

City of Fortuna
621 11th Street
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Fortuna, CA 95540
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NOTICE OF INTENT TO CULTIVATE MARIJUANA FOR PERSONAL USE

In November 2016, California passed Proposition 64 (Adult Use of Marijuana Act—AUMA), which legalized adult nonmedical use of marijuana. Cities must allow indoor cultivation of up to six plants per residence for personal use, but may adopt reasonable regulations to protect the public health and safety from excessive cultivation.

A Notice of Intent to Cultivate Marijuana for Personal Use is required by the City of Fortuna’s Municipal Code Section 17.06.120.5. A maximum of six plants per residence are allowed. Check with the Building Department to determine if a permit is required for any electrical modifications.

Submit the following with the application:

- a. Proof of ownership of property or written permission from the owner to cultivate marijuana on the property.
- b. Proof of age—must be 21 years or older (identification card, driver’s license, or passport).
- c. Three copies of an 8½ by 11-inch site plan of the structure being used for cultivation and the cultivation site (grow area may not exceed 50 square feet). If in a residential home, show on the site plan the home has a fully functional bathroom, kitchen, and at least one bedroom free of cultivation. If in an accessory structure, required setbacks must be shown.
- d. Manufacturing information of equipment used on property for marijuana cultivation (lighting, ventilation, electrical, etc. which may be subject to a building permit and applicable fees).
- e. Annual application fee of \$100.00.

Applicant:

Name: _____

Address: _____

Phone: _____

Property Owner (if different):

Name: _____

Assessor’s Parcel No.: _____

Phone: _____

Describe Location of Cultivation:

Residence:

Accessory Structure:

Electrical, lighting (not to exceed 1,200 watts total), ventilation equipment used.

Total number of plants and location of all plants (Copies of the Notice of Intent must be posted in every location the plants are located):

Per FMC §17.06.120.5, to qualify for a Notice of Intent for Personal Marijuana Cultivation, the applicant must comply with the following performance standards:

- a) Outdoor cultivation is prohibited. Cultivation must take place inside a lawfully existing enclosed residence or inside a lawfully existing detached accessory structure located on the same parcel as the residence.
- b) The marijuana cultivation area shall not exceed fifty (50) square feet, and shall not exceed ten (10) feet in height per residence.
- c) Any detached accessory structure used for cultivation shall maintain a minimum setback equal to the greater of the setback imposed pursuant to the applicable zoning provisions of Title 17 of this Code, or ten feet from any property line.
- d) Regardless of how many people reside at the premises, no more than six marijuana plants may be cultivated on the premises.
- e) No sale, trading, or dispensing of marijuana is allowed on a parcel where personal cultivation occurs.
- f) Grow lights for personal cultivation shall not exceed 1,200 watts total, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.
- g) All electrical equipment used in the indoor cultivation in a residence or a detached accessory structure shall be plugged directly into a wall outlet or otherwise hardwired. The use of extension cords to supply power is prohibited.
- h) The use of generators to power any lighting, ventilation, pump, or other equipment related to the cultivation is prohibited.
- i) The use of gas products (CO₂, butane, propane, natural gas, etc.) is prohibited.
- j) No odor of marijuana shall be detectable from the property boundaries or from another legal residence on the property. To achieve this, the marijuana cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other method to prevent the odor of marijuana from escaping the indoor cultivation area and negatively impacting neighbors and the surrounding community. The ventilation and filtration system must be approved by the building official and installed prior to commencing cultivation within the structure.
- k) Cultivation must be concealed from public view at all stages of growth and there shall be no visual or auditory evidence of cultivation occurring at the premises from a public right-of-way or from an adjacent parcel.
- l) The residential structure shall remain at all times available as a residence, with a legal and functional kitchen, bathroom, and at least one bedroom, that shall be maintained solely for the purpose of residential use and kept free of marijuana cultivation.
- m) Marijuana cultivation areas shall be adequately secured to prevent unauthorized entry and shall not be accessible to persons under 21 years of age.

- n) No effluent, including but not limited to waste products, chemical fertilizers or pesticides, shall be discharged into drains, public sewer system, septic systems, water systems or other drainage systems including those that lead to rivers and streams.
- o) The indoor personal cultivation of marijuana must comply with all applicable state, county, and local special district regulations, including fire and building codes.
- p) A building permit for any electrical or venting improvements shall be issued by the Fortuna Building Department upon approval of plans submitted by the owner and payment of appropriate fees.
- q) A fire extinguisher that complies with the regulations and standards adopted by the State Fire Marshall shall be kept in any room used for cultivation.
- r) It is unlawful for any person to engage in any personal cultivation without first submitting a Notice of Cultivation to the Fortuna Community Development Department acknowledging and agreeing to comply with the terms and standards of this section.
 - i. The Notice of Cultivation shall be on a form provided by the Fortuna Community Development Department.
 - ii. The Notice shall be valid for one calendar year only, and shall be re-submitted annually.
 - iii. The Notice shall be signed by both the resident and the legal property owner(s), if different.
 - iv. Each Notice shall be accompanied by the proper fees as set by resolution of the City Council.
 - v. A copy of the Notice shall be posted in any room that is used for cultivation.

C. Civil Penalties. Enforcement. The City may enforce this section in any manner permitted by law. The violation of this chapter shall be and is hereby declared to be a public nuisance and shall, at the discretion of the City, create a cause of action for injunctive relief-

APPLICANT CERTIFICATION

I hereby certify under penalty of perjury that the proposed Notice of Intent as described above meets the above performance standards and that the information I have provided above is true and correct to the best of my knowledge.

Applicant

Date

Owner (If Different)

Date

CITY APPROVAL:

City Planner

Date

Building Official

Date

Police Chief

Date