CITY OF RANCHO CORDOVA

CONCURRENT MEETING
CITY COUNCIL/SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY (CRA)/RANCHO CORDOVA FINANCING CORPORATION (RCFC)

City Hall
2729 Prospect Park Drive, Rancho Cordova

Tuesday, July 29, 2014

5:30 PM – Special Meeting
American River Community Room North

AGENDA

1. WORK SESSION - CALL TO ORDER/ROLL CALL

Council Members Budge, McGarvey, Sander, Terry and Mayor Skoglund.

2. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING ITEM

3.1 **Subject:** Anatolia IV: Study Session.
Recommendation: Receive applicant and staff information, and provide preliminary review and comment.
Result of Recommended Action: Preliminary Council comments will inform staff and the project applicants on whether the proposed subdivision is reasonably consistent with City expectations. If the Council determines the project is reasonably consistent with the City's goals and vision, then City staff will continue to process the application in its current form for a future Council hearing for approval or denial.
Staff Report: Matthew Diaz, Associate Planner.
Advances Goals: 1, 2, 5, 6.

3.2 **Subject:** Commercial Uses on Trade Center Drive.
Recommendation: Staff requests the City Council review the allowed uses for properties three parcels of land on Trade Center Drive and consider whether rezoning of these properties is warranted.
Result of Recommended Action: If so directed by Council, staff will prepare materials for the City Council to rezone the subject properties. Formal consideration of such a rezone would occur at a subsequent regular meeting of the City Council.
Staff Report: Paul Junker, Planning Director.
Advances Goals: 1, 2, 6.

3.3 **Subject:** City Council Discussion on Marijuana Cultivation Regulations and Options.
Recommendation: Discuss options for updating the City's regulations and zoning code provisions on outdoor and indoor marijuana cultivation and direct staff as to next steps.
Result of Recommended Action: If the Council would like changes to the current marijuana cultivation regulations, staff will draft an ordinance amending the appropriate provisions of the Municipal Code for Council consideration at a future meeting.
Staff Report: Adam U. Lindgren, City Attorney and Kate Cook, Associate Attorney.
Advances Goals: 1, 2.

4. ADJOURNMENT

ADDITIONAL INFORMATION

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Stacia George, Deputy City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the Tuesday, July 29, 2014 Special Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Thursday, July 24, 2014 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranchocordova.org.

Signed Thursday, July 24, 2014 at Rancho Cordova, California.

Stacia George

Stacia George, Deputy City Clerk

Anatolia IV: Study Session (DD8471)

Council Discussion of Subdivision Design

July 29, 2014

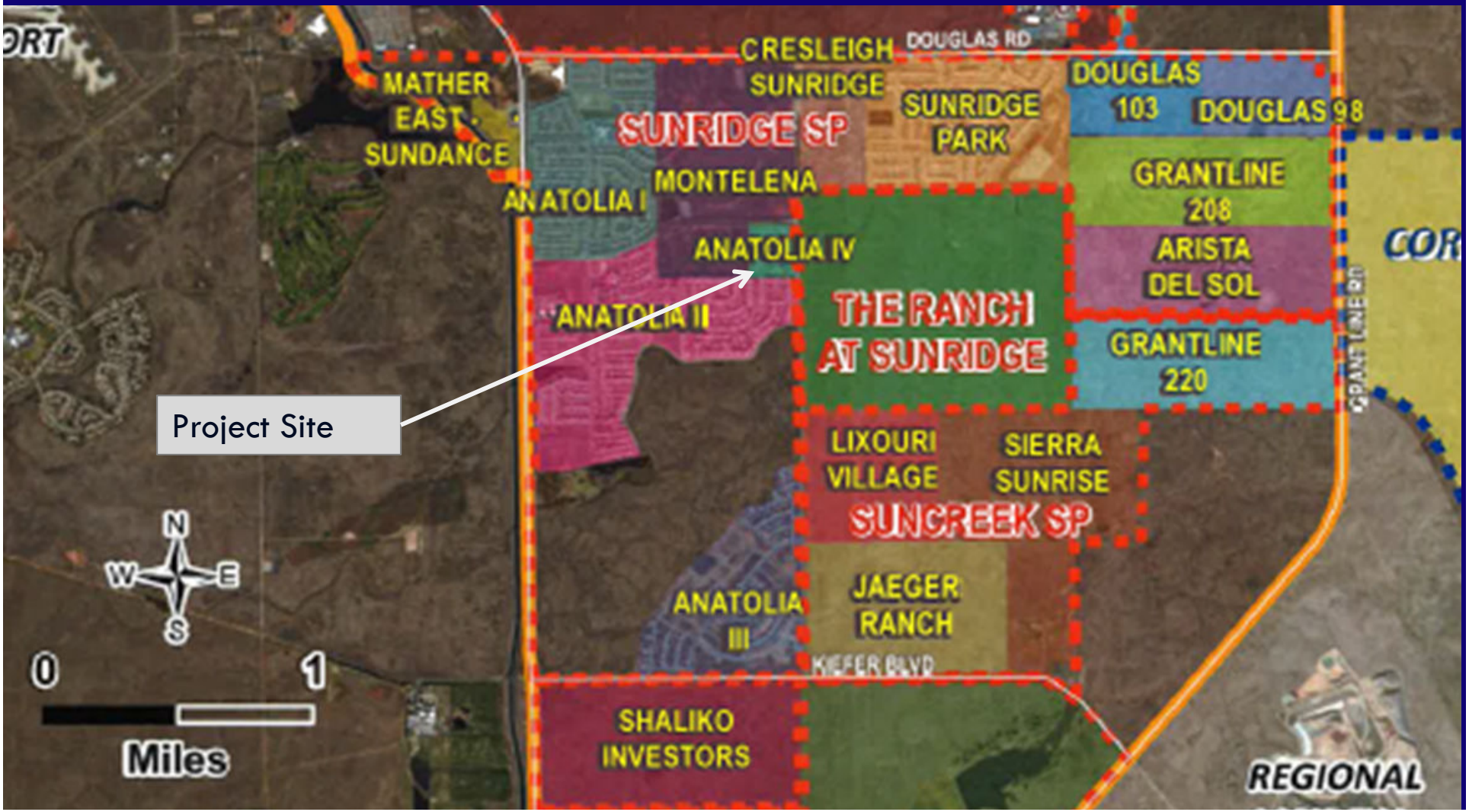
Today's Purpose

- Introduction to Current Plan
- Key Design Issues
  - Reduced Residential Density
  - Elimination of Park
  - Pedestrian and Bicycle Connectivity
- Council Expectations

Background

- The current Anatolia IV Subdivision Map was approved April 17, 2006
  - Project reflected the high demand and high cost of residential development of 2003 through 2006
  - Project construction was never initiated
- May 13, 2014 Anatolia IV was Resubmitted
- Applicants are requesting Zoning Amendment, Large Lot and Small Lot Subdivision Map, and Development Agreement Amendment

Context Map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MATHER
EAST
SUNDANCE
CRESLEIGH
SUNRIDGE
DOUGLAS RD
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PARK
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103
DOUGLAS 98
GRANTLINE
208
ANATOLIA I
MONTELENA
ANATOLIA IV
ARISTA
DEL SOL
COR
ANATOLIA II
THE RANCH
AT SUNRIDGE
GRANTLINE
220
GRANTLINE RD
Project Site
LIXOURI
VILLAGE
SIERRA
SUNRISE
SUNCREEK SP
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W
E
S
JAEGER
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ANATOLIA
III
KIEFER BLVD
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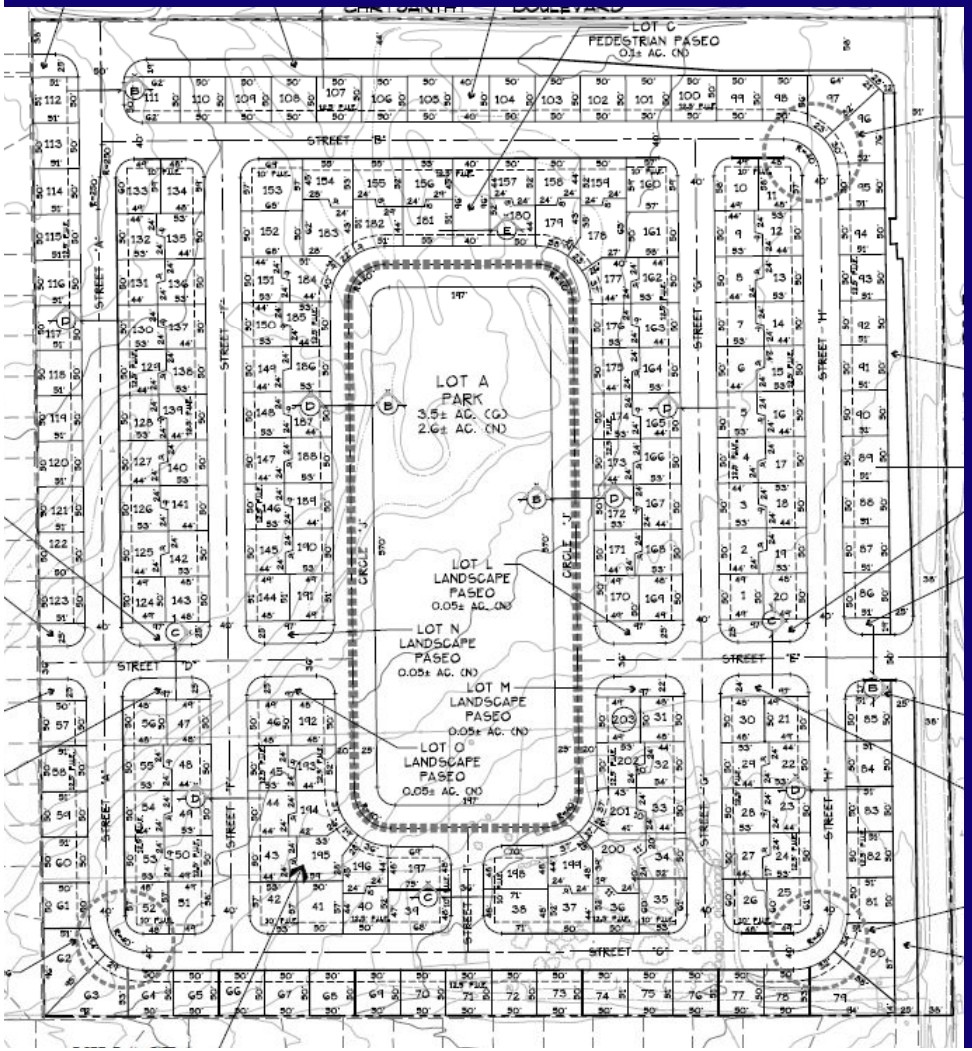
SHALIKO
INVESTORS
REGIONAL

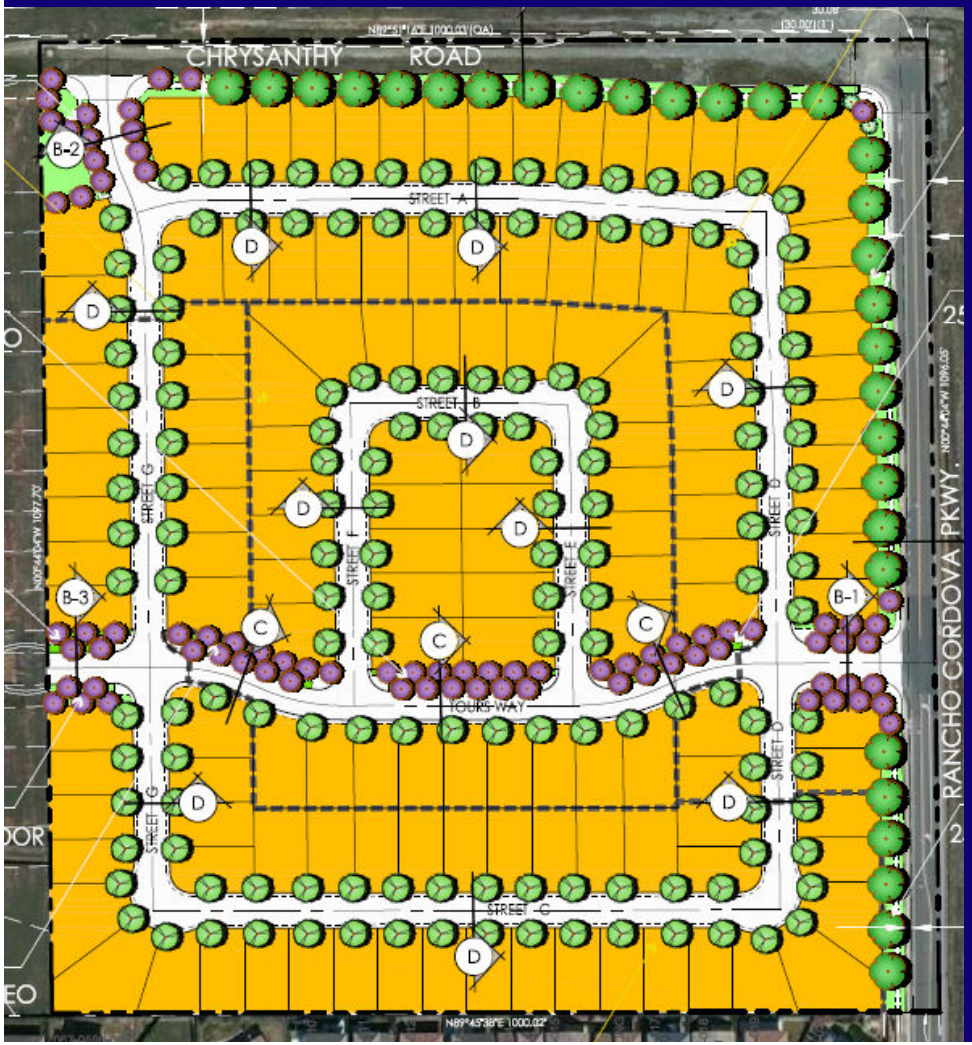
Approved Site Plan



Project Details:

- Residential lots:
  203 total
- 50 foot x 50 foot/
  2,500 square feet
- Central Green:
  2.6 acres
- Landscape corridors:
  1.5 acres

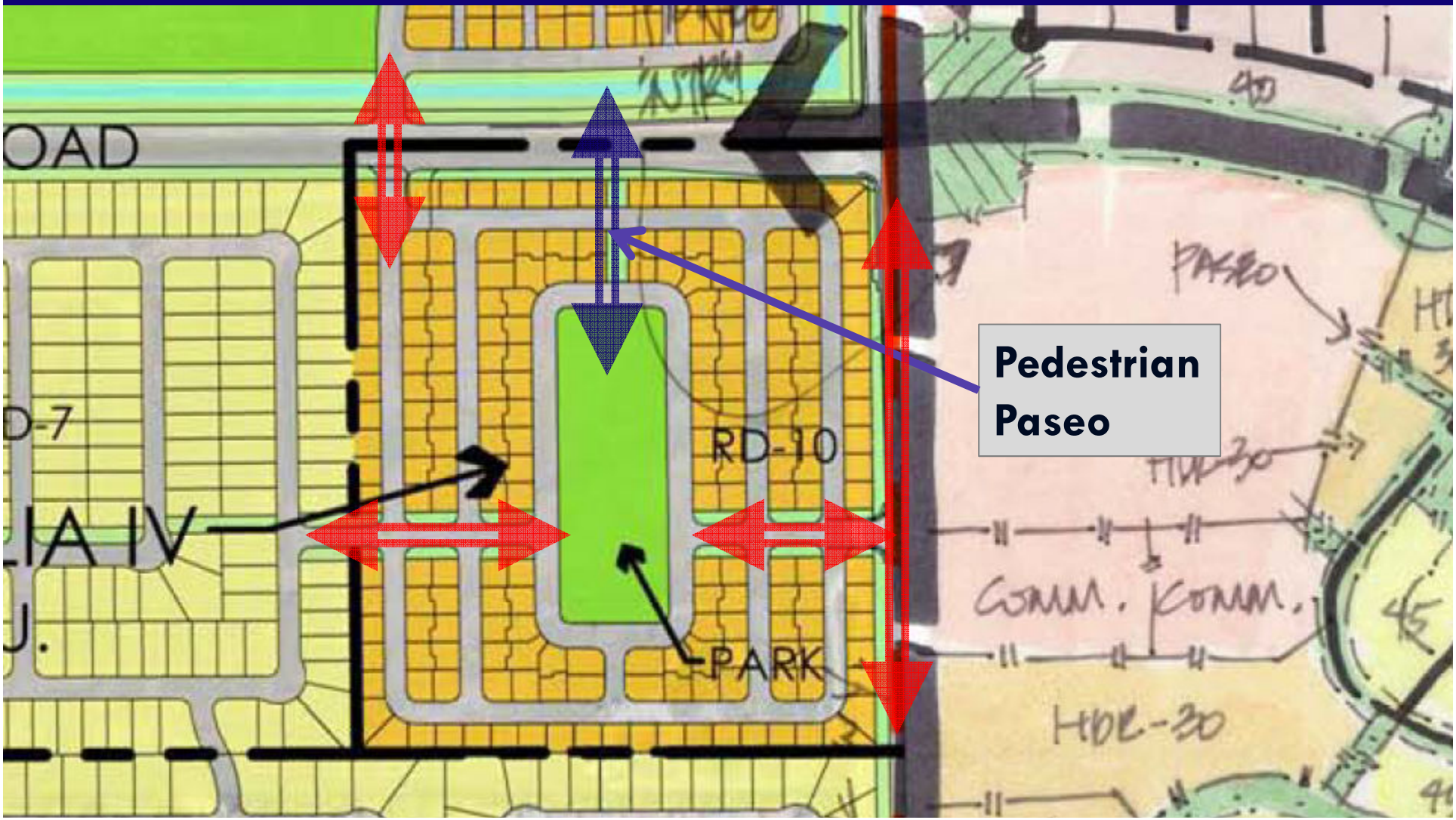
Proposed Site Plan



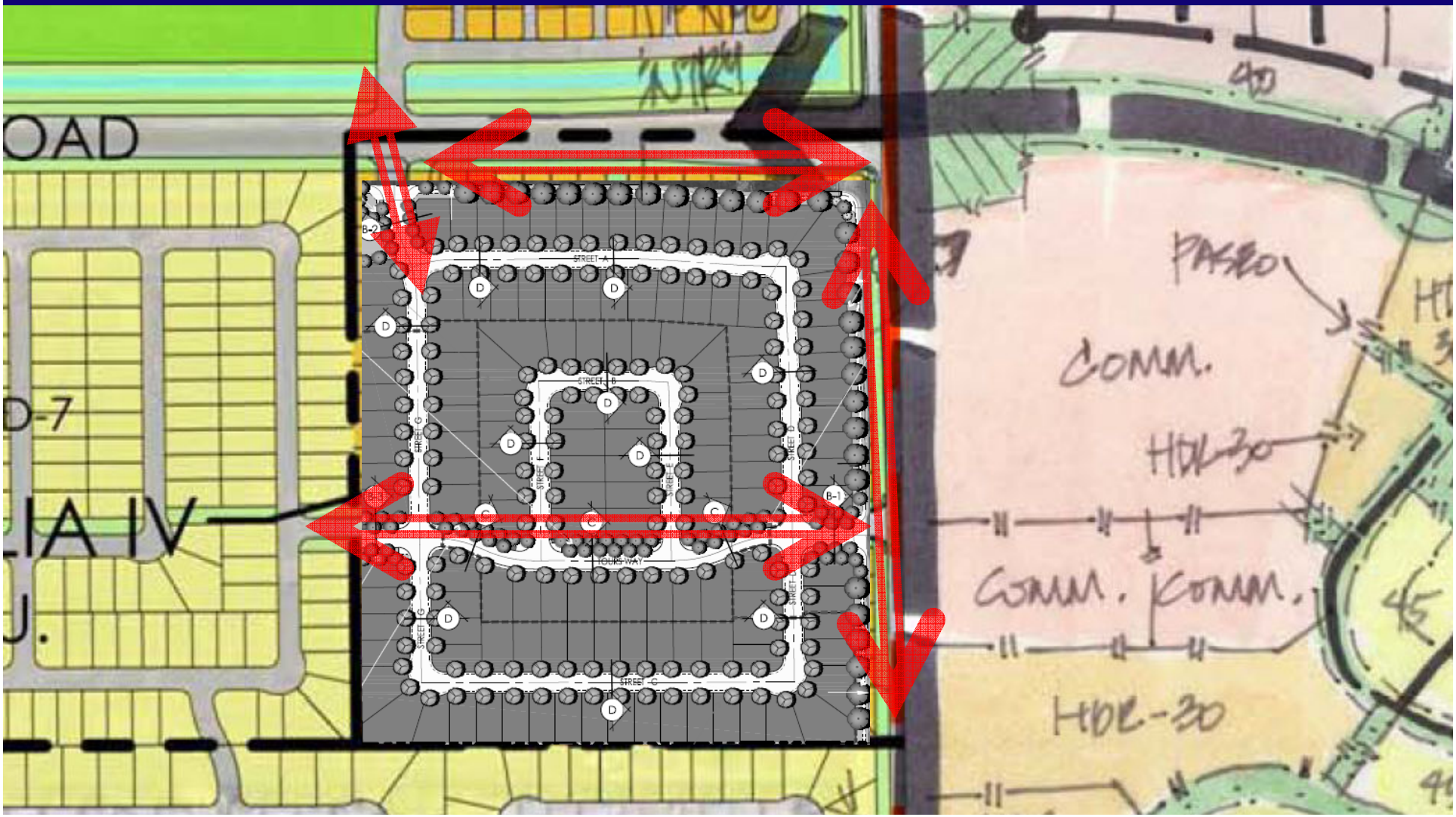
Project Details:

- Residential lots:
  139 total
- 50 foot x 95 foot/
  4,500 square feet
- Parks: In Lieu Fees
- Landscape corridors:
  1.7 acres

Approved Plan – Pedestrian Circulation



Proposed Plan – Pedestrian Circulation



Summary of Proposed Revisions

- Total residential lots reduced from 203 to 139 lots
- Average lot size increased from 2,500 sf to 4,500 sf
- Central green eliminated – project to pay in lieu fee for park land and park improvements
- Pedestrian connectivity slightly reduced – north paseo eliminated

Summary of Proposed Revisions

- Results of modified lots sizes
  - Average lot width is 50 feet in approved and proposed projects
  - Approved lot depth requires house to fill lot width – reduces side yards
  - Lot depth of proposed plan substantially greater – allows larger rear yard, larger homes and more potential for single story homes

Street View of Approved Lot Size

Street View of Proposed Lot Size

Summary of Proposed Revisions

- Results of eliminating park
  - Approved park would have served small park needs of residents
  - Neighborhood park in Montelena is 1,000 feet from project
  - Community Park in Montelena is located 500 feet from project
  - CRPD has reviewed proposal and supports elimination of the small park in Anatolia IV

Council Discussion

- Does Council support the amended plan as proposed by the applicants?
  - Reduced lot count and park elimination
- Does Council have specific adjustments the applicants should consider

Policy Discussion: Commercial Uses Located on Trade Center Drive

Council Discussion

July 29, 2014

Today's Purpose

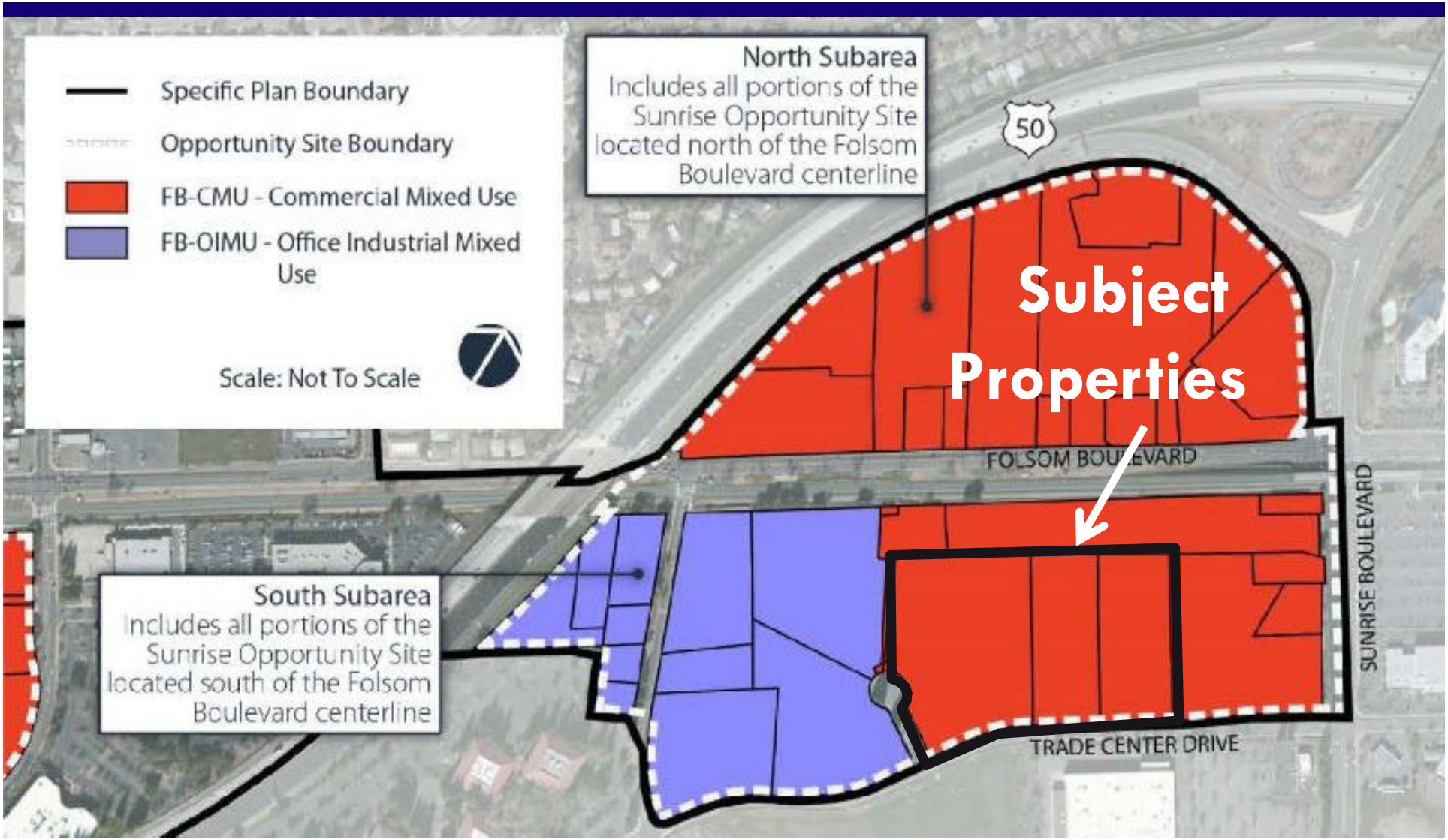
- Review Allowed Uses for Properties on Trade Center Drive
- Consider Whether Rezoning of Specific Properties is Warranted

Regulatory Background

- Subject property is located within the Convention Overlay District
- Land Uses are governed by the Folsom Boulevard Specific Plan (FBSP) – approved December 2013
- FBSP designates properties CMU and identifies the area as the Sunrise Opportunity Site

Aerial of Subject Properties

Currrent Land Use Designations



11135 Trade Center Drive

6

11151 Trade Center Drive

11167 Trade Center Drive

Issues of CMU Zoning

- CMU allows a broad range of uses oriented toward higher traffic commercial
- Subject properties were developed in a form more consistent with Light Industrial
  - Smaller tenant spaces, limited parking, limited visibility

CMU versus OIMU Zoning

- CMU and OIMU have similar allowed uses
  - CMU suited to high visibility commercial
- OIMU Uses
  - Auto repair allowed subject to LUP vs. CUP
  - Minor Manufacturing allowed subject to LUP
  - Storage/Warehousing and Research and Development permitted by right vs. Not Allowed

Property Owner Preferences

- Demetroulas
  - Peter Demetroulas owns the building at 11151 Trade Center Drive and is supportive of rezoning to OIMU
- Conrad
  - Ethan Conrad Properties owns the building at 11135 Trade Center Drive and is supportive of rezoning to OIMU
- Fourway Inc.
  - Fourway Inc. owns the building at 11167 Trade Center Drive – staff has attempted to contact owners but did not have response at time presentation was prepared

Council Direction Requested

- Does Council support amending the zoning for the subject parcels from CMU to OIMU?
- Are there other approaches the Council wishes staff to explore?

MEMORANDUM

DATE: June 2, 2014 Study Session; *Updated* for July 29, 2014 Special Meeting/Work Session

TO: Honorable Mayor and Council Members

FROM: Adam U. Lindgren, City Attorney
Kate Cook, Associate Attorney

SUBJECT: City Council Discussion on Marijuana Cultivation Regulations and Options

RECOMMENDATION

Discuss options for updating the City's regulations and zoning code provisions on outdoor and indoor marijuana cultivation and direct staff as to next steps.

RESULT OF RECOMMENDED ACTION

If the Council would like changes to the current marijuana cultivation regulations, staff will draft an ordinance amending the appropriate provisions of the Municipal Code for Council consideration at a future meeting.

BACKGROUND

Tonight's discussion is a continuation of the June 2, 2014 Special Meeting on this topic. At that meeting, the consensus of the City Council was to consider an ordinance prohibiting all outdoor cultivation of marijuana. Staff now seeks feedback from the Council on indoor cultivation regulations. Further feedback on outdoor regulations is appropriate as well.

Introduction:
A recent decision by the California Court of Appeal for the Third District clarifies that municipalities have broad authority to heavily regulate – and even completely ban – marijuana cultivation. City Council members have expressed an interest in discussing the options for amending the City's current regulations on marijuana cultivation. The purpose of this study session is for the City Council to consider its options and direct staff on any desired changes.

Rancho Cordova's Current Law on Marijuana Cultivation:
In 2010, the City Council passed Ordinance 17-2010, establishing the City's regulations for marijuana cultivation. Codified in Chapter 6.90 of the Municipal Code, the Ordinance allows for limited cultivation of marijuana for personal consumption. The Ordinance was crafted to reflect the law at the time, and establishes the following regulations:

- An individual may cultivate up to 25 square feet of marijuana **outdoors** if the plants are set back from all fences by 10 feet, the property has a secure fence, there is no evidence of the

growth from a public right-of-way, the property owner has given his or her permission, and neighbors are not adversely impacted.[1]

- An individual may cultivate up to 25 square feet of marijuana **indoors**, on a parcel zoned for residential, within a fully enclosed structure inaccessible to minors, if the property owner gives permission and numerous building standards are followed. Cultivation within the residential unit of a multi-family building requires inspection by a City building inspector or code enforcement officer. Indoor cultivation in excess of 25 square feet requires administrative review by the planning director and must meet numerous criteria related to building standards and documentation of medical need.

Overview of State and Federal Law on Marijuana Cultivation

California voters enacted The Compassionate Use Act (the CUA) in 1996. Contained in the State's Health and Safety Code, it provides qualified patients with an affirmative defense to criminal charges for possession and/or cultivation of a reasonable amount of marijuana needed for medical conditions. In 2004, the California Legislature adopted the Medical Marijuana Program Act (the MMP). This law enhanced access to marijuana for qualified patients and caregivers by allowing for collective, cooperative cultivation projects (known as "dispensaries").

Neither the CUA nor the MMP prevent a city from enacting nuisance and land use regulations regarding marijuana cultivation. The California Supreme Court held in May 2013 that neither the CUA nor the MMP grant qualified patients a "broad right" to access medical marijuana and therefore local governments may regulate and prohibit facilities that distribute marijuana.[2] At the end of 2013, the Third District Court of Appeal took this ruling one step further in *Maral v. City of Live Oak*. The court upheld Live Oak's ordinance prohibiting all cultivation of marijuana, for any purpose, within the city. The court held that "there is no right — and certainly no constitutional right — to cultivate medical marijuana." A city, the court held, may prohibit all cultivation of marijuana within its boundaries pursuant to its police power.[3] In late March, the California Supreme Court denied the petition for review of the case. Therefore the *Maral* decision remains good law. **This gives the City clear authority to prohibit all marijuana cultivation within its borders**. It is possible, however, that the law may change in the future. It is also possible that a total prohibition could be legally challenged. A lawsuit was recently filed against the City and County of Fresno on this issue. It has yet to be ruled on by the court.

The Sacramento County Board of Supervisors recently voted to ban all outdoor marijuana cultivation, yet allow limited indoor cultivation. Other municipalities that prohibit outdoor cultivation include the cities of Citrus Heights, Concord, Corning, Sacramento and Elk Grove.

Marijuana remains an illegal Schedule I controlled substance under the Federal Controlled Substances Act. However, federal officials have emphasized that their enforcement efforts in California will focus on individuals and organizations who: transport marijuana to states where it is not legal, allow minors to access the drug, and use the marijuana trade to fund criminal activities.

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[1] The Ordinance defines "cultivation" as "the planting, growing, harvesting, drying, or processing of marijuana plants, or any part thereof."

[2] *City of Riverside v. Inland Empire Patients Health and Wellness Center, et al.* (2013) 56 Cal.4th 729.

[3] *Maral et al. v. City of Live Oak* (2013) 221 Cal.App.4th 975.

Enforcement of Current Ordinance

The Rancho Cordova Police Department and Code Enforcement Division contacted at least seventeen individuals in 2013 suspected to be in violation of the City's cultivation Ordinance. Most come into compliance after receiving a warning. The department reports that in 2014 it has responded to approximately six marijuana grows totaling around 500 plants; no arrests have been made. Both departments have received complaints from residents regarding the negative impacts cultivation has on neighbors – such as nuisance odors and traffic concerns. Properties where large amounts of marijuana are cultivated are often targets for break-ins and robberies. It is believed that the vast majority of individuals violating the Ordinance are cultivating marijuana for profit, which is illegal under the City's regulations as well as State law. Both departments support a complete ban on cultivation within the City, as it establishes a clear standard and may discourage criminal endeavors within the City.

Options for Regulating Marijuana Cultivation Within the City:

1) Leave Ordinance as-is, permitting limited amounts of indoor and outdoor cultivation.

2) Amend the Ordinance to prohibit all cultivation of marijuana within the City.

3) Amend the Ordinance to modify the current regulations in one or more of the following ways:

   - Prohibit outdoor cultivation only
   - Prohibit indoor cultivation only
   - Expand the allowed cultivation areas
   - Amend outdoor and/or indoor cultivation regulation to add requirements such as a city permit, stricter building standards, etc.

ATTACHMENTS

1) Chapter 6.90 of the Rancho Cordova Municipal Code, "Marijuana Cultivation"
2) 2013 marijuana cultivation statistics from the Police Department

2303978.1

Chapter 6.90
MARIJUANA CULTIVATION

Sections:

6.90.010 Purpose.
6.90.020 Definitions.
6.90.030 Outdoor cultivation of marijuana.
6.90.040 Indoor cultivation of marijuana.
6.90.050 Public nuisance.
6.90.060 Enforcement.
6.90.070 Penalty for violation.

6.90.010 Purpose.

The purpose and intent of this chapter is to regulate the cultivation of marijuana that is grown in accordance with state law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the city. It is not the intent of this chapter to create conflict or inconsistency between this chapter and (A) the Constitutions of the United States or the State of California; (B) the Federal Controlled Substances Act; or (C) California law. [Ord. 17-2010 § 2].

6.90.020 Definitions.

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

“Abatement” means the removal of marijuana plants and improvements that support marijuana cultivation which occupy an area or cubic feet in excess of the area and cubic feet that is allowed under this chapter.

“Cultivated area” means:

1. For indoor cultivation, the greater of either (a) the total area of a property that is densely or primarily occupied by marijuana cultivation; or (b) one square foot per juvenile or mature marijuana plant indoors on the property; and

2. For outdoor cultivation, the greater of either (a) the total area of the property that is densely or primarily occupied by marijuana cultivation; or (b) 12.5 square feet per juvenile or mature plant outdoors on the property.

“Cultivation” or “marijuana cultivation” means the planting, growing, harvesting, drying, or

processing of marijuana plants, or any part thereof.

"Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

"Indoors" means within a fully enclosed and secure structure.

"Marijuana" means the plant Cannabis sativa L. and any of its derivatives that is six inches in height or taller, grown in accordance with state law.

"Outdoors" means any location within the city of Rancho Cordova that is not within a fully enclosed and secure structure.

"Parcel" means property assigned a separate parcel number by the Sacramento County assessor. [Ord. 17-2010 § 2].

6.90.030 Outdoor cultivation of marijuana.

A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city of Rancho Cordova to cause or allow such parcel to be used for the outdoor cultivation of more than 25 square feet of marijuana.

B. Outdoor Cultivation Standards. All outdoor cultivation of marijuana of 25 square feet or less, within the city of Rancho Cordova, shall conform to the following standards:

1. Cultivation of outdoor marijuana shall be set back from all fences by 10 feet.

2. All marijuana plants cultivated outside must be secured in a full perimeter fence to prevent access by minors.

3. Marijuana cultivation for sale is prohibited.

4. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation.

5. Individuals that are tenants shall obtain the written permission of the property owner prior to cultivating marijuana.

6. The outdoor marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, smoke, traffic, vibration or other

impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.

7. The cannabis cultivator shall pay any applicable city taxes relating to marijuana. [Ord. 17-2010 § 2].

6.90.040 Indoor cultivation of marijuana.

A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the city of Rancho Cordova to cause or allow such parcel to be used for the cultivation of marijuana plants within a fully enclosed and secure structure on the parcel, except as provided in subsections (B) and (C) of this section.

B. Indoor Cultivation Standards. Marijuana cultivated indoors, within the city of Rancho Cordova, shall be in conformance with the following standards:

1. Indoor cultivation of marijuana is permitted only on parcels with residential units.

2. Marijuana cultivation is permitted only within fully enclosed and secure structures inaccessible to minors.

3. Indoor cultivation of marijuana shall not exceed 25 square feet per residence, except as provided in subsection (C) of this section.

4. Marijuana cultivation shall not occur on any carpeted area.

5. Marijuana cultivation lighting shall not exceed 1,200 watts.

6. The use of gas products (CO_2, butane, etc.) for marijuana cultivation or processing is prohibited.

7. Marijuana cultivation for sale is prohibited.

8. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation.

9. The residence shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of primary bedrooms are for their intended purpose. These rooms shall not be used for marijuana cultivation.

10. Any marijuana cultivation area located within a residence shall not create a humidity or mold problem in violation of Rancho Cordova building codes.

11. Individuals that are tenants shall obtain the written permission of the property owner prior to cultivating marijuana.

12. The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.

13. The cultivation of marijuana within a residential unit in a multifamily structure shall comply with the requirements of subsections (B)(1) through (11) of this section, and shall require administrative review by the planning director and shall meet specific criteria, as set forth in subsections (B)(13)(a) through (c) of this section:

a. Inspection of the cultivation area by a building inspector or code enforcement officer to confirm that no health or safety concerns are present; and

b. Written permission from the property owner; and

c. The building official may require additional specific standards to meet the California Building Code and Fire Code, including, but not limited to, installation of fire suppression sprinklers.

14. The cannabis grower shall pay any applicable city taxes relating to marijuana.

C. Indoor Marijuana Cultivation in Excess of 25 Square Feet. Any proposed marijuana cultivation by an individual that may exceed the cultivation area standard maximum of 25 square feet per residence shall require administrative review by the planning director, and shall meet the criteria set forth above, as well as the additional criteria set forth in subsections (C)(1) through (4) of this section:

1. Marijuana cultivated in excess of 25 square feet shall only be indoors;

2. Documentation of medical need, such as a physician's recommendation; and

3. Inspection of the cultivation area by a building inspector or code enforcement officer to confirm that no health or safety concerns are present; and

4. The building official may require additional specific standards to meet the California Building Code and Fire Code, including, but not limited to, installation of fire suppression sprinklers. [Ord. 17-2010 § 2].

6.90.050 Public nuisance.

It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Rancho Cordova to create a public nuisance in the course of cultivating marijuana plants or any part thereof. A public nuisance may be deemed to exist if such activity produces:

A. Odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public;

B. Repeated responses (more than three times in a one-year time period) to the parcel from law enforcement officers;

C. Repeated disruption (more than three times in a one-year time period) to the free passage of persons or vehicles in the neighborhood;

D. Excessive noise in violation of applicable city noise standards in the general plan or municipal code;

E. Any other impacts on the neighborhood which are disruptive of normal activity in the area. [Ord. 17-2010 § 2].

6.90.060 Enforcement.

A. The violation of this chapter is hereby declared to be a public nuisance. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the amount provided in Penal Code Section 19, as may be amended from time to time, by imprisonment in the county jail not to exceed six months, or by both a fine and imprisonment.

B. A violation of this chapter may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the abatement procedure set forth in Chapter 16.18 RCMC.

C. Abatement Procedure. The code enforcement officer and/or the chief of police, or his or her designee (hereafter the “enforcement official”), are hereby authorized to order the abatement of any violation of this chapter by following the abatement procedure as defined in Chapter 16.18 RCMC. In addition, the enforcement official may require the property owner or tenant to personally abate/remove all medical marijuana plants and improvements to the property that exceed the limits set by this chapter. [Ord. 17-2010 § 2].

6.90.070 Penalty for violation.

A. Cultivation of marijuana on parcels within the city that does not comply with this chapter is a misdemeanor subject to the penalties and enforcement as provided in RCMC 1.01.190 and

6.60.020.

B. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others, including those in RCMC 1.01.190 and Chapter 16.18 RCMC, and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this chapter or to abate a public nuisance. [Ord. 43-2013 § 3; Ord. 17-2010 § 2].

Marijuana Grows in Rancho Cordova 2013

Address	xref	Plants	I/O	Cad Event	Card	Date
2246 Gaywood		30	O			7/2/2013
9700 Greensboro	3102165	90	I		Y	7/15/2013
2434 Stokewood	1917206	9	O		Y	7/18/2013
2438 Stokewood	3636870	16	I		Y	7/18/2013
2336 Mills Ranch	4141192	6	o		N	7/21/2013
10877 Oakton Wy	110313	25	o		N	7/21/2013
2605 Tronero Wy		6	o		Y	8/21/2013
10840 Oakton Wy	4594391	5	o	13-189799		8/22/2013
10837 Oakton Wy	1368056	5	o		N	8/22/2013
2664 Los Nogales	4693971	8	o	13-199800		9/3/2013
10372 Malaga Way	Justin Vanndy	11	o	13-199803	Y	9/3/2013
10668 Charbono		1	o	13-200677	Y	9/4/2013
9837 Lincoln Village	3946148	17	o	13-212165	Y	9/18/2013
10994 Hirschfeld	2031038	1	o	13-218347	Y	9/26/2013
2698 Barbera Wy	4461583	6	I/O	13-223108	Y	10/2/2013
2721 Aramon Wy		13	o	13-223129	Y	10/2/2013
9945 Nebular	3516561	81	I		Y	10 16 13

Marijuana Cultivation Regulations

City Council Work Session No. 2

July 29, 2014

OBJECTIVES

- Review June 2nd Work Session Direction
- Review Current Regulations
- Quick Overview of Law on Marijuana Cultivation
- Discuss Regulation Options
- Direct Staff

JUNE 2nd WORK SESSION

- **Council direction**
  - Prohibit outdoor cultivation
  - Continue discussion on indoor cultivation
- **Input from public**
  - Patient advocates expressed concerns regarding access to medical marijuana if City enacts complete ban
  - Greenhouse option

CURRENT REGULATIONS

- **Rancho Cordova Municipal Code chapter 6.90**
  - Indoor Cultivation
    - Up to 25 sq. feet in fully enclosed structure
      - This includes a greenhouse
    - Inaccessible to minors
    - Property owner permission
    - Meet building standards
    - Multi-family property requires City inspection
  - Outdoor Cultivation
    - Up to 25 sq. feet
    - 10 feet back from secure fences
    - No evidence of plants from public right-of-way
    - Property owner permission
    - No adverse impact on neighbors

ENFORCEMENT

- RCPD and Code Enforcement contacted at least 17 violators of current ordinance in 2013
- Most come into compliance after verbal warning from RCPD or written notice and order from Code Enforcement
- Call to property owner if rental property
- Majority in violation well over 25 square foot limit
  - Attracts ancillary criminal activity

STATE AND FEDERAL LAW

- California Compassionate Use Act (CUA) and Medical Marijuana Program Act (MMPA)
  - Allow qualified patients and caregivers to possess and cultivate reasonable amounts of marijuana necessary for medical needs, and access marijuana through cooperative collectives (dispensaries)
- Marijuana is an illegal controlled substance under federal law, but enforcement efforts focus on criminal endeavors and individuals who make it accessible to minors

NEW COURT DECISION / AUTHORITY TO PROHIBIT ALL CULTIVATION

- Third District Court of Appeal case, *Maral v. City of Live Oak* (Nov. 2013):
  - Court upheld City Ordinance prohibiting **all** marijuana cultivation
  - "No right…to cultivate marijuana"; a city's police power allows for local prohibition on cultivation
  - However, new challenge: Lawsuit filed against the City and County of Fresno in May for "total ban" (indoor/outdoor grows + dispensaries) in large geographic area

REGULATION OPTIONS

1) Leave Ordinance as-is; allow for 25 sq. feet of cultivation indoors and outdoors
2) Amend Ordinance to prohibit all marijuana cultivation within the City. Law supports, but still evolving.
3) Amend Ordinance to:
   a. **Prohibit outdoor cultivation** – Prior Council direction favored this
   b. **Prohibit/amend indoor cultivation** – Discuss in detail tonight
   c. **Expand allowed cultivation** – Prior Council direction to not expand cultivation

ACCESS TO MEDICAL MARIJUANA

- 27 medical marijuana delivery services within 20 miles of Rancho Cordova
- 26 medical marijuana dispensaries within 20 miles of Rancho Cordova

- **Cost to grow vs. purchasing from dispensary***
  - Average retail price in Sacramento County is $250-400 per ounce
  - Home-grow cost approximately $14 per ounce

**According to Rand Corporation information*

INDOOR REGULATION

- Currently: up to 25 sq. feet in fully enclosed structure inaccessible to minors on an occupied residential parcel
  - Tenants need written permission from owner; multi-family unit requires planning director review
  - Not visible from public right-of-way
  - Lighting can't exceed 1,200 watts; not on carpeted area; no CO2, butane allowed
  - Sales prohibited
  - Functioning kitchen, bathrooms, primary bedrooms; can't use these rooms for cultivation
  - If beyond 25 sq. feet, planning director review + additional requirements

INDOOR REGULATION OPTIONS

- Broad Council discretion
  - Keep 25 sq. area?
  - Limit to number of plants?
  - Add a permit requirement?
  - Restrict within certain distance of schools, child care centers, parks (e.g. 500 feet)?
  - Allow in detached structure and/or in residence?
  - Consent to inspect upon 24 hours' notice?
  - Prohibit at multi-family properties?

COUNCIL DIRECTION

1) Leave Ordinance as-is; allow for 25 sq. feet of cultivation indoors and outdoors?
2) Amend Ordinance to prohibit all marijuana cultivation within the City? Law supports, but still evolving.
3) Amend Ordinance to:
    a. **Prohibit outdoor cultivation**? Prior Council direction favored this with additional restrictions.
    b. **Prohibit/amend indoor cultivation ?**
    c. **Expand allowed cultivation**? Prior Council direction to not expand cultivation.