum dimensions permissible for the cultivation of medical marijuana” within 10% of the total residence square footage. Fines for violations start at \$100/day and escalate to \$500 with repeat offenses.

City of St. Helena (Napa County)

St. Helena declares it a public nuisance for any person owning, renting, leasing, occupying, or having charge or possession of any real property within the city limits to cause or allow such real property to be used for the outdoor cultivation of marijuana.

City of Tracy: (San Joaquin County)

Cultivation of medical marijuana is not allowed as a principal use, conditional use, special use, or accessory use in any zone within the City of Tracy.

City of Willits (Mendocino County)

Requires cultivation of medical marijuana to take place only within a fully enclosed and secure structure, which may or may not be the residence of a qualified patient (as defined in the CUA)

for personal use. Qualified structures are defined as having a permanent foundation, a complete roof, a minimal wall thickness and being accessible only through one or more locked doors. The use of indoor grow lights or air filtration systems must comply with all applicable building, electrical and fire codes. The Willits ordinance also requires that the structure be adequately sealed to significantly reduce the emission of odor associated with mature marijuana plants; and limits the number of plants which may be cultivated at one time to six.

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