

Medical Marijuana Collective/Cooperative Storefront Ordinances

Board of Supervisors

October 4, 2011

Planning and Development
Long Range Planning

California State Legislative Background

- Compassionate Use Act (CUA) of 1996 - Prop 215
 - Safe access w/doctor's recommendation
- Medical Marijuana Program (MMP) in 2003 – SB 420
 - Cooperatives/Collectives
 - ID card program
- Attorney General's (AG) Guidelines in 2008
 - Provide law enforcement with guidance
 - Generally defines terms
 - Guidance for Cooperative and Collective operations
- Recent Legislation: AB 1300 and SB 847

County Urgency Ordinance Background

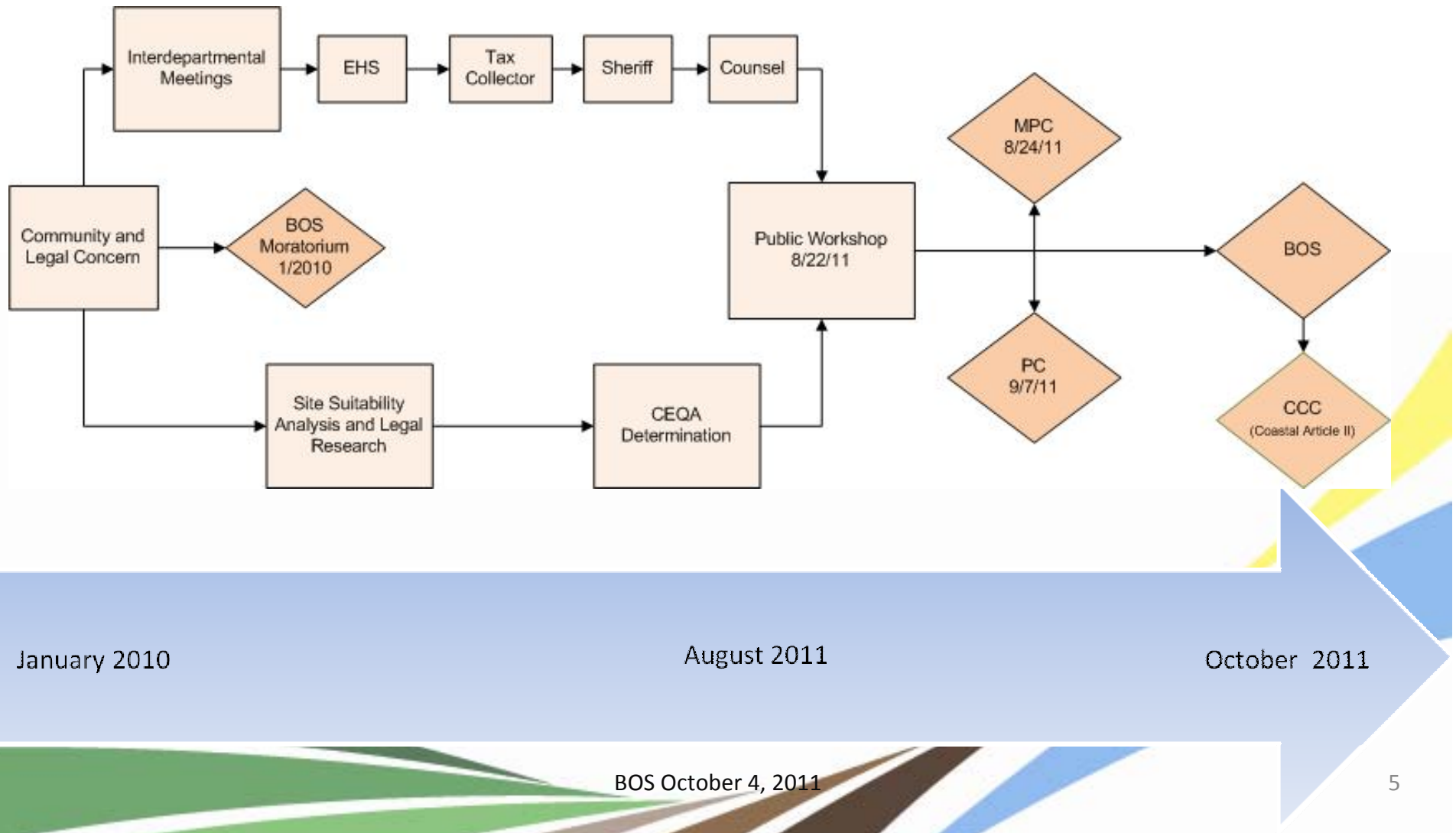
Govt Code §65858 – Urgency Ordinance

- Two-Year Limit on Moratoriums
- County Moratorium enacted
 - Jan 2010 (45 days)
 - Feb 2010 – Extended (10 mos. & 15 days)
 - Dec 2010 – Extended (1 year)
- Current Moratorium Expires Dec 6, 2011

Medical Marijuana Collectives and Cooperatives

- Jan 2010: Four Storefronts Open
 - Central Coast : Closed – Zoning Enforcement
 - Helping Hands: Closed – Sheriff's Dept
 - Miramar: Open – Subject of Zoning Enforcement
 - Green Room: Open
- Other Open Non-Storefronts
 - Maria Ygnacio
 - Patriots Collective

Ordinance Development Process and Timeline

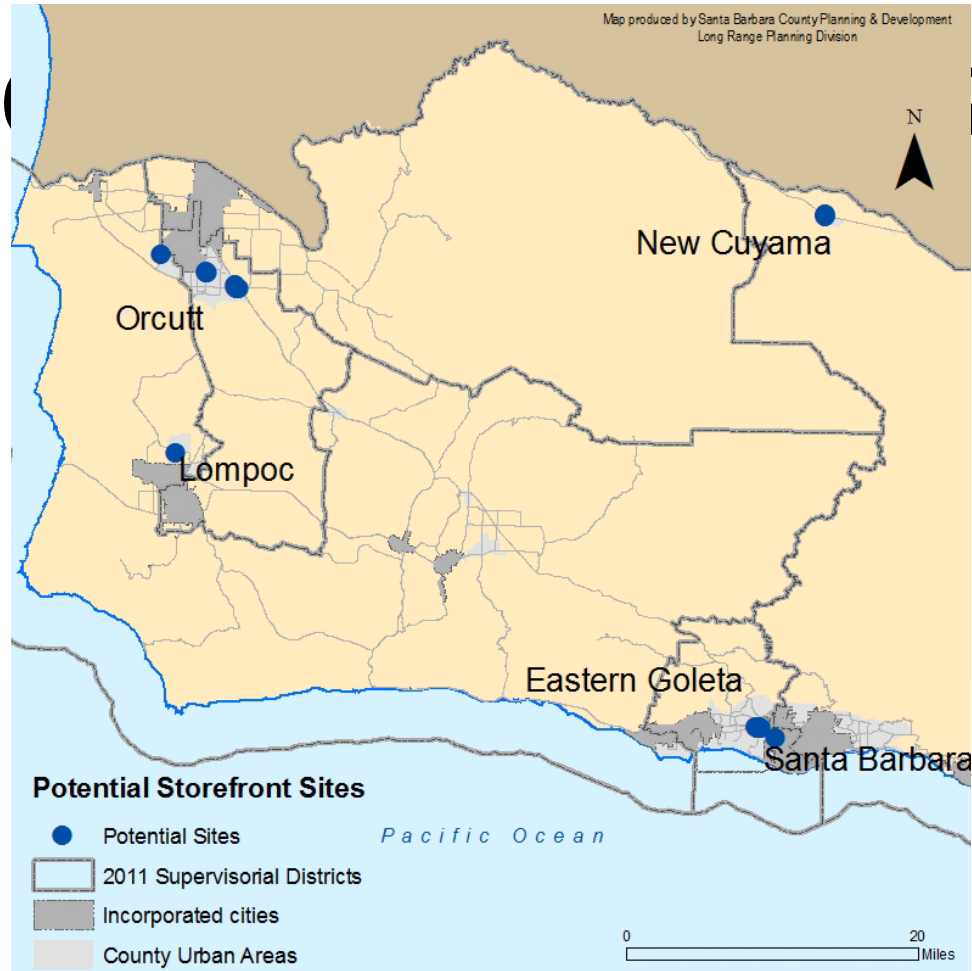


Intents of Ordinances

- Protect Sensitive Uses
 - Schools, Parks, & Daycare Centers
 - Residences
- Provide Regional & Realistic Access
 - For Those in Need of Medical Marijuana

Proposed Location and Buffer Criteria

- Commercial Zone Districts: C-1, C-2, C-3
- Minimum Buffers:
 - 1500' between other MMC Storefronts
 - 1000' from Schools, Parks, and Daycare Centers
 - 300' from Residential and Mixed-Use Zones
 - 100' from Legal Dwellings
- Conditional Use Permit
 - “...welfare, health and safety of the neighborhood...”
 - Planning Commission Has Discretion



Unincorporated Region	With Parks, Schools & Residential Buffers	With Additional MMC Storefront Buffer
Montecito, Summerland, Carpinteria, Isla Vista	0	0
Eastern Goleta Valley	19	1
Santa Barbara	1	1
Lompoc	1	1
Orcutt	8	3
Cuyama	5	1
Total	34	7

OTHER OPTIONS CONSIDERED

Option #2: Total Sites: 86, Potential Sites: 15

Zones: C-1, C-2

Minimum Buffers:

- 2000' between MMC Storefronts
- 600' from Schools and Parks
- 100' from Residential and Mixed-Use Zones
- 100' from Legal Dwellings

Option #3: Total Sites: 7, Potential Sites: 4

Zones: C-1, C-2, C-3

Minimum Buffers:

- 1500' between MMC Storefronts
- 1000' from Schools and Parks
- 300' from Residential and Mixed-Use Zones (Parcel to Parcel)
- 100' from Legal Dwellings

Scenarios

- Staff researched various options
- Changing one criteria often resulted in not meeting both intents of the Ordinances
- A ban would not provide for medical needs
- No Appeals Court has upheld or invalidated a ban

Scope of Project

- Zoning Only
- Would Not Regulate:
 - Cultivation
 - Transportation
 - Operators
 - Non Storefront Collectives/Cooperatives

Recommendation

- Make the findings for approval, including CEQA findings
- Determine the Ordinance Amendments are exempt from CEQA pursuant to Section 15061(b)(3)
- Adopt the Ordinance Amendments