



COUNTY OF SANTA BARBARA

Planning and Development

Medical Marijuana Dispensaries - Moratorium

Background

- December 8, 2009 – Board Direction to return to the Board with option to adopt a moratorium on permitting Medical Marijuana Dispensaries
- January 5, 2010 – Administrative Agenda item to review department's requirement for a use determination for MMD



Legal Framework

- 1996 Compassionate Use Act (Proposition 215)
- 2003 Medical Marijuana Program (SB 420)
- Conflict with Federal Law
- 2008 California Attorney General Guidelines
 - Collectives
 - Cooperatives
 - Storefront Medical Marijuana Dispensaries



Moratorium

- Gov't Code Section 65858 allows adoption of urgency interim ordinance to protect health, safety and welfare
 - Cannot exceed a total of two years
 - Legislative findings on current and immediate threat to public health, safety or welfare required



Moratorium

- 4/5 vote required
- Initial timeframe is for 45 days, expiring March 5, 2010
- Written report required 10 days prior to expiration, February 23, 2010
- 22 month, 15 day extension of interim ordinance with 4/5 vote



Status of MMD Permitting in Nearby Jurisdictions

- All cities in Santa Barbara County, with the exception of City of SB, have banned or prohibited MMD
- City of SB – ordinance adopted 12/8/09 temporarily suspending opening or operation of MMD



Status of MMD Permitting in Nearby Jurisdictions

- County of SLO – regulate MMDs through minor use permit
 - Standards on location, hours and other limits on use
- County of Ventura – no need to address MMDs
- City of Ventura – banned MMDs



Status of Permitting Throughout California

- 31 Cities and 9 Counties have ordinances that provide for permitting of MMDs
- 77 Cities and 8 Counties have adopted moratorium ordinances for permitting MMDs
- 120 Cities and 8 Counties have banned establishment of MMDs



Evidence Supporting Findings for Urgency Ordinance

- Testimony at December 8, 2009 hearing
 - Sheriff
 - Probation Department
 - Public
- White Paper on Medical Marijuana Dispensaries



Work Plan

- Include ordinance work in the LRP work program and departmental budget for FY 2010-11
 - Research other agency approaches
 - Public Outreach
 - Draft Ordinance for regulation or ban
 - Conduct CEQA review
 - Local Adoption Hearings (PC, BOS)
 - Submit for Coastal Commission Certification



Recommendation

- 1) Receive this Report.
- 2) Adopt the Urgency Ordinance for a moratorium on approval of MMDs.
- 3) Determine the Urgency Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3).
- 4) Direct staff to return on February 23, 2010 with a written report pursuant to GC Section 65858 (d) and possible moratorium extension.