




Midpeninsula Regional
Open Space District

Memorandum

DATE: November 15, 2017

MEMO TO: MROSD Board of Directors

THROUGH: Stephen E. Abbors, General Manager 

FROM: Brian Malone, Land and Facilities Manager and Susan Weidemann, Property Management Specialist II

SUBJECT: Tenant Notification Regarding Cannabis Cultivation

In November 2016, California voters passed the Adult Use of Marijuana Act prompting Governor Jerry Brown to sign Senate Bill 94, the Medicinal Adult-Use Cannabis Regulation and Safety Act (Senate Bill 84). This Bill will go into effect January 1, 2018 when the State will begin to issue cannabis (marijuana) cultivation licenses allowing commercial cultivation and a limited amount of personal cultivation (6 plants) without a permit. However, cultivation of cannabis remains illegal under Federal law.

City and county governments have the authority to limit or prohibit the commercial cultivation of cannabis in their communities. Both Santa Clara and San Mateo Counties are considering the allowance of some level of personal and/or commercial cannabis cultivation. Moreover, under California State law, property owners have the authority to limit or prohibit the cultivation of cannabis on their own property. The District is prohibiting the cultivation of marijuana on District lands. As such, the District mailed the attached notification on October 19, 2017 advising agricultural and residential tenants of this prohibition. To date, the District has not received concerns or questions about the notification.

NOTICE

Last November the voters in California passed the Adult Use of Marijuana Act prompting Governor Jerry Brown to sign Senate Bill 94, the Medicinal Adult-Use Cannabis Regulation and Safety Act. As a result, the State will begin issuing cannabis cultivation licenses January 1, 2018 and limited personal cultivation is legal under state law.

Cities and counties have the authority to limit the cultivation of cannabis in their communities. Santa Clara and San Mateo County in their unincorporated areas and cities may allow some level of personal and commercial cannabis cultivation. The District does not allow the cultivation of cannabis on District property regardless of the legality of cultivation within the local jurisdiction on private property.

Midpeninsula Regional Open Space District (District) does not allow cannabis (marijuana) cultivation. It may not be grown, stored, transported, or packaged in any form on any District property.

Should you have any questions or concerns regarding this letter, please feel free to contact me at 650-625-6502 or sweidemann@openspace.org