

Supervisors consider medical marijuana cultivation regulations

By **Anne Ternus-Bellamy** From page A1 | January 27, 2016

WOODLAND — Yolo County supervisors on Tuesday expressed support for a local ordinance on medical marijuana cultivation that largely would mirror regulations enacted by the state last year.

California's Medical Marijuana Regulation and Safety Act addressed all aspects of medical marijuana, from cultivation and distribution to dispensary sales, deliveries and taxation, but allows local jurisdictions to enact stricter regulations or ban medical marijuana cultivation entirely — a step that several cities and counties in California already have taken.

The Davis City Council, for example, voted earlier this month to ban outdoor cultivation and to limit indoor cultivation to 50 square feet, while the state regulation — for which county supervisors expressed support — allows up to 100 square feet of cultivation for personal use, indoors or out.

County supervisors also expressed some support for commercial cultivation, but said they would oppose dispensaries opening in unincorporated areas of the county. A majority of supervisors also said they would back a countywide tax on medical marijuana to fund regulation, licensing and enforcement.

The state's passage of the MMRSA prompted local governments to move quickly on the medical marijuana issue, as the law required stricter local ordinances to be adopted by March 1 or state law would take effect. However, legislation eliminating that deadline is moving quickly through the state Capitol, with the Senate passing AB 21 on a 35-3 vote on Monday and the expectation being the deadline will be eliminated in a matter of weeks.

In the meantime, the League of California Cities and the California Association of Police Chiefs had advised members to quickly enact cultivation restrictions and bans as a precaution, something the Davis City Council did earlier this month.

But Yolo County supervisors have shown less inclination to impose stricter limits on medical marijuana cultivation, much less a ban, in unincorporated areas of the county.

Last summer, staff presented supervisors with an ordinance that would have limited the number of marijuana plants individuals could grow outdoors because of complaints from county residents about odors and criminal activity associated with pot farms in rural residential areas.

Supervisors decided at the time not to move forward with the ordinance, citing the absence of evidence that pot farms had become a problem in need of regulating.

Since then, a handful of county residents have testified during public comment that outdoor pot farms are indeed a problem, and they returned to the board on Tuesday to reiterate their concerns.

Most live along County Roads 96 and 98 west of Woodland on properties adjacent to or across from a 99-plant pot farm and they complained about the odors emanating from the farm as well as the presence of armed guards patrolling the property.

“Drugs, money and guns. That’s what my street has turned into,” said resident Leland Moore. “They do what they want, when they want.”

His neighbor, Judy Wrobel, said the farm “is within 150 yards of my house, where our kids play.”

“You can’t open your back door,” she said of the smell. “You have no idea how horrible it can be.”

Under state regulations supervisors said they would support, outdoor marijuana cultivation without a license would be limited to 100 square feet for personal use, an area that county Agriculture Commissioner John Young said would allow for a couple of plants, depending on the gardening abilities of the grower.

State law also allows caregivers to cultivate up to 100 square feet per patient for a maximum of five patients, without a license, but county supervisors indicated they would prefer restricting that to one patient per caregiver. Caregivers who wish to grow for more than one patient would fall into the commercial cultivation category, which would require a license.

Commercial growers also would be subject to setbacks and fencing requirements, zoning restrictions, buffer zones and odor mitigation requirements, along with any other restrictions supervisors might choose to enact, and would be limited to one acre of outdoor cultivation or a half-acre of indoor cultivation if supervisors stick with the state regulation.

Young recommended that commercial cultivation be limited to appropriately zoned locations.

“These businesses should not be in rural residential (areas),” he said. “We need to treat this exactly the same as we treat businesses right now... Appropriate zoning is a big, big thing we need to talk about.”

Yolo County Sheriff Ed Prieto, meanwhile, expressed concerns about commercial cultivation in general, particularly if neighboring counties have banned it.

“We may be the only county in Northern California that allows cultivation and that’s a problem,” Prieto told supervisors on Tuesday. “When you start talking about a full acre, that’s a huge amount of property to be growing marijuana.”

Criminals, he said, will go where they can grow.

“And Yolo County would be the only one that would allow that,” Prieto added.

Supervisor Oscar Villegas also expressed concerns about commercial cultivation, saying, “I don’t think we should be seen as the go-to county for exploiting all our lands for marijuana grows.

“I think we need to explore commercial cultivation,” he said.

His comments were shared by his colleagues, who all expressed support for allowing 100 square feet of cultivation for personal use but want to see the commercial cultivation side fleshed out more before moving forward on a county ordinance.

“I think we have some consensus,” said Supervisor Jim Provenza of Davis, “but very conditionally, because we need more information. I am mindful of the sheriff’s concerns. My feeling on the commercial is I’m not there yet. We do need more information.”

County staff will now take the feedback supervisors provided to begin crafting an ordinance and return to the board at a later date.

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