

Medical Marijuana Dispensary Ban Ordinance Amendments

Board of Supervisors

November 1, 2011

Planning and Development Department
Long Range Planning Division

California State Legislative Background

- Compassionate Use Act (CUA) of 1996 - Prop 215
 - Provides for Safe Access w/ Doctor's Recommendation
- Medical Marijuana Program (MMP) in 2003 – SB 420
 - Allows Cooperatives/Collectives
 - Creates ID Card Program
- Attorney General's (AG) Guidelines in 2008
 - Provides Law Enforcement with Guidance
 - Defines and Guides Cooperative and Collective Operations
 - Refers to Storefront Dispensaries
- Recent Legislation: AB 1300
 - Reinforces Local Authority to Regulate and Enforce

Federal Law


- Schedule 1 Controlled Substance
- Federal Prosecutors Enforcing Laws Concerning California Dispensaries

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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



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Dispensary History

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

Intent of Ordinances

- Zoning Regulations Only
- Prohibit Dispensary Storefronts
 - Moratorium Only on Storefronts
- No affect on Non-Storefront Collectives and Cooperatives

Planning Commissions

October 19, 2011

Voted to Recommend Ban

- Montecito: 4-0
- County: 5-0

November 1, 2011

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