

Santa Rosa may ban outdoor pot growing

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Santa Rosa is poised to ban outdoor cannabis cultivation before backyard growers get too invested in gardens that could become illegal later this year.

The City Council today will consider a 45-day moratorium on all outdoor cannabis grows within city limits, a practice medical cannabis users have long enjoyed for personal use but which the city worries will take off following the state's legalization of recreational pot.

"The growing season starts in April, so we really want to make sure we got in front of that by putting this in place to give us time to evaluate what the issues are," said David Guhin, director of planning and economic development.

But the move, which would go into effect immediately as an "urgency ordinance," has opponents.

"I think that would be a travesty," said Jesse Navaez, co-owner of Deep Roots, a hydroponics supply store with locations in Santa Rosa and Sebastopol.

Navaez said most cultivation in Santa Rosa, about 75 percent, probably takes place indoors. Nevertheless, many people who don't have the space or expertise to grow indoors or the money to build a greenhouse, rely on outdoor growing for their medicine, he said.

And unlike some of the other regulations the city has rolled out, this one hasn't been on his radar.

"This sounds really out of left field," Navaez said.

Guhin disputed the notion that residents have had little notice of the move, noting the council subcommittee met in public 16 times to discuss various policy initiatives.

Growing medical cannabis for personal use has been legal since the passage of Proposition 215 more than 20 years ago, and Santa Rosa has never barred growing it outdoors.

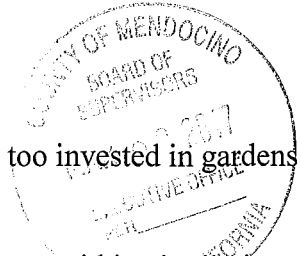
In 2015, the state passed rules to license and tax the \$3 billion medical cannabis industry, but allowed individual patients to grow up to 100 square feet of plants without a license. Primary care givers can grow up to 500 square feet.

The passage of Proposition 64 in November allowed Californians over 21 years old to legally possess up to 1 ounce of marijuana, 8 grams of cannabis concentrate and grow up to six plants.

The city is now concerned about the possible proliferation of outdoor cannabis gardens and their potential impact on neighborhoods, particularly around harvest time, Guhin said.

These include noxious odors, security risks and environmental hazards, according to a city staff report.

Guhin said city council members have reported that outdoor marijuana growing in residential areas has been a major concern for residents.



The city has been trying to shift commercial cultivation into industrial areas, he said, where the activity is highly regulated and there are fewer potential conflicts with residential areas.

The city's comprehensive ordinance on medical cannabis, the draft of which is due out in April, also calls for a ban on outdoor growing. Guhin said if that law were approved following a series of public hearings, it could go into effect by August or September.

That left the possibility that medical marijuana patients could start their gardens only to see them banned later in the year, something the city didn't want, he said.

Santa Rosa would be far from the first city to ban the outdoor growing marijuana, which can have a strong skunklike odor close to harvest time.

The cities of Windsor and Sonoma took similar steps last year, and Sonoma County banned cultivation in residential areas.

Cloverdale went the opposite direction and lifted its ban, but limited the number of plants per single-family home household to three.

Santa Rosa's rules for commercial cultivation of cannabis have not explicitly barred outdoor growing, but the requirements on odor control made it essentially impossible to get a permit for outdoor growing, Guhin said.

Even if the ban is approved, growing indoors or in greenhouses, often referred to as "mixed light," will still be allowed for personal medicinal use, he noted.

Because the ban would go into effect immediately, it requires five "yes" votes from the seven-member council. It can be extended, after additional public input, for as long as 10 months and 15 days.

Navaez wonders whether the city's newfound interest in banning outdoor cultivation has anything to do with its new taxation scheme, given it will generate tax revenue from commercial operations but none from pot grown for personal consumption. He predicted people who've been growing for years are unlikely to just stop because of the ban.

"My guess is there are going to be a lot of greenhouses going up," Navaez said.

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