

Ordinance 2523 – Outdoor Cultivation Regulations (Parcels 5-acres or smaller in size)

| POLICY AREA | | SUMMARY | |
|--|---------------------------|-------------------------------|--|
| PARCEL SIZE(S) GOVERNED | Parcels 1-acre or smaller | Parcels between 1 and 5 acres | |
| Minimum Parcel Size for Outdoor Cultivation | No minimum Parcel Size | | |
| Maximum Parcel Size Governed by Phase II | 5-acres | | |
| * Maximum Area (Total Plant Canopy) | 100 square feet | 200 square feet | |
| Maximum number of Plants | none specified | | |
| Cultivation prohibited on vacant lands within the Shelter Cove subdivision? | YES | | |
| SETBACKS | | | |
| Cultivation Area Setback (from property lines) | 20 feet | ** 40 feet | |
| <p><i>** On parcels between 1-acre and 5-acres in size, a 20 foot setback may be utilized from any boundary line shared with a parcel that is 5-acres or greater in size.</i></p> | | | |
| Minimum Setback from School, School Bus Stop, Public Park, Place of Religious Worship, or Traditional Native American Cultural Site | 600 feet | | |
| <p>* <i>Canopy</i>: means the area, in square feet, of vegetative growth, of a medical marijuana plant including starts. Area shall be calculated using the following formula: Diameter of Plant squared, and then multiplied by the conversion factor ($\pi/4$). For example, if the diameter of one (1) Plant is equal to 30 inches (2.5 feet), the canopy would equal 4.9 square feet [2.5 feet² x 0.7854].</p> | | | |
| Expedited Abatement Process | | | |
| <p>Once a nuisance (violation of this code) is identified by the Enforcing Officer, a "Notice and Order to Abate" is served either personally or through the mail, ordering the voluntary abatement of the nuisance. The person served is provided 10 days to file an appeal of the determination. If a timely appeal is received, a hearing will be scheduled before the Board of Supervisors within 7-30 days from the date of filing. If the owner or occupant of the property does not appeal the determination and fails to abate the unlawful cultivation activities within 14 days of the notice being served, the enforcing officer may enter the property to abate the nuisance or request that the office of County Counsel commence a civil action.</p> | | | |