

# Urgency Ordinance to Extend Temporary Prohibition of Commercial Outdoor Cultivation

City Council

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David Guhin  
Director  
Planning and Economic Development

# Cannabis Regulation Development

Compassionate  
Use Act (CUA)

- 1996

Medical  
Cannabis  
Regulation  
and Safety  
Act  
(MCRSA)

- 2015

Santa Rosa  
Local  
Cannabis  
Regulations

- 2016/2017

Medical  
Marijuana  
Program  
Act  
(MMPA)

- 2003

Adult Use  
of  
Marijuana  
Act  
(AUMA)

- 2016

# Local Jurisdiction Allowances

The CA Ct. of Appeals has held that **CUA and MMPA do not limit a locality's ability to prohibit all forms of cannabis cultivation**, including cultivation by a qualified patient at a private residence and caregiver grows.

- **MCRSA:** Localities have broad authority to regulate or ban all medical cannabis cultivation, including by qualified patients and caregivers.
- **AUMA:** Localities may regulate or prohibit outdoor non-medical cannabis cultivation by adults and commercial entities, however:
  - Local jurisdictions may not preclude cultivation inside a private residence or inside a secure and enclosed accessory structure (greenhouse) on grounds of a private residence.
  - Localities that ban cultivation, including outdoor personal cultivation, are ineligible for funding from a portion of retail cannabis excise tax revenue administered by the State.

# Current Local Commercial Cultivation Regulations

- City Code currently regulates the commercial cultivation of medical cannabis, limiting such cultivation to the City's industrial zones and requiring a use permit for all operations
- City Code does not preclude a commercial cultivator from applying for a use permit for outdoor cultivation for medical purposes.
- 45-Day Temporary Prohibition on outdoor cultivation for Commercial purposes was put in place on May 23, 2017 and expires on July 7, 2017.
- City Code precludes commercial cultivation (whether indoor or outdoor) for non-medicinal use.

# Temporary Moratorium

- Addresses potential adverse effects of outdoor commercial cultivation of cannabis in the city limits (including odor, safety and potential environmental degradation)
- City is in the process of developing land use regulations, anticipated to be considered by the Planning Commission and Council within the next several months.
- Moratorium will only affect the outdoor commercial cultivation of cannabis, and will not affect current state and local allowances for the personal use or possession of cannabis, personal cultivation of cannabis outdoors, indoors or in mixed light, or the commercial indoor and mixed light cultivation, manufacturing, distribution or dispensing of medical cannabis.

# Recommendation

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It is recommended by the Planning and Economic Development Department that the Council

- Adopt an urgency ordinance to extend a temporary prohibition on the outdoor cultivation of cannabis for commercial purposes, to allow time for development of appropriate regulations