



**BOARD OF SUPERVISORS  
AGENDA LETTER**

Agenda Number:

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Board of Supervisors  
Department No.:  
For Agenda Of: 12/1/09  
Placement: Admin-set hearing  
Estimated Tme: 90 minutes on 12/8/09  
Continued Item: no  
If Yes, date from:  
Vote Required: 3/5

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**TO:** Board of Supervisors

**FROM:** Board Supervisor Janet Wolf, 568-2191  
Member(s) Supervisor Joni Gray, 737-7700

Contact Info: Name & Phone: Mary O’Gorman, 568-2191 or  
Susan Warnstrom, 737-7700

**SUBJECT:** Marijuana Dispensaries: Discuss and Consider options regarding regulation of  
Medical Marijuana Dispensaries

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**County Counsel Concurrence**  
As to form: yes

**Auditor-Controller Concurrence**  
n/a

**Recommended Actions:**

The Board set a hearing for December 8, 2009 to consider directing staff (County Counsel, Planning and Development, Sheriffs, and Probation Departments) to return to the Board on February 2, 2010 to provide information and options, including draft language, related to the regulation, restriction, moratorium or ban on the operation of medical marijuana dispensaries.

**Summary Text:**

The County’s Land Use and Development Code does not list medical marijuana dispensaries as an allowed use nor does it define medical marijuana dispensaries. Other jurisdictions within California have expressly prohibited medical marijuana dispensaries, either in specific zones or throughout the particular jurisdiction.

**Background and Summary:**

Supervisors Wolf and Gray seek the Board’s concurrence in setting a public hearing to review various legal options available to address actual and potential impacts to unincorporated neighborhoods as a result of medical marijuana dispensaries. During the past few years, incorporated cities within Santa Barbara County have enacted moratoria or otherwise regulated or prohibited marijuana dispensaries from operating.

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Medical Marijuana Dispensaries  
December 8, 2009

In the interest of parity it is important that the Board discuss and consider if it believes the increasing proliferation of these dispensaries within the unincorporated areas is a threat to public safety, public health, and community character of the County. Recent case law has also helped to more clearly frame the permissible breadth of the County's land use regulatory authority over medical marijuana dispensaries.

**Special Instructions:**

none

**Attachments:**

none

**Authored by:**

Mary O'Gorman: 568-2191  
Susan Warnstrom: 737-7700

**cc:**