

City of Calistoga

Chapter 17.48

MARIJUANA ACTIVITIES REGULATIONS

Sections:

- 17.48.010 Definitions.
- 17.48.020 Medical marijuana dispensaries prohibited.
- 17.48.030 Marijuana/cannabis cultivation prohibited.
- 17.48.035 Commercial cannabis activities prohibited.
- 17.48.040 Marijuana cultivation and processing for personal use.
- 17.48.050 Public nuisance.

17.48.010 Definitions.

The definitions set forth in CMC 8.30.010 shall apply to this chapter. (Ord. 730 § 4(1), 2017).

17.48.020 Medical marijuana dispensaries prohibited.

Medical marijuana dispensaries, as defined in Chapter 8.30 CMC, are prohibited uses in all zoning districts within the City of Calistoga. (Ord. 730 § 4(2), 2017; Ord. 721 § 3, 2016. Formerly 17.48.010).

17.48.030 Marijuana/cannabis cultivation prohibited.

The cultivation of marijuana/cannabis is prohibited in all zoning districts within the City of Calistoga, except as provided in CMC 17.48.040. (Ord. 730 § 4(3), 2017; Ord. 721 § 3, 2016. Formerly 17.48.020).

17.48.035 Commercial cannabis activities prohibited.¹

Commercial cannabis activities, as defined in Chapter 8.30 CMC, are prohibited in all zoning districts within the City of Calistoga. (Ord. 721 § 3, 2016. Formerly 17.48.030).

17.48.040 Marijuana cultivation and processing for personal use.

The cultivation of marijuana and the manufacture of marijuana products/by-products for personal use is allowed, subject to the following regulations.

A. Maximum Number of Plants. No more than six marijuana plants per dwelling unit may be planted, cultivated, harvested, dried and processed. This limit shall apply regardless of how many individuals reside at the dwelling unit.

B. Indoor Cultivation.

1. Plants may be cultivated within:

- a. A dwelling unit; or
- b. A structure that is accessory to a dwelling unit located upon the same parcel, and that is located at least 10 feet from any property line.

2. Marijuana cultivation in a garage associated with a residence shall not prevent compliance with the minimum parking standards required by this title.

C. Outdoor Cultivation. Marijuana may be cultivated outdoors in compliance with all of the following regulations.

1. Outdoor cultivation may occur only within the following zoning districts:

- Rural Residential (RR)
- Rural Residential-Hillside (RR-H)
- One-Family Residential (R-1 and R-1-10)
- Planned Development District (PD)

2. Outdoor cultivation is allowed only on a parcel that is occupied by one or more dwelling units.
3. Outdoor cultivation of up to two plants is allowed per qualified parcel.
4. Outdoor cultivation is prohibited on a parcel that is within 300 feet of a school, religious facility, park, child care facility, recreation center or youth-oriented facility. The distance shall be measured in a straight line, without regard to intervening structures, from the closest property line of the parcel on which the outdoor cultivation is occurring.
5. Outdoor cultivation must be enclosed by a solid fence at least six feet in height.
6. Marijuana plants may not be visible from a public right-of-way or neighboring property at ground level.

D. Off-Site Impacts. Odor, vibration and/or light associated with cultivation that causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area are prohibited.

Any structure used for marijuana cultivation must have a ventilation and filtration system that prevents odors from exiting the interior of the structure and that complies with the California Building Standards Code as adopted and amended by CMC Title 15.

E. Hazardous Materials and Processes.

1. The use of ozone generators and supplemental carbon dioxide to cultivate marijuana is prohibited.
2. The use of compressed, flammable gas as a solvent in the extraction of tetrahydrocannabinol (THC) or other cannabinoids to cultivate marijuana is prohibited. (Ord. 730 § 4(4), 2017).

17.48.050 Public nuisance.

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be abated by the City pursuant to the procedures set forth in Chapter 1.12 CMC. (Ord. 730 § 4(5), 2017).

¹ Ord. 730, Section 4 renumbered Section 17.48.020 as 17.48.030. This section has been editorially renumbered to avoid duplication of numbering.

City of Napa

- D. Cannabis Businesses shall provide copies of state, regional and local agency permits, approvals or certificates upon request by the City to serve as verification for such compliance.

20-46.030 Personal Cannabis Cultivation.

Personal Cannabis Cultivation for medical or adult use shall be permitted only in compliance with the provisions of Division 2 (Zoning Districts and Allowable Uses) and shall be subject to the following standards and limitations.

- A. Medical and Adult Use Cannabis Maximum Limitation. The personal cultivation of medical and/or adult use cannabis is limited no more six (6) mature plants per a primary residence, regardless of the number of residents and regardless of the presence of an accessory or junior accessory dwelling unit.
- B. Residency requirement. Cultivation of cannabis for personal use may occur only on parcels with an existing legal residence occupied by a full-time resident responsible for the cultivation.
- C. The following operating requirements are applicable to outdoor cultivation for personal use:
 - 1. Maximum Limitation. Outdoor cultivation for personal use is limited no more than two (2) mature plants.
 - 2. Cannabis plants shall not be located in a front or street side yard, unless fully screened from public view.
 - 3. Outdoor cultivation for personal use is prohibited on parcels located adjacent to a school property; "School" as defined by the Health & Safety Code Section 11362.768.
- D. The following operating requirements are applicable to personal cannabis cultivation:
 - 1. Visibility. No visible markers or evidence indicating that cannabis is being cultivated on the site shall be visible from the public right of way at street level, or from school property.
 - 2. Security. All enclosures and structures used for cannabis cultivation shall have security measures sufficient to prevent access by children or other unauthorized persons.
 - 3. Prohibition of Volatile Solvents. The manufacture of cannabis products for personal non-commercial consumption shall be limited to processes that are solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug and Cosmetic Act. The use of volatile solvents to manufacture cannabis products for personal consumption is prohibited.
 - 4. All structures used for Personal Cannabis Cultivation (including accessory structures, greenhouses, and garages) must be legally constructed with all applicable Building and

Fire permits (including grading, building, electrical, mechanical and plumbing) and shall adhere to the development standards within the base zone.

5. Odor Control. All structures used for cultivation shall be equipped with odor control filtration and ventilation systems such that the odors of cannabis cannot be detected from outside of the structure.
6. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:
 - i. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant and comply with Section 20-30.080 (Outdoor Lighting.)
 - ii. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.
7. Noise. Use of air conditioning and ventilation equipment shall comply with the Chapter 17-16 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.
8. All personal cannabis cultivation shall comply with the Best Management Practices for Cannabis Cultivation issued by the Sonoma County Agricultural Commission for management of waste, water, erosion control and management of fertilizers and pesticides.

20-46.040 Cannabis Businesses.

Cannabis Businesses (Medical and Adult Use) shall be permitted only in compliance with the provisions of Division 2 (Zoning Districts and Allowable Uses) and shall be subject to the following standards and limitations.

- A. Land use. For purposes of this Chapter, Cannabis Businesses shall include the following land use classifications, all of which are further defined in Chapter 20-70 (Definitions):
 1. Cannabis – Commercial Cultivation up to 5,000 sf
 2. Cannabis – Commercial Cultivation 5,001 sf or greater
 3. Cannabis – Retail (Dispensary) and Delivery
 4. Cannabis – Distribution
 5. Cannabis – Manufacturing – Level 1 (non-volatile)
 6. Cannabis – Manufacturing – Level 2 (volatile)
 7. Cannabis – Microbusiness
 8. Cannabis – Testing Laboratory

City of Santa Rosa

ATTACHMENT 1

be enforced by any available remedy under this code, including, but not limited to, the following:

- (a) Any remedy identified in Section 1.16.050;
- (b) Issuance of an administrative citation and/or compliance order under Chapter 1.24;
- (c) Any other lawful remedy.

3. Any person operating a commercial cannabis activity in violation of any provision of this section or misrepresenting any material fact in demonstrating compliance with the requirements for limited immunity is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment for not more than six months, or by both such fine and imprisonment.

I. Cultivation

No person or entity may cultivate cannabis at any location in the City, except that a person may cultivate no more than six living cannabis plants per private residence, provided that all of the following conditions are met:

1. The cultivation must be in compliance with all State Cannabis Laws (particularly California Health and Safety Code Sections 11362.1 and 11362.2).

2. The cultivation, and any cannabis produced by the cultivation, must occur within a private residence or on the grounds of the private residence (e.g., in an outdoor garden area), and must be in a locked space that is not visible by normal unaided vision from a public place.

3. Any private residence or interior space in which the cultivation occurs must be in compliance with all applicable requirements set forth in title 15 of this code. In particular, cultivation lighting shall not exceed 1200 watts; and gas products (CO₂, butane, propane, natural gas, etc.) must not be used for purposes of cultivation.

4. Any private residence in which the cultivation occurs must maintain kitchen, bathrooms, and at least one bedroom for their intended use, and shall not use those areas for cultivation.

5. Adverse impacts of cultivation shall be mitigated so that a public nuisance, as defined by California Civil Code Section 3480, does not exist, including but not limited to adverse impacts of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or the use or storage of hazardous materials, processes, products, or wastes.

SECTION 2: Amendment. The Land Use Regulations table set forth in Subsection 17.12.020.B(5) "Retail Uses" is hereby amended to: (1) add "Medicinal cannabis retailers"