



The County of San Diego

Planning Commission Hearing Report

Date:	November 4, 2016	Case/File No.:	POD-16-001
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Amendment to Medical Marijuana Collective Facility Ordinance
Time:	9:00 a.m.	Location:	County-wide
Agenda Item:	#1	General Plan:	Various
Appeal Status:	Board of Supervisors Board of Supervisors is the final decision maker	Zoning:	Industrial zones
Applicant/Owner:	County of San Diego	Community:	All
Environmental:	Notice of Exemption	APNs:	N/A

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate proposed amendments to the Zoning Ordinance related to medical marijuana collective facilities. On March 16, 2016 the Board of Supervisors (Board) directed staff to return to the Board with several options to amend the Zoning Ordinance pertaining to such facilities. Based on the Board's direction, staff is proposing seven (7) different Ordinance Options for the Board's consideration. Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

- a. Find that the project, comprising several options for the Board to consider, complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines.
- b. Recommend that the Board of Supervisors adopt an Ordinance Option, a combination of Ordinance Options or amended Ordinance Options from the attached Form of Ordinances:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE MEDICAL MARIJUANA COLLECTIVE FACILITY REGULATIONS (Attachment A).

B. REPORT SUMMARY

The purpose of this staff report is to provide the Planning Commission with the information necessary to make recommendations to the Board of Supervisors regarding proposed Ordinance Options amendments to the Zoning Ordinance (Ordinance) related to medical marijuana collective facilities.

C. PROPOSAL

1. Background

On February 3, 2016, public speakers addressed the Board regarding their concerns about marijuana dispensaries. The Board referred the matter to the Chief Administrative Officer, with a request to return with potential options available for regulating medical marijuana facilities.

On March 16, 2016 (3), County staff presented several options to the Board: an option to ban medical marijuana collectives, several options involving increased buffers from sensitive land uses and options discussing increased code compliance efforts for illegally dispensaries. Following public testimony and Board deliberations, the Board directed staff to return with additional options including options to increase buffer distances from sensitive land uses, a new 1000 foot buffer requirement from incorporated cities, and an option to require a Major Use Permit for the establishment of medical marijuana collective facilities.

At that meeting, the Board adopted an interim urgency ordinance enacting a moratorium on the establishment of medical marijuana collective facilities for a 45-day period. The interim urgency ordinance was adopted to allow County staff the time needed to consider appropriate actions based on the Board's direction. The interim urgency ordinance prohibits to the extent allowed by law, the ability for new medical marijuana collective facilities to be established. On April 27, 2016 (2) the Board extended the interim urgency moratorium ordinance for an additional 10 months and 15 days. The moratorium is currently in effect and will expire on March 16, 2017 unless extended for an additional year (Attachment B).

Existing Ordinance

On June 30, 2010 (5) the Board approved the sections of the San Diego County Code and the Zoning Ordinance pertaining to medical marijuana and amended the Ordinances in 2011. In developing the Ordinances, a working group was formed, consisting of staff from PDS, the Sheriff's Department and County Counsel. The Ordinances were developed to closely align with Proposition 215, California's Compassionate Use Act (CUA) of 1996, and the State of California's Medical Marijuana Program (MMP - Senate Bill 420 [2003]). The Ordinances establish uniform regulation and licensing requirements allowing qualified patients and primary caregivers to collectively or cooperatively exchange and cultivate marijuana for medical purposes while protecting the public health, safety and welfare of communities. The process of formulating the Ordinances also received significant stakeholder input.

PDS administers and enforces the Zoning Ordinance that includes siting criteria that include:

- Collective facilities must be located on industrial zoned properties,
- 1000 feet from other established collective facilities, and
- At least 1000 feet from certain sensitive land uses including: churches, parks, playgrounds, schools, youth centers and residential zoned properties.

It was estimated that approximately 15 to 20 medical marijuana facilities could be sited in the unincorporated county under this criteria. With the adoption of the General Plan in 2011, additional industrially-zoned properties were designated within the unincorporated county, increasing the range of potential collective facility sites in the unincorporated county to approximately 18 to 23 (See Table 1).

The Sheriff’s Department administers and enforces the San Diego County Code component that contains criteria for issuance of operating certificates (licenses) requires various building safety improvements such as alarms and closed circuit televisions and door, window and other visibility requirements. The San Diego County Code also establishes operational requirements including record keeping, hours of operation, age limitations, prohibition of the ingestion of marijuana and the sale of food or drink at the collective facility site, and for use of security guards (Attachment C).

The processing sequence established for operating a collective facility requires applicants to first obtain a zoning verification letter from PDS to assure the property meets the siting criteria required by the Zoning Ordinance. Next, applicants submit building permits to verify compliance with applicable building codes and infrastructure requirements of the Ordinances. Building permit applications are then reviewed and issued, followed by final inspection to verify all work has been completed to code. During this time the Sheriff’s Department conducts necessary licensing processes including background checks. The last step is issuance of the building occupancy and Sheriff’s operating certificate.

TABLE 1: Distribution of Properties/Sites per Community

	Community	Number of Parcels/Community	Number of Sites Estimated with 1000’ buffer from other MM Facilities
1	Alpine	8	3
2	Borrego Springs	4	1
3	Lakeside	63	8
4	Julian	4	1
5	Rainbow	1	1
6	Ramona	62	6
7	San Dieguito	1	1
8	Valle De Oro	3	1
9	Valley Center	1	1
	TOTAL	147	23

Medical Marijuana Collective Facilities Under Existing Ordinance

Two collective facilities have opened since the adoption of the Ordinances in 2010. One facility is located near Gillespie Field in unincorporated El Cajon. The other facility is located in Ramona near the Ramona airport.

There are currently nine open building applications for medical marijuana collective facilities. PDS issued building permits for five open applications (two in Ramona, two in unincorporated El Cajon and one in Valley Center); these facilities are subject to the interim urgency moratorium. Four applications do not have issued building permits but rather their building permits are under review (two in Lakeside, one in Ramona, and one in Julian). Although a moratorium is in place, staff has reviewed the five open applications with issued building permits to determine if they have established vested rights to proceed with their medical marijuana facilities (See Table 2).

TABLE 2: Medical Marijuana Facility Application Status

	Site Location	Community	Status	Project Vested?
1	8157 Wing Ave.	El Cajon	Operating/Building Permit Issued for Cultivation	Yes
2	736 Montecito Way	Ramona	Operating	N/A
3	1210 Olive St.	Ramona	Building Permit Issued	Yes
4	618 Pine St.	Ramona	Building Permit Issued	Yes
5	8530 Nelson Way	Valley Center	Building Permit Issued	Yes
6	287 Vernon Way	El Cajon	Building Permit Issued	No
7	2471 Montecito Rd.	Ramona	Application Submitted	No
8	15939 Olde Hwy 80	Lakeside	Application Submitted	No
9	15945 Olde Hwy 80	Lakeside	Application Submitted	No
10	3578 Hwy 78	Julian	Application Submitted	No

Vesting Rights Determination: Case law outlines that in certain circumstances applicants retain the right to continue with a project should the land use laws change after a permit has been issued. If an applicant has done “substantial” work and incurred “substantial” liability in reliance on the building permit, then they may have a vested right.

As mentioned, five medical marijuana facility sites have been issued building permits. Since the moratorium was enacted, the County has been contacted by the five applicants with issued building permits to obtain vested status. Staff has gone through a comprehensive evaluation of the five projects. Staff reviewed each project’s progress to date in relation to the substantial expenditure and liability incurred from the date of building permit issuance to the March 16, 2016 moratorium effective date. In addition staff reviewed existing case law which provided guidance as to the appropriate methodology to use when making such determinations. In mid-August staff determined that four out of the five applicants with issued building permits had obtained a vested right and could proceed, regardless of the moratorium currently in effect, to secure their Sheriff’s Operating Certificate.

The sites obtaining vested rights include: the two properties in Ramona, one property in Valley Center and one property in unincorporated El Cajon. The El Cajon property that has vested status is one of the two existing operating facilities in the County. The vesting rights determination evaluated if the expansion of the facility to allow an indoor cultivation area was vested. The other property in unincorporated El Cajon was determined to not meet certain expenditure and completion thresholds and therefore could not be deemed vested. When considering the two operating facilities and the facilities receiving vested rights, five medical marijuana facilities could soon be operating in the unincorporated county.

Code Compliance: Although the Ordinances comprehensively address the siting and operation of medical marijuana facilities, various facilities continue to establish themselves in areas of the unincorporated county inconsistent with the County's regulatory requirements. PDS Code Compliance Division and the Sheriff's Department continue to actively pursue the closure of noncompliant facilities. Currently, 19 cases are open while the County has closed 52 noncompliant facility cases since 2009.

To address complex compliance cases involving collective facilities, a County working group was established to refine the current approach addressing violations. The working group includes PDS, Sheriff's Department, County Counsel and County Fire. The purpose of the working group is to address facility violations, particularly those involving repeat offenders (operators and/or property owners). This working group meets on a regular basis to review violations, prioritize enforcement and determine the most appropriate strategies to gain compliance.

At the March 16, 2016 Board hearing the Board directed staff to return with various options to address the enforcement efforts against illegal facilities. PDS, Sheriff's Department and County Counsel developed a comprehensive strategy utilizing existing tools built into the Ordinances to combat illegal dispensaries. The details of the strategy are confidential, but it is in its final stages of planning and the pilot project is anticipated to launch in the very near future.

Recent Developments in Medical Marijuana Laws

Medical Cannabis Regulation and Safety Act (MCRSA): On October 9, 2015 Governor Brown signed into law AB 243, AB 266 and SB 643. These laws, collectively referred to as the MCRSA (formerly MMRSA), establish a framework for regulating medical marijuana. The new State laws strive to address the confusion and regulatory patchwork that has resulted from the 1996 CUA voter initiative. The three bills fall into three distinct regulatory arenas:

- a) AB 243 – authorizes the State to use licensing fees to carry out the framework and a fund for helping local governments address environmental problems associated with cultivation.
- b) AB 266 – establishes a Bureau of Medical Cannabis Regulation to oversee licensing and operating rules for medical marijuana growers, product producers and retailers.
- c) SB 643 – addresses medical clinics that specialize in issuing medical marijuana recommendations to patients without valid health needs and creates standards for labeling products.

The new State laws became effective as of January 1, 2016, but State licenses have not yet been issued for medical marijuana activities. It is expected the State will begin accepting applications for licenses on January 1, 2018. Once those licenses are issued, the operational model created under the MMP (which established non-profit collective type facilities) will expand to allow for-profit retail medical marijuana sales. In addition, the State laws now address cultivation, edibles, product labeling, manufacturing, testing, distribution and transportation, and dispensary sales. However, the new State laws protect local control and continue to recognize local licensing, zoning and regulation of medical marijuana. The new model will operate under a dual licensing system, requiring both a State and local license before business could commence. The State laws do not preclude local jurisdictions from regulating or even banning medical marijuana facilities while continuing to allow cultivation by qualified patients or primary caregivers.

County staff has assessed these laws and has identified potential impacts to existing Ordinances and regulatory practices and services. The impacts of these laws affect existing Ordinances and regulatory practices and services of other County departments such as Agricultural Weights and Measures (AWM), Environmental Health (DEH) and Health and Human Services.

As an example of these impacts AWM does not currently conduct any regulatory activities associated with medical marijuana dispensaries, cultivation or sale of medical marijuana. The new medical marijuana laws direct the California Department of Food and Agriculture to define medical marijuana as an agricultural product and to develop licensing for the cultivation, a track and trace program and any other regulations needed for implementation. The County can expect to see the development of regulations within the next two years. It is yet to be determined the degree to which local enforcement will fall to AWM regarding cultivation or the track and trace program.

Along the same lines, DEH currently does not regulate marijuana edibles. Marijuana edibles are prohibited in the County of San Diego's unincorporated areas and the cities that allow marijuana edibles are regulating their management using local police powers. The new marijuana laws, effective as of January 1, 2016, charge the California Department of Public Health to develop new regulations for managing "cannabis containing edible products" in local jurisdictions that choose to allow the production or distribution of such products. The County can expect to see the development of regulations within the next two years. It is yet to be determined if some or all of the oversight of retail distribution of medical marijuana edibles will be delegated to the local retail food enforcement agency.

Depending on the degree of delegation and the number of approved collective facilities, implementation of these new laws and subsequent regulations could result in increased workload for AWM and DEH, including new program development, staff training, investigation of complaints and routine inspection activities. In addition, both PDS and the Sheriff's department could experience increased workload as a result of increased compliance activities, public inquires and responding to complaints. As of yet, no funding has been identified to cover the costs associated with the added responsibilities of the various County departments.

Health and Human Services has identified potential increase service needs such as youth related prevention efforts and access to substance abuse treatment.

Adult Use of Marijuana Act (AUMA): On the November 2016 ballot, California voters will be voting on Proposition 64 pertaining to the legalization of non-medical marijuana for recreational use. If Prop 64 passes, it will authorize the possession, transport, purchase, consumption and sharing of marijuana for adults 21 and over. Unlike MCRSA, a local license is not required for a state-issued license. Therefore, if there is no local action to ban or regulate recreational marijuana this could result in an implied allowance. In the case of the County, Zoning Ordinance Section 6976 currently contains provisions prohibiting non-medical marijuana facilities in the unincorporated county.

Prop 64 would levy a 15 percent state retail sales tax on the purchase of nonmedical marijuana, in addition to other state and local sales tax. Funds generated by the new state tax will be used for a variety of purposes including medical cannabis research, funding for environmental restoration and protection, local drug prevention programs and state and local law enforcement. Local jurisdictions that ban businesses or outdoor home cultivation are not eligible for the funds. Local jurisdictions may also establish an additional local tax.

The impacts of the AUMA to County programs and services are similar to that of the MCRSA, with the primary difference being that the AUMA includes two additional license types related to large-scale cultivation operations, and the AUMA also does not prohibit vertical integration as the MCRSA does.

County Marijuana Working Group (MWG): A MWG has been formed to monitor the progress of the MCRSA and if passed, the AUMA. As mentioned, although MCRSA became effective January 1, 2016, none of the bills specify a timeline for implementation. This is partly due to the need for coordination between various State departments. State licensing and the for-profit model envisioned by the new law are estimated to begin in January 2018. Licensing under the AUMA is expected to follow the same timeline. The MWG is currently identifying potential strategies to address existing and proposed State laws and regulations on marijuana and will be involved in the State rulemaking process to provide input and provide comments to the State on the new regulations.

2. Project Description

This project proposes to amend Zoning Ordinance Section 6935, "Medical Marijuana Collective Facilities". The project proposes seven ordinance options based on direction received from the Board on March 16, 2016. The amendments are intended to provide alternatives to further regulate medical marijuana facilities within the unincorporated County.

The draft Ordinance Options were sent out for 30-day public review from August 5 to September 9, 2016.

D. ANALYSIS AND DISCUSSION

The project has been reviewed to ensure it conforms to all the relevant ordinances and guidelines, including, but not limited to, the San Diego County General Plan and CEQA Guidelines. A detailed discussion of the project analysis and consistency with applicable codes, policies, and ordinances follows. See Table 3 for estimated number of facilities, per community under Option 1 through 5.

1. Zoning Ordinance Amendments

Option 1: Require separation buffer from Residential Use rather than Residential Zone

Option 1 would result in greater separation buffers from residential uses regardless of the zone in which the residential use is in. Section 6935(d) of the Zoning Ordinance (Ordinance) requires that medical marijuana facilities maintain a 1000 foot separation from residential *zoned* property or for which a residential use is present. This Option would amend the Zoning Ordinance to require a 1000 foot separation from properties in which a residential *use* can take place. For example, under the current ordinance a facility could be located within 1000 feet of agricultural zoned properties. Under this Option a facility would need to be located at least 1000 feet away from the agricultural property since the agricultural zone permits residential uses on the property. Because of the large number of zoning districts permit residential uses, Option 1 would likely allow no more than four facilities in the unincorporated county.

Options 2, 3 and 4: Increase Sensitive Land Use Buffer Distances

These Options would provide greater protection to sensitive uses from medical marijuana facilities and would result in less available properties to site medical marijuana facilities.

Section 6935(d) of the Zoning Ordinance currently establishes 1000 foot separation requirements from certain sensitive land uses: school, playground, park, church, recreation center, youth center, or other collective facility. As indicated, when accounting for the separation from other medical marijuana facilities, approximately 18 to 23 facilities could possibly be accommodated within the unincorporated county. Under Option 2, 3 and 4, increasing the buffers to ¼ mile, ½ mile and 1 mile from sensitive land use would likely allow:

- Option 2: ¼ Mile – Approximately 11 to 16 facilities in the unincorporated county.
- Option 3: ½ Mile – Approximately 4 to 6 facilities in the unincorporated county.
- Option 4: 1 Mile – One available site for a facility in the unincorporated county.

Options 5: 1000 foot Separation Buffer from Incorporated Cities

Section 6935(d) of the Zoning Ordinance would be amended to add a requirement that a collective facility in the unincorporated county could not be sited within 1000 feet of the boundary of any incorporated city. The City of El Cajon has requested that this option be considered. Option 5 would likely allow approximately 15 to 20 facilities in the unincorporated county.

Option 6: Require a Major Use Permit

The current Ordinance allows medical marijuana facilities to be established by-right provided that they meet the sensitive land use buffer distances and secure a Sheriff's Operating Certificate though compliance with various Sherriff's Department operational requirements. With this Option, in addition to meeting siting and operating requirements, applicants would be required to obtain a Major Use Permit. A Major Use Permit would be heard by the Planning Commission and is appealable to the Board of Supervisors. Selecting this Option would allow for public input because of notification requirements and the ability for the decision making body to impose site specific conditions.

Option 7: Limit Medical Marijuana Facilities per Supervisorial District

This Option would limit the number of medical marijuana facilities to 4 facilities per Supervisorial district. During Board deliberations, it was mentioned that setting a “cap” on the number of facilities within each district could be considered and would be similar to the regulatory model currently being used in the City of San Diego. The City’s Ordinance limits the number of medical marijuana facilities to four facilities per city council district. Under this Option, the existing sensitive land use buffer distances would continue to apply and would mean that only Districts 2 and 5 have the potential for a maximum of 4 facilities.

TABLE 3: Estimated Medical Marijuana Facilities in Communities per Option

	Community	Existing Sites Estimate	Buffer Residential Land Use	Increase ¼ mile buffer	Increase ½ mile buffer	Increase 1 mile buffer	1000’ buffer from cities
1	Alpine	3	-	1	-	-	3
2	Borrego Springs	1	-	1	-	-	1
3	Lakeside	8	4	6	3	1	6
4	Julian	1	-	1	1	-	1
5	Rainbow	1	-	1	-	-	1
6	Ramona	6	-	4	2	-	6
7	San Dieguito	1	-	1	-	-	-
8	Valle De Oro	1	-	1	-	-	1
9	Valley Center	1	-	-	-	-	1
	TOTAL	23	4	16	6	1	20

Medical Marijuana Collective Facility Ban: On March 16, 2016, the Board also directed staff to return with an Ordinance Option banning medical marijuana facilities within the unincorporated County. At the April 27, 2016 Board hearing, the Board discussed whether an ordinance banning medical marijuana facilities should continue to be an option for consideration. A majority of the Board of Supervisors indicated that an ordinance banning medical marijuana facilities should not be an option and would likely not be supported. Although direction was not included in the final Board motion to remove the medical marijuana ban option, based on Board deliberations, staff will not be returning with a ban ordinance consistent with the Board’s intent. See June 29, 2016 Board memo (Attachment D).

Amortization: All of the Ordinance Options amendments contain revised amortization language. Depending on which Ordinance Option is selected, medical marijuana facilities could be rendered nonconforming due to no longer meeting sensitive land use distance requirements or from lack of a Major Use Permit. The amortization language would, in these circumstances, require a facility to come into conformance with the Ordinance or cease operations within a five-year time period. The amortization time period would allow for a facility to recoup facility costs prior to stopping operations.

2. California Environmental Quality Act (CEQA) Compliance

This action has no potential for resulting in physical change to the environment, directly or indirectly. The proposed ordinance options would make the existing ordinance more restrictive by incorporating additional buffer requirements from sensitive land uses, limiting the number of facilities per supervisorial district and/or requiring a Major Use Permit to establish a facility. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA (Attachment E).

E. COMMUNITY PLANNING/SPONSOR GROUPS

The proposed Ordinance Options were distributed to all 26 Community Planning Groups and Community Sponsor Groups (CPG/CSG) for review. Complete comments letters can be found in Attachment F.

TABLE 4: CPG and CSG Comments

CPG/CSG Comments
<p><u>Crest-Dehesa CPG</u> The Crest-Dehesa Community Planning group recommended that the Board consider adoption of Options 1, 4, 5, 6 and 7.</p>
<p><u>Descanso CPG</u> The Descanso Community Planning Group recommend that Option 1 requiring buffer distances from residential uses rather than residential zones is a viable option. The Planning Group did feel that the Options appear more applicable in more densely populated areas of the County.</p>
<p><u>Julian CPG</u> The Julian Community Planning Group recommended Option 1 requiring buffer distances from residential uses rather than residential zones and that the sensitive land use buffer be increased from 1000 feet to 1 mile.</p>
<p><u>Lakeside CPG</u> The Lakeside Community Planning Group recommended that Option 3 (1/2-mile buffer) and Option 6 (Major Use Permit). The Planning Group also recommended that medical marijuana collective facilities continue to comply with regulatory requirements contained in the County Code and enforced by the Sheriff's Department.</p>
<p><u>Pala/Pauma CSG</u> The Pala/Pauma Community Sponsor Group recommends that medical marijuana collective facilities follow similar zoning rules as applied to other controlled substances. An example given in their comments included regulations applicable to liquor stores.</p>

CPG/CSG Comments**Ramona CPG**

The Ramona Community Planning Group currently has one operating medical marijuana collective facility in the community with the potential for two more resulting from the recently made vesting determinations. The Planning Group recommends that a cap (Option 7) on the number of facilities located in a supervisorial district; a Major Use Permit (Option 6) be required; an amortization clause be included; and existing permitting, licensing, signage, parking and physical appearance requirements be included in the Ordinance.

On September 28, 2016, the Ramona CPG held a special meeting to discuss medical marijuana collective facilities which could soon be located in the community. The special meeting provided a forum in which community members could ask questions to facility operators and County staff including PDS and Sheriff's Department representatives.

Valle De Oro CPG

The Valle De Oro Community Planning Group voted to recommend that Option 6 (Major Use Permit) with the second-most support for Option 1 (Residential Land Use).

Valley Center CPG

The Valley Center Community Planning Group provided a number of comments indicating that some options may not be viable. Additional comments pertain to requirements for notification to local communities when sited these facilities, use of cultivation-only facilities, creating of "hot-spots" where facilities may be concentrated and questions regarding the effectiveness of Option 5 which provides for buffers from adjacent cities.

F. PUBLIC INPUT

The public comment period on the proposed Ordinance Options was from August 5, 2016 to September 9, 2016. The County received numerous comment letters regarding the proposed Ordinance changes (Attachment G). The public comments covered a broad range of Options. Generally individuals expressing concerns with medical marijuana collective facilities selected Options which would further limit the siting of these facilities. Many of the comments requested that Option 1 amending the Ordinance to require medical marijuana facilities to be site 1000 feet from properties that allowed residential uses versus properties that are specifically zoned "Residential". This Option would limit the amount facilities to approximately 4 facilities throughout the unincorporated county. Many commenters also requested requiring a Major Use Permit when establishing medical marijuana collective facilities.

The City of El Cajon submitted a comment letter requesting that the County follow suit with other local jurisdictions in the County in banning these facilities. However if an Ordinance was to exist, the City provided several recommendations including: broadening the definition of sensitive land uses and increasing distances from sensitive land uses, residential properties and incorporated jurisdictions.

Proponents of medical marijuana collective facilities indicated the need for medicinal marijuana and requested additional leniency with the proposed Options. A common theme from some commenters was that there should be a difference between cultivation and dispensing indicated that the Ordinance should be further nuanced to provide a distinction between dispensaries (storefronts) and cultivation.

Under one scenario presented in a comment letter, the number of dispensaries would be limited to 4 per supervisorial district. The existing Ordinance and associated regulations would continue to apply for cultivation-only facilities. The logic is that cultivation-only facilities are more discreet and could operate in industrial areas with little or no public interaction.

Comment letters also indicated that the County should be applying MRCSA now and that the provisions of the law should be incorporated into the existing Zoning Ordinance and Regulatory Code. As mentioned earlier, staff is closely following the State's progress in formulating the regulations. Until State's regulations are thoroughly vetting through the rulemaking process, the County believes it is premature to amend our ordinances at this time in that changes are likely or further clarification to the laws will be forthcoming.

Other recommendations suggested only requiring a Major Use Permit for facilities with dispensaries and allowing cultivation-only facilities to comply with existing regulations and be allowed to operate in agricultural zones.

G. RECOMMENDATIONS

- a. Find that the project, comprising several options for the Board to consider, complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines.
- b. Recommend that the Board of Supervisors adopt an Ordinance Option, a combination of Ordinance Options or amended Ordinance Options from the attached Form of Ordinances:

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Staff recommends that the Planning Commission, when providing a recommendation for the Board of Supervisors, carefully consider public comments, community planning group recommendations, and the direction provided by the Board of Supervisors with regard to the following considerations:

- Which options provide adequate buffers to protect Residential Dwellings?
- Which options safeguard against negative impacts to Sensitive Receptors?
- Are impacts on adjoining communities, which restrict medical marijuana facilities, addressed?
- Will the options provide safe use of marijuana for medicinal purposes?
- Should the options differentiate between dispensing (storefronts) and cultivation only facilities?
- Which options balance a streamlined process and public input?

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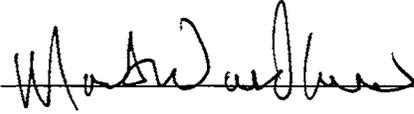
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AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

- Attachment A – Zoning Ordinance Amendments-Strike-out/Underline Copy
- Attachment B – Moratorium Ordinance Extension
- Attachment C - County Regulatory Code
- Attachment D – Board Memo June 29, 2016
- Attachment E – Environmental Documentation
- Attachment F – Community Planning/Sponsor Group Comments
- Attachment G - Public Comments
- Attachment H – Minute Orders – March 16, 2016 and April 27, 2016

**Attachment A – Form of Ordinance Options
Strike-out/Underline Version**

Option 1: Residential Use vs. Residential Zone

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO
UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA
COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. Definition. The terms "Qualified Patient", "Primary Care Giver", "Medical Marijuana Collective Facility" and "Collective Facility" shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

ATTACHMENT A

Option 1: Residential Use vs. Residential Zone

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential use is present or may take place pursuant to zoning Use Regulation applies;
2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; or
3. 1000 feet from a parcel on which another Collective Facility has been established.

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.
3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

h. Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before ~~August 5, 2009~~ NEW ORDINANCE EFFECTIVE DATE shall cease operations no later than ~~August 5, 2013~~ FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE. In order for a Collective Facility to be "lawfully" established it must have applied for and obtained a building permit and/or a certificate of

Option 1: Residential Use vs. Residential Zone

occupancy and Sheriff's Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension if upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from INSERT NEW DATE RANGE, and (5) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Option 2: ¼ Mile buffer from Sensitive Land Uses

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO
UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA
COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. Definition. The terms “Qualified Patient”, “Primary Care Giver”, “Medical Marijuana Collective Facility” and “Collective Facility” shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

Option 2: ¼ Mile buffer from Sensitive Land Uses

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. One-quarter mile ~~1000 feet~~ from a parcel containing a school, playground, park, church, recreation center, or youth center or
3. 1000 feet from a parcel on which another Collective Facility has been established.

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.
3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

h. Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before ~~August 5, 2009~~ NEW ORDINANCE EFFECTIVE DATE shall cease operations no later than ~~August 5, 2013~~ FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE. In order for a Collective Facility to be "lawfully"

Option 2: ¼ Mile buffer from Sensitive Land Uses

established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff's Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension ~~if~~ upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from INSERT NEW DATE RANGE, and (5) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Option 3: ½ Mile buffer from Sensitive Land Uses

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO
UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA
COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. Definition. The terms “Qualified Patient”, “Primary Care Giver”, “Medical Marijuana Collective Facility” and “Collective Facility” shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

ATTACHMENT A

Option 3: ½ Mile buffer from Sensitive Land Uses

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. One-half mile ~~1000 feet~~ from a parcel containing a school, playground, park, church, recreation center, or youth center; or
3. 1000 feet from a parcel on which another Collective Facility has been established;

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.
3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

h. Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before ~~August 5, 2009~~ NEW ORDINANCE EFFECTIVE DATE shall cease operations no later than ~~August 5, 2013~~ FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE. In order for a Collective Facility to be "lawfully" established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff's Operating Certificate prior to commencing operations, or received

Option 3: ½ Mile buffer from Sensitive Land Uses

County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension if upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from INSERT NEW DATE RANGE, and (5) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Option 4: 1 Mile buffer from Sensitive Land Uses

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO
UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA
COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. Definition. The terms "Qualified Patient", "Primary Care Giver", "Medical Marijuana Collective Facility" and "Collective Facility" shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

Option 4: 1 Mile buffer from Sensitive Land Uses

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. One mile ~~1000 feet~~ from a parcel containing a school, playground, park, church, recreation center, or youth center; or
3. 1000 feet from a parcel on which another Collective Facility has been established

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.
3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

h. Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before ~~August 5, 2009~~ NEW ORDINANCE EFFECTIVE DATE shall cease operations no later than ~~August 5, 2013~~ FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE. In order for a Collective Facility to be "lawfully" established it must have applied for and obtained a building permit and/or a certificate of

Option 4: 1 Mile buffer from Sensitive Land Uses

occupancy and Sheriff's Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension ~~if~~ upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from INSERT NEW DATE RANGE, and (5) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Option 5: 1000 foot buffer from incorporated cities

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO
 UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA
 COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. Definition. The terms “Qualified Patient”, “Primary Care Giver”, “Medical Marijuana Collective Facility” and “Collective Facility” shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

Option 5: 1000 foot buffer from incorporated cities

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; ~~or~~
3. 1000 feet from a parcel on which another Collective Facility has been established; ~~or~~
4. 1000 feet from the boundaries of an adjacent city.

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.
3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

ATTACHMENT A

Option 5: 1000 foot buffer from incorporated cities

h. Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before ~~August 5, 2009~~ NEW ORDINANCE EFFECTIVE DATE shall cease operations no later than ~~August 5, 2013~~ FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE. In order for a Collective Facility to be “lawfully” established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff’s Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension if upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from INSERT NEW DATE RANGE, and (5) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Option 6: Major Use Permit required for establishment of Medical Marijuana Facility

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. Definition. The terms “Qualified Patient”, “Primary Care Giver”, “Medical Marijuana Collective Facility” and “Collective Facility” shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

Option 6: Major Use Permit required for establishment of Medical Marijuana Facility

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; or
3. 1000 feet from a parcel on which another Collective Facility has been established.

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Major Use Permit Required. Pursuant to Zoning Ordinance section 7350 et al., a Major Use Permit is required for the operation of a Collective Facility.

g-h. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.
3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or

ATTACHMENT A

Option 6: Major Use Permit required for establishment of Medical Marijuana Facility

deterioration or substantial diminishment or impairment or property values within the immediate area.

~~h.i.~~ Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before ~~August 5, 2009~~ NEW ORDINANCE EFFECTIVE DATE shall cease operations no later than ~~August 5, 2013~~ FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE. In order for a Collective Facility to be “lawfully” established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff’s Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension ~~if~~ upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from INSERT NEW DATE RANGE, and (5) the potential for other conforming uses to locate on the site. A lawfully established Collective Facility will not be considered a nonconforming use for lack of possessing a Major Use Permit pursuant to this ordinance if the Collective Facility owner/operator applies for and receives a Major Use Permit prior to FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Option 7: Limits number of Medical Marijuana Facilities per Supervisorial District

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities. This section, by limiting the number of medical marijuana collective facilities within each Supervisorial district will continue to protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County, while also continuing to allow a reasonable number of medical marijuana collective facilities for use by qualified patients and primary caregivers for medical purposes.

b. Definition. The terms "Qualified Patient", "Primary Care Giver", "Medical Marijuana Collective Facility" and "Collective Facility" shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a

ATTACHMENT A

Option 7: Limits number of Medical Marijuana Facilities per Supervisorial District

single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; or
3. 1000 feet from a parcel on which another Collective Facility has been established.

Notwithstanding the above provisions a maximum of four Collective Facilities may be located within the boundaries of a Supervisorial District.

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.
3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or

ATTACHMENT A

Option 7: Limits number of Medical Marijuana Facilities per Supervisorial District

deterioration or substantial diminishment or impairment or property values within the immediate area.

h. Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before ~~August 5, 2009~~ NEW ORDINANCE EFFECTIVE DATE shall cease operations no later than ~~August 5, 2013~~ FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE. In order for a Collective Facility to be “lawfully” established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff’s Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension ~~if~~ upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from INSERT NEW DATE RANGE, and (5) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Attachment B – Moratorium Ordinance Extension

Meeting Date: 04/27/16 (2)

ORDINANCE NO.: 10426 (N.S.)

AN ORDINANCE EXTENDING A MORATORIUM ON
THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE
FACILITIES, AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT
IMMEDIATELY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Findings. The Board finds and declares as follows:

a. On March 16, 2016 (3), this Board adopted its Ordinance No. 10419 (N.S.), "AN ORDINANCE ENACTING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY." In said Ordinance No. 10419 (N.S.), this Board declared its findings concerning the potential harmful effects that medical marijuana collective facilities may have on communities and the health of marijuana users, and directed the Chief Administrative Officer to develop options for consideration by the Board, regarding additional regulation and/or prohibitions of medical marijuana collective facilities so as to prevent such harmful effects on County of San Diego unincorporated areas.

b. Pursuant to Government Code Section 65858, Ordinance No. 10419 (N.S.) will be in effect for 45 days from adoption. Section 65858 authorizes this Board, following notice and public hearing and by four-fifths vote, to extend that Ordinance for 10 months and 15 days. County staff has issued its report to this Board on the actions being taken to of medical marijuana collective facilities, to alleviate the conditions which led to the adoption of the moratorium ordinance. Staff has indicated that more time is needed for staff to return with various options accounting for both zoning ordinance amendments to better address concerns with the siting of medical marijuana collective facilities and options to strengthen the enforcement of illegally established facilities, and bring the regulations to this Board for consideration.

c. The Board reaffirms the findings made in Ordinance No. 10419 (N.S.) and determines that it is necessary to extend that Ordinance for 10 months and 15 days in order to enable the preparation and processing of appropriate regulations of medical marijuana collective facilities.

Section 2. Extension of Ordinance No. 10419 (N.S.)

Ordinance No. 10426 (N.S.), "AN ORDINANCE EXTENDING A
MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA

COLLECTIVE FACILITIES, AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY", Sections 1 through 4, are hereby extended in full force and effect for 10 months and 15 days from the previous expiration date of that Ordinance.

Section 3. Report. The Chief Administrative Officer is directed to issue a written report describing the measures taken by the County to alleviate the conditions which have led to the adoption of this ordinance, at least 10 days prior to the expiration of this ordinance.

Section 4. Urgency, Duration and Publication. This ordinance is adopted by the Board of Supervisors pursuant to Government Code Section 65858 by a four-fifths or greater vote, as an urgency measure to protect the public health, safety and welfare, and shall take effect immediately. The reasons for such urgency are set forth in Section 1 above. This ordinance shall expire and be of no further force or effect 10 months and 15 days after its adoption, unless it is further extended pursuant to Section 65858. Before the expiration of 15 days after the adoption of this ordinance, a summary hereof shall be published once, with the names of the members of this Board voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Approved as to form and legality
County Counsel

By: Justin Crumley, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of April, 2016.



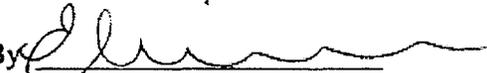
RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 27th day of April, 2016.

DAVID HALL
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



Ordinance No. 10426 (N.S.)

04/27/16 (2)

Attachment C – County Regulatory Code

ORDINANCE NO. 10120 (NEW SERIES)
02/01/2011 (2)

AN ORDINANCE AMENDING SECTIONS 21.102, 21.107, 21.1901, 21.2502, 21.2504 AND
21.2505 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES
RELATING TO THE UNIFORM LICENSING PROCEDURE, FEES AND MEDICAL
MARIJUANA COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors for the County of San Diego added to the County Code of Regulatory Ordinances Title 2, Division 1, Chapter 25 relating to medical marijuana collective facilities. The regulatory codes therein adopted require that certain fees be charged by the Sheriff's Department to recover the cost of processing applications and compliance monitoring for medical marijuana facility operating certificates. This ordinance will amend the Code of Regulatory Ordinances to establish licensing procedures and set such fees. The Board of Supervisors finds and determines that the County Sheriff's Department will be the issuing authority for the medical marijuana operation certificate. The fee for the regulation and enforcement of this activity reflects the cost of administration for this program. The Board of Supervisors also finds that due to the advent of self-styled medical marijuana collective "delivery services" the operating requirements for collective facilities should be amended to add appropriate regulations. In addition, the Board of Supervisors finds that other miscellaneous sections should be amended to clarify or correct language in the sections. These amendments are reasonable and necessary to protect the public health, safety, and welfare of our community.

Section 2. Section 21.102 of the Code of Regulatory Ordinances is amended to read as follows:

The following activities require a license for which the Sheriff is the Issuing Officer:

- (a) Amusement Establishment and Devices
- (b) Amusement Ride Centers/Go-Cart Centers
- (c) Bathhouses
- (d) Carnivals and Circuses
- (e) Casino Parties
- (f) Entertainment Establishments
- (g) Entertainment Managers

- (h) Firearms Dealers
- (i) Fortune Telling
- (j) Holistic Health Practitioners
- (k) Junk Yards and Motor Vehicle Wrecking Yards
- (l) Massage Establishments
- (m) Massage Technicians
- (n) Massage Technician Trainees
- (o) Medical Marijuana Operations Certificate
- (p) Merchandise Coupons
- (q) Off-Premises Massage
- (r) Outdoor Assemblies
- (s) Outdoor Assembly Managers
- (t) Pawnbrokers and Second Hand Dealers
- (u) Public Dances
- (v) Shooting Ranges
- (w) Solicitors
 - (1) License
 - (2) Identification Card
- (x) Swap Meets
- (y) Taxicab Operators and Taxicab Drivers
 - (1) Operator's License
 - (2) Driver's Identification Card
- (z) Teen-age Dances

Section 3. Section 21.107 of the Code of Regulatory Ordinances is amended to read as follows:

(a) The Issuing Officer may investigate each application for a license required by this chapter to determine whether the applicant:

(1) Has completely and accurately furnished information on the application or in response to any other request for information made by the Issuing Officer or any other County employee or County department concerning the application.

(2) Meets all minimum age requirements under federal, State and County laws and regulations.

(3) Has been convicted of a crime. The Issuing Officer is authorized to obtain the applicant's fingerprints and transmit the fingerprints to the State Department of Justice and Federal Bureau of Investigation (FBI) to obtain the applicant's State and local federal criminal history information.

(4) Committed an act involving dishonesty, fraud or deceit with the intent to substantially benefit the applicant or another person or to injure another person, or

(5) Committed an act involving moral turpitude.

(b) The Issuing Officer, as part of the investigation, may:

(1) Request that any person or public entity provide information the Issuing Officer deems relevant and necessary to investigate the application.

(2) Determine whether the location at which the applicant intends to conduct the proposed activity complies with all federal, State and County laws and regulations.

(3) Post for 10 days in a conspicuous place where the Issuing Officer conducts business a notice stating: (A) the name and address of the applicant, (B) the location(s) where the applicant intends to conduct the activity for which a license is required, (C) the type of license applied for, (D) whether the application is for a new license or request for renewal, (E) that any person may submit relevant information to the Issuing Officer in connection with the application and (F) that any information must be submitted to the Issuing Officer no later than five days from the last day the notice will be posted.

Section 4. Section 21.1901 of the Code of Regulatory Ordinances is amended to read as follows:

The fees for the licenses, permits and registration certificates issued by the Sheriff and services provided by the Sheriff pursuant to this code shall be as follows:

(a) LICENSES AND PERMITS

- (1) Adult Entertainment Employee License: Initial fee \$251, renewal fee \$192.
- (2) Adult Entertainment Establishment License: Initial fee \$637, renewal fee \$559.
- (3) Alarm System Permit: Permit fee \$118.
- (4) Amusement Establishment License: Annual fee \$457 plus \$60 per device.
- (5) Amusement Ride Cent or Go-cart Center Permit: Annual fee \$457.
- (6) Bath-house Permit: Initial fee \$684, renewal fee \$625.
- (7) Bingo License: Annual fee \$50.
- (8) Blaster's ID Card: Annual fee \$133.
- (9) Blaster's Permit: Initial fee \$479, renewal fee \$459.
- (10) Carnival or Circus License: Annual fee \$438 plus \$100per day.
- (11) Casino Party License: Event fee \$291.
- (12) Charitable Solicitor Registration: No fee.
- (13) Concealed Weapons License: Initial fee \$ 63.14, renewal fee \$21.52, in addition to fees to the State of California, the Department of Justice and the FBI. Any license amendment \$10.
- (14) Entertainment Establishment License: Annual fee \$261.
- (15) Entertainment Establishment Manager Registration: Annual fee \$86.
- (16) Explosives Permit: Initial fee \$479, renewal fee \$459.
- (17) Firearms Dealer Permit: Initial fee \$ 379, renewal fee \$359.
- (18) Fireworks Permit: Initial fee \$232, renewal fee \$212.
- (19) Fortune Telling License: Initial fee \$251, renewal fee \$231.
- (20) Holistic Health Practitioner: Registration fee \$204.
- (21) Junk Yards or Motor Vehicle Wrecking Yards License: Annual fee \$465.
- (22) Massage Establishment License: Initial fee \$398, renewal fee \$379.
- (23) Massage Technician or Massage Technician Trainee Permit: Initial fee \$273, renewal fee \$106.
- (24) Medical Marijuana Operation Certificate: Annual fee \$11,017.
- (25) Merchandise Coupon Distributor: Annual fee \$118.
- (26) Off-Premises Massage License: Initial fee \$273, renewal fee \$106.
- (27) Outdoor Assembly License: Event license \$534.
- (28) Outdoor Assembly Manager Registration: Manager event registration \$86.
- (29) Pawnbroker or Second Hand Dealer License: Initial fee \$398, renewal fee \$379.
- (30) Public Dance License: Initial fee \$261, renewal fee \$241.

- (31) Public Dance Manager Registration: Annual fee \$86.
- (32) Shooting Range Permit: Initial fee \$334, renewal fee \$255.
- (33) Solicitor's License: Initial fee \$165, renewal fee \$106.
- (34) Solicitor's ID Cards: Initial fee \$106, renewal fee \$86.
- (35) Swap Meets License: Initial fee \$220 plus \$24 per stall, renewal fee \$ 200 plus \$24 per stall.
- (36) Taxicab Operator's License: Initial fee \$283 plus \$64 per cab, renewal fee \$194 plus \$64 per cab.
- (37) Taxicab Drivers Identification Card: Initial fee \$83, renewal fee \$64. Fee for changes to card between renewals: \$29.
- (38) Teenage Dance License: Initial fee \$261, renewal fee \$192.
- (39) Transportation Tags or Christmas Trees: No fee.

(b) SERVICES

- (1) Copies of Reports: \$20.
- (2) Records Search/Criminal History Copies: \$14.
- (3) Good Conduct Letters: \$39.
- (4) Fingerprint Service by License Division: \$22.
- (5) Fingerprint Service by Crime Lab: \$117.
- (6) Copies of Evidence Photos: \$25.
- (7) Copies of Crime Lab Reports: \$14.

Section 5. Section 21.2502, subdivision (d), of the Code of Regulatory Ordinances is amended to read as follows:

(d) "Medical Marijuana Collective Facility" or "Collective Facility" means any location at which members of a medical marijuana collective collectively or cooperatively cultivate, store or exchange marijuana among themselves or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses. "Medical Marijuana Collective Facility" or "Collective Facility" does not mean or include the following facilities licensed pursuant to the following provisions of Division 2 of the Health and Safety Code:

- (1) A clinic licensed pursuant to Chapter 1;
- (2) A health facility licensed pursuant to Chapter 2;
- (3) A residential care facility for persons with chronic, life-threatening illnesses licensed pursuant to Chapter 3.01;
- (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2; or

- (5) A residential hospice or a home health agency licensed pursuant to Chapter 8.

Section 6. Section 21.2504 of the Code of Regulatory Ordinances is amended to read as follows:

- (a) Alarms, Closed Circuit Television.

(1) A Sheriff Department-licensed, 24-hour centrally monitored alarm system is required.

(2) Closed Circuit Television (CCTV) video monitoring shall be installed that meets the following criteria:

(A) Continuous 24-hour operation and recording with minimum archival period of 14 days.

(B) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where marijuana is present at any time.

(C) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows or other avenues of potential access.

(D) All CCTV recordings shall be accessible to law or code enforcement officers at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system.

(E) To prevent tampering, the recorder shall be kept in a secure location and all recordings shall be date and time stamped.

- (b) Windows.

(1) Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.

(2) Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.

- (c) Roofs, roof hatches, sky lights, ceilings.

For buildings in which a Collective Facility is located:

(1) All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

(2) Roof hatches and skylights shall be secured so as to prevent intrusion.

(3) Where a Collective Facility is located in a building with other tenants, the Collective Facility shall be secured against unauthorized access from other tenant spaces or common areas, including access through crawl spaces, ceiling spaces, ventilation systems or other access points concealed from the common areas.

(d) Visibility.

(1) No marijuana may be visible from any location off the property on which a Collective Facility is located.

(2) Exterior landscaping within 10 feet of any building in which a Collective Facility is located shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.

(3) Exterior building lighting and parking area lighting must be in compliance with County of San Diego Light Pollution Code (Sections 51.201-51.209 of the San Diego County Code), County of San Diego Zoning Ordinance (Sections 6322 - 6326), and California Energy Code (Title 24-Chapter 6 of the California Code of Regulations). Lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.

(e) Fire suppression system: An approved automatic fire sprinkler system, designed in compliance with NFPA 13, shall be provided in buildings and portions thereof used as a Collective Facility.

(f) Parking

A Collective Facility shall conform to the requirements of Zoning Ordinance Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.

(g) Entrances, exits, doors.

(1) A Collective Facility shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.

(2) Any exit or entrance that is not visible from a public or common area shall be plainly marked as an emergency exit only. Such emergency exits shall be self-closing, self-locking, equipped with an alarm and not used except in an emergency.

(3) Any aluminum door shall be fitted with steel inserts at the lock receptacles.

(4) Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.

(5) Panic exit hardware shall be "push-bar" design.

(6) Double doors shall be fitted with three-point locking hardware and push-bars consistent with fire agency regulations or requirements.

(7) All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.

(8) All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.

(h) The provisions of this section do not apply to the following Collective Facilities:

(1) A Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

(2) A Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

Section 7. Section 21.2505 of the Code of Regulatory Ordinances is amended to read as follows:

SEC. 21.2505. OPERATING REQUIREMENTS FOR COLLECTIVE FACILITIES.

(a) The hours of operation of a collective facility shall be no earlier than 8 a.m. and no later than 8 p.m., seven days a week.

(b) No persons under the age of eighteen are allowed at, in or on a collective facility, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.

(c) In order to facilitate verification that a collective facility is operating pursuant to state and local laws, the following records must be maintained at the collective facility at all times and available for inspection by the Sheriff's Department:

(1) A record identifying all current qualified patient members of the collective associated with the collective facility. The record shall identify each qualified patient's designated primary caregiver, the name of the physician providing the recommendation for medical marijuana and shall reflect whether the recommendation is written or oral. The record shall identify the city and county of residence for each qualified patient and his or her primary caregiver.

(2) A record identifying all current primary caregiver members of the collective associated with the collective facility, and the persons for whom they are the designated primary caregiver. The record will show the city and county of residence for all qualified patients and primary caregivers.

(3) A current record of caregiver events for each member of the collective associated with the collective facility. Such record should include, at a minimum, the dates, times, duration, participants and nature of the caregiver event(s). Such record shall not include information protected by federal or state medical information privacy laws.

(4) A record identifying the source or sources of all marijuana currently on the premises of the collective facility or that has been on the premises during the two-year period preceding the current date. The record shall reflect the grower and the address and location of cultivation of the identified marijuana.

(5) All marijuana at the collective facility must at all times be physically labeled with information which, used in conjunction with the record required by section 21.2505(c)(4), will allow for ready identification of the specific collective member who is the source of the marijuana.

(6) All marijuana at the collective facility must at all times be physically labeled with the monetary amount to be charged (or "price" for purposes of this subparagraph only) to a collective member as reimbursement for cost of cultivation, overhead and operating expenses. Marijuana that is stored in bulk, and which is distributed by requested weight amount, shall be labeled with the price-per-ounce. Marijuana that is stored and distributed in fixed weight packages shall be labeled with the price and weight of the marijuana in the package.

(7) Current records of all transactions involving money and/or marijuana occurring in connection with the operation and activities of the collective or the collective facility during the two-year period preceding the current date. Such records must include at a minimum the following information: (a) The names of the persons involved, the person's membership status in the collective associated with the collective facility, and whether they are a qualified patient or a primary caregiver; (b) the amount of cash involved, if any, (c) the amount of marijuana involved, if any, (d) the method of payment if not by cash, and (d) if marijuana was involved, the collective member who was the source of the marijuana.

(8) An agreement, signed by each member of the collective associated with the collective facility and who is a source of marijuana to the collective facility as identified by sections 21.2505(c)(4) and 21.2505(c)(5), that:

(A) within seven days of request by the Sheriff's Department, the member will produce for inspection by law enforcement a record, current to within 48 hours, of costs of cultivation, overhead and operating expenses; and

(B) the location of the cultivation of the marijuana supplied by the member shall be subject to inspection for physical verification by appropriate law enforcement or fire agencies.

The form of the agreement required by this subdivision shall be determined by the Sheriff's Department, and shall require as a minimum the full name, home address, cultivation site address, home and emergency telephone numbers and the agreement required by this section.

(9) A record showing the identification of the responsible persons for the collective by name, home address and telephone number.

(10) A clearly-visible, posted document identifying the names of the responsible persons and their emergency contact telephone numbers.

(d) The total quantity of marijuana located at any collective facility shall not exceed the maximum quantity limits set by state law, as established by statute and court decisions, in relation to the number of qualified patients and primary caregivers that are members of the collective.

(e) All marijuana at a collective facility must have been cultivated at that collective facility or have as its source a member or members of the collective with which the collective facility is associated.

(f) Only marijuana as herein defined is allowed at the collective facility. No food or drink containing marijuana is allowed.

(g) No smoking or any other consumption or ingestion of marijuana is allowed at a collective facility.

(h) Only persons who are members of the collective that is associated with a collective facility shall collectively or cooperatively cultivate, store or exchange marijuana among themselves, or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses, at the collective facility.

(i) All transactions between or among members of a Collective involving the exchange of marijuana and money, the exchange of marijuana and any other thing of value, the exchange of marijuana, or the provision of marijuana by one collective member to another Collective member shall occur at the Collective Facility operated by the Collective to which the members belong, except as follows: To the extent allowed by Health & Safety Code § 11362.71 and Health & Safety Code § 11362.765, a member of a Collective may transport medical marijuana from the Collective Facility of the Collective to which the member belongs and deliver the medical

**Attachment D – Board Memorandum
June 29, 2016**



County of San Diego

SARAH E. AGHASSI
DEPUTY CHIEF ADMINISTRATIVE OFFICER

LAND USE AND ENVIRONMENT GROUP
1600 PACIFIC HIGHWAY, ROOM 212, SAN DIEGO, CA 92101
(619) 531-6256 • Fax (619) 531-5478
www.sdcounty.ca.gov/lueg

June 29, 2016

TO: Supervisor Ron Roberts, Chairman
Supervisor Dianne Jacob, Vice Chairwoman
Supervisor Dave Roberts
Supervisor Greg Cox
Supervisor Bill Horn

FROM: Sarah E. Aghassi
Deputy Chief Administrative Officer

MEDICAL MARIJUANA COLLECTIVE FACILITY OPTIONS – CLARIFICATION OF BOARD OF SUPERVISOR'S DIRECTION TO STAFF

On March 16, 2016 (3), the Board of Supervisors directed the Chief Administrative Officer to return with several ordinance options related to the regulation and enforcement of medical marijuana collective facilities. The request was to assess and develop possible amendments to the County Zoning Ordinance related to medical marijuana collective facilities. The assessment included a review of how residential zoning is applied, distance requirements from a number of certain sensitive land uses, an ordinance banning medical marijuana collective facilities in the unincorporated county and the potential addition of a Major Use Permit requirement.

On April 27, 2016 (2), the Board of Supervisors approved a 10 month-15 day extension of a moratorium on medical marijuana collective facilities. At this same meeting the Board discussed whether an ordinance banning medical marijuana should be an option. A majority of the Board of Supervisors indicated that an ordinance banning medical marijuana collective facilities should not be an option and would likely not be supported. Although direction was not included in the final Board motion to remove the medical marijuana ban option, staff will not be returning with an ordinance banning medical marijuana collective facilities consistent with the Board's intent.

Also, consistent with the Board's March 16, 2016 direction, Planning & Development Services (PDS), the Sheriff's Department and County Counsel have been working on enforcement options to prevent the establishment of illegal marijuana facilities. Staff

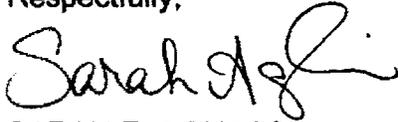
Page 2
June 29, 2016

indicated that they would explore possible improvements to the current administrative citation process. Staff identified that the existing public nuisance abatement process may be a successful means of closing down illegal facilities, resulting in faster and longer-lasting results.

The public nuisance abatement process is already available and does not require any amendments to existing County codes or ordinances, PDS Code Compliance staff, along with the Sheriff's Department, will establish a pilot program to implement the abatement process. When staff returns with ordinance options later this year, they will report back to the Board on the effectiveness of the public nuisance abatement process in closing down illegal marijuana facilities.

If I can be of further assistance, please contact me or Mark Wardlaw, Director, Planning & Development Services at (858) 694-2962.

Respectfully,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

Attachment E – Environmental Documentation

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: Consideration of Medical Marijuana Collective Facility Options.
Project Location: The action will affect the entire unincorporated area of the County.
Project Applicant: County of San Diego
Project Description: Report back to the Board of Supervisors on medical marijuana collective facility options.
Agency Approving Project: County of San Diego

County Contact Person: Joe Farace Telephone Number: 858-694-3690

Date Form Completed: 8/10/16

This is to advise that the County of San Diego Board of Supervisors (County decision-making body) has approved the above described project on January 25, 2017/# (date/item #) and found the project to be exempt from the CEQA under the following criteria:

- 1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
[] Declared Emergency [C 21080(b)(3); G 15269(a)]
[] Emergency Project [C 21080(b)(4); G 15269(b)(c)]
[] Statutory Exemption. C Section:
[] Categorical Exemption. G Section:
[X] G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
[] G 15182 - Residential Projects Pursuant to a Specific Plan
[] G 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning
[] Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures [] were [] were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan [] was [] was not adopted for this project.

Statement of reasons why project is exempt: This action is for the Board of Supervisors to accept staff's report and possibly adopt various ordinance options amending the existing Medical Marijuana Collective Facilities Ordinance. This action has no potential for resulting in physical change to the environment, directly or indirectly. The proposed ordinance options would make the existing ordinance more restrictive by incorporating additional buffer requirements from sensitive land uses, limiting the number of facilities per supervisorial district and/or requiring a Major Use Permit to establish a facility. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: (858) 694-3690

Name (Print): Joseph Farace Title: Group Program Manager

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

**Attachment F – Community Planning/Sponsor
Group Comments**

Farace, Joseph

From: Wally Riggs <wrplanning@gmail.com>
Sent: Tuesday, September 13, 2016 1:57 PM
To: Farace, Joseph; Jacob, Dianne
Subject: Re: Medical Marijuana Ordinance Options Public Review

The Crest-Dehesa Planning Group, as you might imagine, had quite a lengthy discussion on the Medical Marijuana Collective Facilities issue.

The group, on a motion by member Phil Hertel with input by the membership, voted to recommend adoption of items 1-4-5-6-7.

The vote was 8 ayes-0 noes- 0 abstentions, with four members absent and three seats vacant.

Thank you for the opportunity to address this very important issue.

Wally Riggs, chairman
Crest-Dehesa-Granite Hills-Harbison Canyon Planning Group

On Fri, Aug 5, 2016 at 11:45 AM, Farace, Joseph <Joseph.Farace@sdcountry.ca.gov> wrote:

Dear Community Planning/Sponsor Group members:

Attached for your Community Planning Group and Community Sponsor Group's consideration and recommendation are proposed amendments to the County's Medical Marijuana Collective Facility Ordinance.

On March 16, 2016 the Board of Supervisors directed staff to return to the Board with several options to amend the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF). Based on Board's direction staff is proposing seven different options for the Board's consideration which include:

1. Require separation buffer from Residential Use rather than Residential Zone
2. Increase sensitive land use buffer from 1000 feet to ¼ mile
3. Increase sensitive land use buffer from 1000 feet to ½ mile
4. Increase sensitive land use buffer from 1000 feet to 1 mile
5. Require a 1000 foot separation buffer from incorporated cities
6. Requirement for a Major Use Permit to be obtained prior to siting a MMCF
7. Limit the number of Medical Marijuana Collective Facilities per supervisorial district

Comments back to the County are due on September 9, 2016 (30-day public review period). Due to Planning/Sponsor Group meeting schedules, we realize that there may not be the proper time needed to add this

item to your agenda. We will continue to accept comments past the September 9 date when these situations occur.

Also the attached notice contains a link to the PDS Medical Marijuana Collectives Webpage which contains additional information on the existing MMCF program. Please let me know if you have any questions.

Thanks, Joe

Joseph Farace

Group Program Manager, Advance Planning

Planning & Development Services

(858) 694-3690



DESCANSO COMMUNITY PLANNING GROUP
Post Office Box 38, Descanso CA 91916-0038

September 1, 2016

Joseph Farace

joseph.farace@sdcounty.ca.gov

Group Program Manager

Advance Planning Division, Planning and Development Services

County of San Diego, CA

GROUP MEMBERS

Seat 1:
Kerry Forrest, Chair

Seat 2:
Jo Ellen Quinting

Seat 3:
David Mellner

Seat 4:
John Elliott

Seat 5:
Mark Gassert

Seat 6:
Claudia White

Seat 7:
Terry Gibson

On August 18, 2016, The Descanso Community Planning Group (DCPG) considered the proposed amendments to the County's Medical Marijuana Collective Facility Ordinance. Reviewed and discussed were the seven different options for the Board's consideration.

The DCPG wishes to express the following concerns:

1. "Require separation buffer from Residential Use rather than Residential Zone", is a reasonable modification of the ordinance.
2. "Increase sensitive land use buffer from 1000 feet to ¼ mile", is not an option in the backcountry where populations are concentrated in small foot prints centered around a small commercial area such as a post office , school and general store. This would adversely accessibility to a facility that could be needed in the community.
3. "Increase sensitive land use buffer from 1000 feet to ½ mile", is not an option in the backcountry where populations are concentrated in small foot prints centered around a small commercial area such as a post office , school and general store. This would adversely accessibility to a facility that could be needed in the community.
4. "Increase sensitive land use buffer from 1000 feet to 1 mile", is not an option in the backcountry where populations are concentrated in small foot prints centered around a small commercial area such as a post office , school and general store. This would adversely accessibility to a facility that could be needed in the community.
5. "Require a 1000 foot separation buffer from incorporated cities", is not an option in the backcountry where populations are concentrated in small foot prints centered around a small commercial area such as a post office , school and general store. This would adversely accessibility to a facility that could be needed in the community.

Medical Marijuana Collective Facilities
Descanso Community Planning Group

6. "Requirement for a Major Use Permit to be obtained prior to siting a MMCF", is onerous and burdensome. This option is not required for pharmacies and should not be applied to a MMCF.
7. "Limit the number of Medical Marijuana Collective Facilities per supervisorial district" is not an option in the backcountry where populations are separated by great distances and are concentrated in small foot prints centered around a small commercial area such as a post office , school and general store. This would adversely accessibility to a facility that could be needed in the community.

In short the DCPG feels that the changes are directed to the densely populated areas of the county and will adversely effect our backcountry residents who are already underserved in medical services.

Respectfully,

Kerry Forrest, Chair

Descanso Community Planning Group

Farace, Joseph

From: Patrick Engineering <patrickeng@sbcglobal.net>
Sent: Tuesday, September 13, 2016 11:10 AM
To: Farace, Joseph
Subject: Julian Community Planning Group Reply to the County of San Diego's Medical Marijuana Collection Facility Ordinance

DISCUSSION:

The Julian Planning Group recommended Options 1 and 4 unanimously at the September 12, 2016 meeting.

- 1) Require separation buffer from Residential Use rather than Residential Zone
- 2) Increase sensitive land use buffer from 1000 feet to 1 mile

Patrick L. Brown, Chair
Julian Community Planning Group
(760) 765-1343
(760) 765-2081 (fax)
patrickeng@sbcglobal.net

From: Farace, Joseph [<mailto:Joseph.Farace@sdcounty.ca.gov>]
Sent: Friday, August 05, 2016 11:45 AM
Subject: Medical Marijuana Ordinance Options Public Review

Dear Community Planning/Sponsor Group members:

Attached for your Community Planning Group and Community Sponsor Group's consideration and recommendation are proposed amendments to the County's Medical Marijuana Collective Facility Ordinance.

On March 16, 2016 the Board of Supervisors directed staff to return to the Board with several options to amend the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF). Based on Board's direction staff is proposing seven different options for the Board's consideration which include:

1. Require separation buffer from Residential Use rather than Residential Zone
2. Increase sensitive land use buffer from 1000 feet to ¼ mile
3. Increase sensitive land use buffer from 1000 feet to ½ mile
4. Increase sensitive land use buffer from 1000 feet to 1 mile
5. Require a 1000 foot separation buffer from incorporated cities
6. Requirement for a Major Use Permit to be obtained prior to siting a MMCF
7. Limit the number of Medical Marijuana Collective Facilities per supervisorial district

Comments back to the County are due on September 9, 2016 (30-day public review period). Due to Planning/Sponsor Group meeting schedules, we realize that there may not be the proper time needed to add this item to your agenda. We will continue to accept comments past the September 9 date when these situations occur.

Also the attached notice contains a link to the PDS Medical Marijuana Collectives Webpage which contains additional information on the existing MMCF program. Please let me know if you have any questions.

Thanks, Joe

Joseph Farace

Group Program Manager, Advance Planning
Planning & Development Services
(858) 694-3690

LAKESIDE COMMUNITY PLANNING GROUP
Po Box 2040 Lakeside, CA 92040 / lakesidecpg@gmail.com

September 8, 2016

To:
Joseph Farace
Joseph.Farace@sdcounty.ca.gov

From:
Milt Cyphert
Chair, Lakeside Community Planning Group

Regarding:
Medical Marijuana Collective Facility Ordinance (MMCF)

On September 7, 2016, the Lakeside Community Planning Group (LCPG) passed a motion and voted unanimously (12-0), based on the County supplied matrix, for options 3 (½-mile buffer) and 6 (MUP requirement) to both be implemented and include the following stipulations:

- 1) MMCFs must have regulated and set business hours. (i.e. no later than 8pm)
- 2) MMCFs must have security guards, lights and cameras.
- 3) Ordinance must be written so local Sherriff authorities have the authorization to enforce code.
- 4) Stiff and incremental fines by code enforcement for violations of MUP and ordinance.
- 5) Suspension of operations for violations, getting progressively longer for multiple violations.

We feel this is the best and most fair option as it will reduce the number of site locations in our community, but will allow other communities to have Facilities as well.

Thank you very much,

Warmest Regards,

Milt Cyphert
Chair, Lakeside Community Planning Group

Farace, Joseph

From: Charles Mathews <mathews.charles@gmail.com>
Sent: Wednesday, September 07, 2016 12:10 PM
To: Farace, Joseph
Cc: 'Ben Brooks'; Bill Jacobs; 'Bradley Smith'; 'Fritz Stumpges'; 'Vice Chairwoman Stephanie Spencer'; Fitzpatrick, Lisa; LUEG, CommunityGroups; 'Smith, Oliver'
Subject: RE: Medical Marijuana Ordinance Options Public Review

Joe:

At its meeting held September 6, 2016, the Pala Pauma Community Sponsor Group (PPCSG) upon motion made and carried (4 in favor, 2 absent, 1 vacancy) adopted the following view with regard to proposed amendments to the Zoning Ordinance section pertaining to the County's Medical Marijuana Collective Facility (MMCF) Ordinance.

"PPCSG believes that as a controlled substance the zoning ordinance for MMCFs should be similar to such restrictions for other controlled substances and, specifically, that the ordinance(s) applicable to MMCFs regarding location, parking provision, signage, quantity, density, etc., should be similar to the regulation(s) applicable to liquor stores."

Thank you for the opportunity to comment and please feel free to call if you have any questions in this regard.

Regards,
Charles.

Charles Mathews.
Chairman, Pala Pauma Valley Community Sponsor Group
+1 (760)-481-4201

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From: Farace, Joseph [<mailto:Joseph.Farace@sdcounty.ca.gov>]
Sent: Friday, August 05, 2016 11:45 AM
Subject: Medical Marijuana Ordinance Options Public Review

Dear Community Planning/Sponsor Group members:

Attached for your Community Planning Group and Community Sponsor Group's consideration and recommendation are proposed amendments to the County's Medical Marijuana Collective Facility Ordinance.

On March 16, 2016 the Board of Supervisors directed staff to return to the Board with several options to amend the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF). Based on Board's direction staff is proposing seven different options for the Board's consideration which include:

1. Require separation buffer from Residential Use rather than Residential Zone

1 - 65

2. Increase sensitive land use buffer from 1000 feet to ¼ mile
3. Increase sensitive land use buffer from 1000 feet to ½ mile
4. Increase sensitive land use buffer from 1000 feet to 1 mile
5. Require a 1000 foot separation buffer from incorporated cities
6. Requirement for a Major Use Permit to be obtained prior to siting a MMCF
7. Limit the number of Medical Marijuana Collective Facilities per supervisorial district

Comments back to the County are due on September 9, 2016 (30-day public review period). Due to Planning/Sponsor Group meeting schedules, we realize that there may not be the proper time needed to add this item to your agenda. We will continue to accept comments past the September 9 date when these situations occur.

Also the attached notice contains a link to the PDS Medical Marijuana Collectives Webpage which contains additional information on the existing MMCF program. Please let me know if you have any questions.

Thanks, Joe

Joseph Farace

Group Program Manager, Advance Planning
Planning & Development Services
(858) 694-3690

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RAMONA COMMUNITY PLANNING GROUP

15873 HWY 67, RAMONA, CALIFORNIA 92065

Phone: (760)445-8545

Jim Piva
Chair

September 1, 2016

Dan Scherer
Vice-Chair

Joseph Farace, Group Program Manager
Advance Planning
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Kristi Mansolf
Secretary

Torry Brean

RE: MEDICAL MARIJUANA ORDINANCE OPTIONS

Jim Cooper

The Ramona Community Planning Group (RCPG) would like to formally thank the San Diego County Board of Supervisors for the enactment of the Moratorium on Marijuana Collective Facilities within the County of San Diego. This Moratorium has given planners time to explore the best available options for the communities we live in and serve. As a result, several options / recommendations to amend the current ordinance will be presented.

Scotty Ensign

Eb Hogervorst

Barbara Jensen

As expressed in the letter to you dated March 3, 2016, it is this group's intent to protect the citizens, children and residents within our communities while balancing the needs for Marijuana Collective Facilities.

Frank Lucio

Donna Myers

Elio Noyas

The Ramona Community Planning Group has reviewed the various options drafted by the County's Planning and Development Services Department. After review, we as a group conclude that a combination of Options 1, 4, 6 and 7 best meet the balance we are striving for.

David Ross

Paul Stykel

Rick Terrazas

Each of these options recommend specific separation requirements and or provisions for a Marijuana Collective Facility wanting to operate within the county. These requirements deem that a collective facility must be:

Richard Tomlinson

Option 1 – Require separation buffer from Residential Use rather than Residential Zone

1. 1000' feet from a parcel to which a residential use is present or may take place pursuant to zoning.

Medical Marijuana Ordinance
September 1, 2016

- 2. 1000' feet from a parcel containing a school, playground, park, church, recreation center or youth center; or
- 3. **1000' feet from a parcel on which another collective facility has been established.**

Option 4 - 1 Mile buffer from Sensitive Land Uses

- 1. 1000' feet from a parcel to which a residential use regulation applies.
- 2. ***1 Mile from a parcel containing a school, playground, park, church, recreation center or youth center; or***
- 3. 1000' feet from a parcel on which another collective facility has been established.

Option 6 – Requires a Major Use Permit

g. Major Use Permit Required. Pursuant to Zoning Ordinance section 7350 et al., a Major Use Permit is required for the operation of a Collective Facility.

Option 7 - Limits number of Medical Marijuana Facilities per Supervisorial District

Notwithstanding the above provisions a maximum of four Collective Facilities may be located within the boundaries of a Supervisorial District.

The distance between a Collective Facility and the parcels containing the uses listed in paragraph 7d above (Separation Requirements for Collective Facilities) shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

The above recommend verbiage was taken from the proposed ordinance changes drafted by the County's Planning and Development Services Department. In bold would be the combination of several options / provisions the RCPG would like to see in the forthcoming ordinance. These combined options / provisions, in effect would require:

- 1. **1000' feet from a parcel to which a residential use is present or may take place pursuant to zoning,**
- 2. **1 Mile from a parcel containing a school, playground, park, church, recreation center or youth center; or**
- 3. **1000' feet from a parcel on which another collective facility has been established.**

Medical Marijuana Ordinance
September 1, 2016

Notwithstanding the above provisions a maximum of four Collective Facilities may be located within the boundaries of a Supervisorial District and:

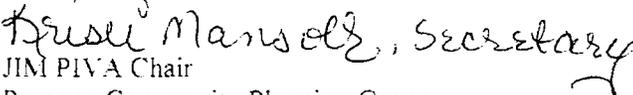
Major Use Permit Required Pursuant to Zoning Ordinance section 7350 et al., a Major Use Permit is required for the operation of a Collective Facility.

It is these changes that will preserve the rural communities of San Diego County and protect the citizens that live within them. Furthermore; within each option presented there is an "Amortization clause" to address those Collective Facilities that were nonconforming prior to the forthcoming ordinance.

Among the separation requirements; the RCPG is recommending the requirement that places a cap on the number of facilities with a supervisorial district, the requirement for a Major Use permit, the "Amortization Clause" and all provisions that address Permitting, Licensing, Signage, Parking and Physical Appearance be drafted into the new ordinance as presented.

As elected officials it is our duty to research, evaluate and make decisions based upon what is in the best interest of the citizens we serve and the communities we live in. Our recommendations to these enumerated amendment changes are intended to preserve the quality of life our citizens and our children deserve while allowing for the minority population the care they require.

Sincerely,


Kristi Mansel, Secretary
JIM PIVA Chair
Ramona Community Planning Group

for

Farace, Joseph

From: mschuppert@cox.net
Sent: Friday, September 09, 2016 11:57 AM
To: Farace, Joseph
Subject: Valle de Oro Community Planning Group - Medical Marijuana Zoning Recommendation

Hi Joseph,

The VDOCPG met on Tuesday, September 6, 2016 and addressed our preference of the seven options regarding changes to zoning for MMCF's.

I have not yet received a copy of our Minutes, but I would like to express our finding to you via this correspondence. The Group voted in favor of Option 6 with the second-most support for Option 1. Please call should you require further clarification.

Thank you,

Mark Schuppert
VDOCPG Chair
(619) 749-2464

Valley Center Community Planning Group

PO Box 127 Valley Center CA 92082



Oliver Smith
Chair

oliver.smith@philips.com

Ann Quinley
Vice Chair

ann.quinley@pomona.edu

Steve Hutchison
Secretary

hutchisonsm@gmail.com

Jeana Boulos

jeana.h.boulos@gmail.com

Hans Britsch

thomas@westerncactus.com

Susan Fajardo

susanfarr@vcweb.org

James Garritson

vc@garritson.com

Susan Janisch

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Bill Miller

cdmiller@aol.com

LaVonne Norwood

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Mike O'Connor

firemanmic@aol.com

Claire Plotner

claireplotner@mac.com

Chris Stiedemann

stiedemann@gmail.com

Jon Vick

JonVick2@aol.com

(One Opening)

TO: Joseph Farace
Group Program Manager, Advance Planning
County of San Diego Planning & Development Services

September 2, 2016

SUBJECT: Comments on amending the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF).

Joseph,

Thank you for the opportunity for the Valley Center Community Planning Group to review the proposed amendments the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF). As the county input needs to be received by September 5, 2016 and the next VCCPG meeting is scheduled for September 12, 2016. this response was written by the Chair and will be validated at our next meeting.

- 1) Some of the options presented appear to be non-viable. For instance, it is our understanding that changing the separation requirement from residential zoned to residential occupied reduced to number of available locations to near zero.
- 2) The current ordinances do not require notification to local communities of proposed MMCF projects so they may provide timely input before any decision is made. Communities also need the right to challenge any ministerial decision through the Planning Commission and Board of Supervisors. This is necessary where church projects are concerned. so MMCF projects should have the same process.
- 3) Is it common for a cultivation facility to be co-located with a dispensary/co-op like the one proposed at the VCCPG? Dispensaries had a very noticeable impact on the amount of loitering and traffic in an area like Santa Cruz/San Francisco. This was usually caused by dispensary rules about the number of people allowed in at one time, how far away someone had to wait (typically a few blocks), and the presence of a "bouncer" at the door. Before deciding on the exact buffer around a school/park/residence, it would be helpful to see how restrictive that would be on the number of parcels available for cultivation facilities.
- 4) Does the county offer any data regarding safety and crime around cultivation facilities without nearby dispensaries?
- 5) Limiting the number of facilities to the point where hot spots are created is also not desirable. Limiting the number per district and perhaps having a mile radius around each park/church/school/etc. creates hot spots upon which the entire county would descend. It may be preferable to see several spaced out small ones than a handful of large facilities, with more restrictive spacing between facilities.
- 6) A city boundary offset does not appear to makes sense, especially if it's just 1000 ft, unless the goal is to eliminate cultivation facilities. If the ordinance is adopted, presumably there would be benefits (tax?) to the city housing the facility and few areas where they could be built. Placing a facility on the boundary would not make much difference over placing one 1000 ft away. However, the ordinance options to call out that the schools/parks/churches exclusion zone applies to schools/parks/churches in adjacent cities as well, so that seems restrictive enough.

Regards,


Oliver Smith
Chair, VCCPG

cc: christopher.livoni@sdcounty.ca.gov
adam.wilson@sdcounty.ca.gov
michael.delarosa@sdcounty.ca.gov
keith.corry@sdcounty.ca.gov
tim.mcclain@sdcounty.ca.gov

Attachment G – Public Comments



Community Development

August 29, 2016

Joseph Farace
 County of San Diego
 Department of Planning & Development Services (PDS)
 5510 Overland Avenue
 San Diego, CA 92123

Re: County of San Diego Proposed Medical Marijuana Zoning Ordinance Amendment

Dear Mr. Farace,

Thank you the opportunity to respond to the County's proposed Zoning Ordinance Amendment for Medical Marijuana Dispensaries. We certainly appreciate the County's efforts in regulating this land use and lessening the impacts on adjacent jurisdictions.

The location of marijuana dispensaries and cultivation activities directly on the El Cajon border represents a deliberate practice by the marijuana industry, aimed directly at our citizens, our families, and especially our youth. The perceived benefits some may derive from marijuana use is certainly dwarfed by the well-known and documented negative effects on community and people's health.

Our first recommendation is for the County of San Diego to eliminate the ordinance altogether and join the incorporated cities throughout the region in outright prohibiting these uses. In lieu of that action, please consider the following:

1. Define sensitive uses to include places of worship, alcohol or drug abuse recovery or treatment facilities, recreational facilities including passive and active parks.
2. We advocate for the greatest distance from sensitive uses, residentially zoned and developed properties, and jurisdictions (incorporated cities).
3. Limit hours of operation to no sooner than 8 AM to no later than 5 PM - strictly prohibit any 24 hour operation.
4. Require a Major Use Permit with enhanced findings such as:
 - a. the use will not aggravate existing problems such as loitering, public intoxication, noise, sales to minors, and littering;

- b. the use will not adversely affect the economic welfare the community; and
- c. that it will not, directly or indirectly negatively affect the use of adjacent properties.

Again, we appreciate the ability to comment and hope that the County Board of Supervisors will take the best action for the overall health, benefit and welfare of the County's citizens.

Sincerely,


Douglas Williford
City Manager

Julian Union School District

P.O. Box 337 • Julian, CA 92036 • (760) 765-0661 • Fax (760) 765-0220

"Our mission is to provide every student success in learning"

9-9-16

Joseph Farace,

Thank you for this opportunity to review options submitted by the Board of Supervisors directed staff advising on a possible amendment to current Zoning Ordinances related to Marijuana Collective Facilities.

As Superintendent of Julian Union School district, I am very concerned with the impact that the proliferation of marijuana cultivation sites and dispensaries in San Diego County has had our young people. I hear from our local sheriffs of DUI arrests and car accidents resulting from marijuana use. Not a mile and a half away from our schools, large cultivation sites have been found, and so far, cases have been dismissed. My students report that marijuana is easy to get, and many students believe that marijuana use is harmless.

I am pleased that the Board of Supervisors is considering tightening restrictions on marijuana dispensaries-- the less accessible this drug is to our children, the better for their futures and the future of our country.

Of the options provided, the two options I recommend are:

Option 1—Require separation buffer from Residential Use rather than Residential Zone and

Option 6—Requirement for a Major Use Permit to be obtained prior to siting a MMCF

Thank you again for allowing the community to weigh in on this important decision!



Brian Duffy
Superintendent
Julian Union School District

Governing Board: Joy Booth, Mark Romero, Susan Slaughter, Eileen Tellam, Wade Wylie
Principal K-5: Scot Copeland • Superintendent: Brian Duffy

"National School of Character"

San Dieguito Alliance for Drug Free Youth

Providing alcohol, tobacco and other drug prevention programs and education in
Cardiff, Carmel Valley, Del Mar, Encinitas, La Costa, Rancho Santa Fe and Solana Beach

To: Joe Farace Joseph.farace@sdcounty.ca.gov
Group Program Manager, Advance Planning Division
San Diego County Planning Department

From: Judi Strang, Executive Director

Re: Notice of Public Review
County of San Diego Zoning Ordinance Amendment related to marijuana storefronts

San Dieguito Alliance for Drug Free Youth is a community based, 501(c)3 non profit, collaboration of parents, students, educators, churches, community organizations, business owners, churches, media, and other community members. San Dieguito Alliance has served 200,000 residents in the San Dieguito region of coastal north San Diego County for 30 years with multiple youth prevention programs, and substance abuse prevention education for parent and community members.

The San Dieguito region includes three cities: Del Mar, Solana Beach, Encinitas, and the communities on Carmel Valley and Del Mar Heights in the City of San Diego, and the community of La Costa in the City of Carlsbad, **AND** a large swath of unincorporated San Diego County in Rancho Santa Fe and Fairbanks Ranch.

As you may know the three cities of Del Mar, Encinitas and Solana Beach had **BANNED** marijuana storefronts and cultivation several years ago. Public support for these policies was demonstrated when each of those cities had a ballot initiative that would have allowed and regulated them; those ballot initiatives **were soundly defeated** in 2012 (Del Mar, Solana Beach), and in 2014 (Encinitas).

Additionally each of these cities had an illegal marijuana storefront in their town that the cities eventually closed through their land use regulations and/or law enforcement operations. **However while the marijuana storefronts were open, San Dieguito Alliance staff and coalition members had firsthand experience with them.** Staff assessments and reports from coalition members indicated numerous problems for the adjoining businesses and the nearby neighborhoods, and most notably - the primary clients of the three marijuana storefronts were young adult males. **We observed that marijuana storefronts, cultivation and delivery regulations do far more real harm than any supposed good and are unnecessary.**

This year, the three city councils in our region reaffirmed their bans on marijuana storefronts, cultivation and deliveries. The City Council members and San Dieguito Alliance coalition members understand that bans do NOT interfere with the closed circuit non profit exchange of marijuana between qualified patients and designated caregivers, as described in the 2008 Attorney General's Guidelines for marijuana storefronts, cultivation and distribution. **However attempts to permit marijuana storefronts, cultivation and deliveries has 1) indicated marijuana use as harmless and normal, and enabled marijuana use by young adults and through diversion, by teens, and 2) signaled to unpermitted pot shops that they could hide in plain sight among permitted pot shops, challenging code and law enforcement to generate extensive resources to eliminate them.**

San Dieguito Alliance coalition members believe that children need to grow up in positive environments, free of alcohol, tobacco, marijuana and other drug use, so that they can develop to their maximum potential. **We believe our communities have the responsibility to provide those safe and healthy environments, and to support ordinances that DO NOT normalize drug use.**

Reflecting the policy decisions made by three City Councils in our region, and observing good public health principles that protect youth, families and communities, and safeguard neighborhoods - San Dieguito Alliance coalition members respectfully suggest that a ban would be appropriate as a first choice, and as second choices - Option 4 - 'Increase buffer to 1 mile', Option 4 - 'Buffer from residential land use', and definitely Option 6 - 'Require a Major Use Permit.

**COMMUNITY
ACTION
SERVICE
ADVOCACY**
*for safe & healthy
neighborhoods*

Date: September 9, 2016

To: Joe Farace, Group Program Manager, Advance Planning

From: Dana Stevens, Executive Director

CC: Dianne Jacob, Supervisor District 2 County Board of Supervisors

Re: Public Comment: Medical Marijuana Collective Facilities Ordinance Amendments

Dear Mr. Farace:

Every day we learn of new ways that marijuana impacts youth, public safety, our environment, and economic development opportunities. We hear from local residents who deal with those impacts on a daily basis, whether trying to operate their small business next door to a marijuana business or the traffic generated on their rural roads by people coming and going all day long to purchase their marijuana products. The current ordinance is clearly not working and I applaud the Supervisors for moving to consider amendments.

In terms of the seven options presented, we clearly support options that reduce to the lowest level possible the negative impacts in our communities. As such, Option #4 (the 1 mile buffer zone) would be the best option for unincorporated residents. However, I'm sure that Option #4 will receive the most opposition from the marijuana lobby in San Diego County. In addition, Option #1 which bodes well for the vast majority of unincorporated communities, leaves Lakeside to bear the burden for the entire county. Hoping that the 4 remaining in Lakeside would include the existing Outliers dispensary and the cultivation facility in unincorporated El Cajon. We would support Option #1 are our priority preference.

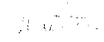
In addition, we strongly support the Major Use Permit requirement regardless of buffer zone.

Finally, while the buffer zones will help address public safety and prevent some of the negative impact on business development in our rural communities, it does not address other concerns associated with marijuana dispensaries. These includes costs and timeline in dealing with unauthorized marijuana storefronts a relentless problem throughout San Diego County's unincorporated communities. Attached with this letter you will find a list of other licensing and enforcement concerns.

Commented [Ma1]:

Thank you.

Respectfully submitted,



Dana Stevens
Executive Director



Farace, Joseph

From: Kristina Massa <tina.massa3@gmail.com>
Sent: Tuesday, September 06, 2016 4:50 PM
To: Farace, Joseph; Jacob, Dianne
Cc: Jacob, Dianne
Subject: Marijuana Dispensaries Recommendations

Dear Mr. Farace,

We are grateful for your attention to the issue of marijuana dispensaries in the rural unincorporated areas, and specifically, in the Julian community. After much consideration and review of the options that the county staff will present to the Board of Supervisors, the following options are those we recommend:

Require separation buffer from Residential Use rather than Residential Zone and Requirement for a Major Use Permit to be obtained prior to siting a MMCF

Our main objective is to keep the Julian community free of any dispensaries and keep the number within the county to the lowest total possible. It is our hope that these two options will help towards that end. We realize that the federal and state laws have left ambiguity and that county ordinances have left our communities vulnerable in this area. May our opinions be heard and wise decisions be made in regards to the dispensaries. We strongly believe that Julian should not be a host site for marijuana sales. Keeping dispensaries out of our small, rural town will keep our youth safer as well as contribute to the safety of all those who drive the windy highways that lead to our homes and this historic tourist town.

Again, thank you for your efforts and hard work.

Kristina and Anthony Massa
Julian Community Members and
Julian Oaks Youth Ministries Founding Directors
760-765-0869
PO Box 835
Julian, CA 92036

Farace, Joseph

From: Diane Rapp <dianejrapps@yahoo.com>
Sent: Wednesday, September 07, 2016 8:36 PM
To: Farace, Joseph
Subject: Marijuana Dispensaries Ordinance Amendment

Dear Mr. Farace:

I live in Supervisor Dave Roberts district. Marijuana dispensaries are hurting the public health and safety of our communities. I am a retired teacher. I taught for many years at Rancho Santa Fe School. I'm very concerned with the number of dispensaries that could be opening up in the county.

There is direct correlation between what our kids see in their community....like marijuana dispensaries, and our children's expectation that using marijuana is a normal part of their neighborhoods life. There are consequences when society normalize the use of marijuana and the County is adding to that normalization by permitting dispensaries. As a teacher it was my responsibility to create a healthy learning environment for my students. As our elected officials it's your responsibility to create a health and safety environment for our community.

At a recent Board meeting Supervisors Jacobs purposed a ban on dispensaries. I'm disappointed that is not one of the options the Board is considering. **A ban would be my first choice.** If ban is not on the list then I'm in favor of increasing the buffer from 1000 feet to 1 mile, require a Major Use Permit and limit the number of dispensaries per supervisorial district.

Please share my concerns with the Board of Supervisors.
Thank you.

Diane Rapp
dianejrapps@yahoo.com

Farace, Joseph

From: Jan Jensen <jan-jensen@cox.net>
Sent: Saturday, September 03, 2016 4:45 PM
To: Farace, Joseph
Subject: Medical Marijuana Collective Facilities Public Review

Mr. Farace,

Thank you very much for your letter on the public review of proposed changes in zoning, etc., for medical marijuana collective facilities. After a review of the proposed options, here are my opinions/recommendations:

Option 1 – I definitely recommend this be enacted. One of the collectives coming into operation in Ramona is directly across the street and also next door to residences, but because they are not zoned that way, the collective has gone on to build. Having it read 'residential use' would be a much more accurate description.

Option 4 – 1000 ft is really not that far. The front of my property is already about 600-700 feet. And the property next to me is at least that long. That means following the 1000ft. Rule, one could still be next door if the other conditions were right. I would very support the distance to be changed to 1 mile.

Option 6 – My personal opinion would be to require a major use permit, as that would simply make the process more difficult!

Option 7 – I definitely support this, but I wonder if it is enough. It seems like right now, most of the facilities being built are in Supervisor Jacobs' district. Following this model, all the collectives in her district could still all be built in my community of Ramona. Is there a different districting pattern we could go by, like perhaps census districts, that would more accurately reflect the different communities, and limit the number of collectives allowed in a single community?

I would also strongly support an amortization clause for current and future facilities.

I would also hope that these changes would remain in effect even if marijuana is legalized in the state of California for recreational use in the upcoming November election. It is still against federal law, and I would appreciate the protection.

Thank you for the opportunity to share my thoughts, and for your efforts in coming up with a thoughtful and doable plan. Please feel free to contact me with any questions or concerns.

Thank you,

Jan Jensen
1855 El Paso St.
Ramona, CA 92065
619-807-8882

Farace, Joseph

From: Robin Jensen <rjensen@stpaulseniors.org>
Sent: Thursday, September 01, 2016 12:55 PM
To: Farace, Joseph
Subject: FW: Proposed San Diego Zoning Ordinance Amendment related to Medical Marijuana Collective Facilities

Hi, Joseph-

I appreciate the opportunity to respond to the proposed changes you are presenting to the Board of Supervisors regarding the Zoning Ordinance related to Medical Marijuana Collective Facilities.

I believe that a number of the options you are proposing will be quite helpful in more appropriately siting the collectives.

In particular, in Rural San Diego County, there are many homes and other residential types of uses on land zoned other than "Residential Use". For instance, in the proposed collective on Olive Street in Ramona, there are a number of homes right across the street from the collective. I assume the reason the location of the collective (not yet open, but, I believe, approved) was allowed in the first place was because that home is not located on Residential Use zoned land (probably agriculturally zoned land – much like my home). In fact, the building being re-modeled as a collective is a former residence!

Item 1 - A change in language, as noted in your proposed item 1 requiring the buffer language to create a separation from any residential use, instead of Residential Zoned property, I believe would go a long ways toward defining an acceptable location much more reasonable.

Items 2-4 - In Ramona, as in many rural areas, lot sizes tend to be larger. For instance, the frontage of my property is roughly 600 feet. The next lot over has an even larger frontage. So, under the proposed 1,000 feet language, a collective might well be place next door to my property and still be compliant with a 1,000 foot limitation. From my perspective, of course, the 1 mile modification (#4) would be preferable. Failing that, #3 would seem a good addition (#2 is only slightly different than 1,000 feet). I would suggest that the limitations consider the whole lot, as well – in other words, "if any portion of the lot is non-compliant with any portion of another lot from which the measurement is being taken", then the location would fail to meet the requirements of the ordinance.

Item 5 – Since Ramona is not an incorporated city, this item would not affect me home. However, I would anticipate that individuals in those incorporated cities would appreciate this addition.

Item 6 - Since I do not know what is required in order to receive a Major Use Permit, I cannot comment in this item.

Item 7 - I strongly support this item. I am supportive of individuals who truly need medical marijuana and I am not opposed to providing safe access for them (albeit Federal Law still prohibits its distribution). However, a sane limit on how many are needed anywhere in the County should apply. It seems like this would help with that. So far as I know, (I, of course could be wrong) all of the currently, tentatively approved sites, are in Supervisor Jacob's district, either up in Ramona or in other parts of East County. This just doesn't seem quite appropriate.

So, to summarize, I strongly support, as options to be adopted by the board, your options 1, 4, and 7.

Thanks for the opportunity to comment. Please feel free to contact me, if I can be of any service.

Sincerely,

Robin Jensen
1855 El Paso Street
Ramona, CA 92065
(619) 807-4447

PS – If you would be kind enough to reply to my e-mail to let me know my comments have been received and that I have done it in a correct way to respond in a compliant manor, I would really appreciate it.

Thanks, again.

Robin

Confidentiality Notice: This e-mail message (including any attachments) is intended exclusively for the individual and/or entity it is addressed to, and may contain information that is proprietary, privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the named addressee, be advised that you have received this e-mail in error and you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately, and permanently delete all electronic and hard copies of the message & attachments, and your reply to the extent it includes this message. Any views or opinions presented in this email or its attachments are solely those of the author and do not necessarily represent those of the Company. All e-mails and attachments sent and received are subject to monitoring, reading, and archival by the Company. Although the Company attempts to sweep e-mail and attachments for viruses, it does not guarantee that either is virus free, and accepts no liability for any damage sustained as a result of viruses.

Farace, Joseph

From: Jean Duffy <jean.duffy@eccasa.org>
Sent: Tuesday, August 23, 2016 3:16 PM
To: Farace, Joseph
Cc: Jacob, Dianne; 'Dana Stevens'
Subject: Recommendations on proposed draft ordinance-Medical Marijuana Collective Facilities

Mr. Farace,

I'm writing to you with my recommendations for revisions to the current Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities in San Diego County. I appreciate all the work you have dedicated to this issue thus far. As a long time community member of Julian, a parent, and the Coordinator of Drug Free Julian Community Coalition, I strongly feel that our current Ordinance needs to be strengthened. Since it was adopted in 2010, the courts have ruled in favor of local control and local government authority over land use. Also, it is clear that the intent of our current marijuana ordinance was never to allow store front retail sales of marijuana for profit which would bring with them violence, crime, and increased access of marijuana to our young people.

Of the list of options that the Board of Supervisor's staff have offered, the 2 that would most ensure the health and safety of our communities are #1--Require separation buffer from Residential Use rather than Residential Zone and #2-- Requirement for a Major Use Permit to be obtained prior to siting a MMCF.

Thank you for taking community member comments into consideration!

Jean Duffy

Date: August 9, 2016

To: Joseph Farace, Group Program Manager, Advance Planning Division
From: Stephanie Moss (819 Alice Street, Ramona, CA)
Subject: Reply: NOTICE OF PUBLIC REVIEW of County of San Diego Zoning Ordinance Amendment related to Medical Marijuana Collective Facilities

I appreciated the Notice of Public Review regarding the County of San Diego Zoning Ordinance Amendment related to medical Marijuana Collective Facilities. I have a significant interest in this subject, being that I am sandwiched between 1 operating dispensary and possibly 2 additional collectives/dispensaries in Ramona (depending on what the amendment changes).

Ramona is a town of approximately 40,000 residents between Ramona and the San Diego Country Estates. According to Mr. David Ross of the Ramona Community Planning Group, a conservative number of medicinal marijuana users in this area would be about 600. He also noted that ONE dispensary could serve up to 2,000 persons.

The upset here is not only about having marijuana be openly present and sold here in our small town (we haven't been able to do anything about that on our own), but it is also about how many places are attempting to open here.

Ramona has only 2 regular pharmacies that serve our ENTIRE community of Ramona and the San Diego Country Estates. There is no need for more than 1 dispensary (as stated above, it could service all those who might need it). As of our last board meeting, there were 4 possible dispensaries in Ramona, already with property purchased and applications for permits.

I appreciated the San Diego County Board of Supervisor's vote for a 45-day moratorium to explore possible options. I also appreciated the opportunity that I had to voice my concerns at the County board meeting on March 16, 2016.

In regards to the proposed options for the Board's consideration:

- Option 1 – I believe the wording of Residential “use” vs. “zone” should be changed to “use” regardless of what buffers are set. The reality in Ramona, is that people often live in the same place that they work, regardless of what the zoning is.
- Option 2, 3, 4, 5 – These options would not help the amount of dispensaries around our homes! There are 4 possible (1 operating) within 2 miles. They are all located in the same area of Ramona and they are all near homes. It is not our goal to service all of Escondido, Julian, Valley Center, Lakeside, and Poway's needs for Medical Marijuana. Ramona should not bear that burden alone.
- Option 6 – I believe that this would be a great option. I like the idea of them having to give public notice to at least 20 residents near the location.
- Option 7 – I believe that this would be the best option for our community, if we are not going to ban it altogether. This option gives Ramona the ability to not feel as if we have been taken advantage of. This will give us the ability to serve those in our area who need medicinal marijuana, without fearing that a new dispensary or collective will turn up on every corner.

Thank you for your consideration of the general public in making these important decisions. I would love to continue to be informed on the San Diego County Board of Supervisor's decisions regarding Medical Marijuana Collective Facilities.

Sincerely,
Stephanie Moss
Wife, Mother, and Resident of Ramona, California

Farace, Joseph

From: Jack Fox <fordtrk56@gmail.com>
Sent: Sunday, August 07, 2016 11:23 AM
To: Farace, Joseph
Subject: Re: Medical Marijuana Ordinance Options Public Review

I prefer "residential use" over residential zone for 1000ft separation..

I would also prefer these facilities be required to get a Major Use Permit

On Sun, Aug 7, 2016 at 9:13 AM, Farace, Joseph <Joseph.Farace@sdcounty.ca.gov> wrote:

Yes you can send them to me.

Joseph Farace

Group Program Manager, Advance Planning

Planning & Development Services

(858) 694-3690

From: Jack Fox [<mailto:fordtrk56@gmail.com>]
Sent: Friday, August 05, 2016 6:43 PM
To: Farace, Joseph
Subject: Re: Medical Marijuana Ordinance Options Public Review

Do I mail my comments back to you?

On Fri, Aug 5, 2016 at 6:17 PM, Farace, Joseph <Joseph.Farace@sdcounty.ca.gov> wrote:

Hi - you are receiving this notice because you have expressed interest in the current County process pertaining to Medical Marijuana Collective Facility Ordinance amendments.

On March 16, 2016 the Board of Supervisors directed staff to return to the Board with several options to amend the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF). Based on Board's direction staff is proposing seven different options (attached) for the Board's consideration which include:

1. Require separation buffer from Residential Use rather than Residential Zone
2. Increase sensitive land use buffer from 1000 feet to ¼ mile
3. Increase sensitive land use buffer from 1000 feet to ½ mile
4. Increase sensitive land use buffer from 1000 feet to 1 mile
5. Require a 1000 foot separation buffer from incorporated cities
6. Requirement for a Major Use Permit to be obtained prior to siting a MMCF
7. Limit the number of Medical Marijuana Collective Facilities per supervisorial district

Comments back to the County are due on September 9, 2016 (30-day public review period).

Also the attached notice contains a link to the PDS Medical Marijuana Collectives Webpage which contains information on the existing MMCF program. Please let me know if you have any questions.

Thanks, Joe

Joseph Farace

Group Program Manager, Advance Planning

Planning & Development Services

(858) 694-3690

Farace, Joseph

From: Jones, Susi <susi.jones@juesd.net>
Sent: Monday, August 22, 2016 1:04 PM
To: Farace, Joseph
Cc: Jacob, Dianne; Dana Stevens; Jean Duffy
Subject: Marijuana Dispensaries Recommendations

Dear Mr. Farace,

Thank you for hearing the concerns of the Julian community in regard to marijuana dispensaries in the rural unincorporated areas. Drug Free Julian coalition members carefully reviewed the options that county staff will present to the Board of Supervisors and came to consensus on the following options:

Require separation buffer from Residential Use rather than Residential Zone and Requirement for a Major Use Permit to be obtained prior to siting a MMCF

Our goal is to reduce marijuana outlets in the county to as near to zero as possible, with absolutely no dispensaries in the Julian community. We feel these two options will be the ones mostly likely to help us meet those goals. Julian should not be a destination point for marijuana sales. The Drug Free Julian Coalition and Julian Pathways School/Community Collaborative work hard to reduce youth substance abuse. Keeping dispensaries out of our small, rural town will support those efforts.

Thank you for the important work you do.

Susi Jones, Executive Director
Julian Pathways, Julian Union School District
760-765-2228
PO box 337
Julian, CA 92036

Follow Pathways on Facebook!

Farace, Joseph

From: Susan Bissell <julianbaglady@yahoo.com>
Sent: Friday, August 19, 2016 9:22 AM
To: Farace, Joseph
Subject: Amendment to Medical Marijuana Collective Facilities

Hello Mr. Farace,

I am emailing you to cast my vote for two amendments that have been proposed for the Zoning Ordinance pertaining to Medical Marijuana Collective Facilities. Those amendments are 1) A separation buffer from Residential Use rather than Residential Zone. 2) A requirement for a Major Use Permit to be obtained prior to siting a MMCF.

As a resident of Julian I am concerned that, should the ballot measure pass legalizing recreational use for marijuana it will usher in a host of unintended consequences that could adversely impact our community. Therefore, it is vital that we enact regulations that will give us an avenue for effectively regulating a burgeoning industry. Without proper regulation the potential for unintended harm to the population will dramatically increase. Two concerns that come to mind are an increase in traffic accidents along with increased access for the children of our town to marijuana products.

I have listened to programs regarding the passage of Prop 64 that have described it as a "grand experiment"; one that will be larger in scale than any undertaken by other states so far. I am concerned that as a mountain community with a small voice and even smaller political influence, our unique needs will be marginalized and overlooked in the zealotry and corrupting environment of unbridled commerce. It is with this reality in mind that I would like to see the county get out in front of the issue by supplying the citizens with tools whereby they can monitor and control facilities located within their boundaries.

Thank you for your consideration in this matter.

Respectfully-
Susan Bissell

Farace, Joseph

From: lisa@becarbcompliant.com
Sent: Friday, September 09, 2016 10:40 AM
To: Farace, Joseph
Subject: Marijuana Ordinance

Dear Mr. Farace,

My name is Lisa Grote and I am a resident of Lakeside. This community already struggles with homelessness and blight. I have personally seen one dispensary open, be shut down and then continue to operate from the backside of the building they were supposed to vacate. I witnessed a steady stream of people pull and/or walk in and then leave the backdoor operation with their little brown bags. There was no security or identification checks being made from what I could tell. The dispensary I am specifically referring to was on Woodside Avenue and in the same vicinity as a youth center operated by a local church. The point is to keep our youth safe and not have ready access to purchase pot.

What concerns me the most is the number of shops that could potentially open up in our little community. I wholly support Option 4 which will impact the number of dispensaries allowed. While medical marijuana is necessary for many of our citizens, having too many shops will create a public nuisance with an increase of crime. The biggest problem I find is that it simply appears to be too easy to open a dispensary. If a dispensary or two are allowed here it is imperative that they operate legally and take measures to sell to people with proper identification including a medical card.

I have a friend who has several physical issues along with being legally blind and I have taken him to a legally operated dispensary. He has to check in at the front desk with his identification each time he visits. He then has to be granted access through another door with an electronic security device on it. Because I do not have a medical card I am not allowed to accompany him into the area where the marijuana is sold. There is at least one guard in the room and another in the lobby. There are no significant markings on the door. In fact it is quite nondescript. At no time did I see a line of people who looked homeless or shady and I felt safe.

The potential for multiple dispensaries to open in Lakeside is upsetting. Lakeside does not have a huge business district so my concern is where are they all supposed to be located? I really feel if one must move in to our community I ask it be just **one**. Our children and neighborhoods must be kept safe.

I appreciate the opportunity to voice my opinion and hope you will take my concerns under consideration.

Thank you,

Lisa M. Grote
Citizen of Lakeside

September 8, 2016

To whom this may concern:

I have been a resident in Ramona for 31 years, have raised two children and now have a grandchild growing up in our small town whose biological father is a recovering heroin addict who began his drug career through marijuana use. I have deep concerns about marijuana dispensaries in our community and have spoken to many of my friends and neighbors who share the same concerns. We are extremely upset and alarmed about the current decision to allow dispensaries flood our little community. Those seeking to make a fortune in the marijuana industry are outsiders coming to our town with no regard for our way of life, our community character or concern for the safety of our families.

Our roads are extremely dangerous and drivers coming through this region have difficulty navigating their speed and ability to handle the terrain when they are not impaired. The thought of drivers converging on our community and driving under the influence is a serious problem that will plague our roads and lead to more car crashes and deaths.

Considering the size of our small town and the surrounding city ordinances prohibiting dispensaries in those communities, Ramona is helpless against the assault of hundreds of marijuana users coming and going through our town because they cannot get marijuana in Escondido, Poway, El Cajon or other regions that refuse to let their community be blighted by dispensaries. The effect on our town will be increased crime, loitering, and use of Sheriff time taking away from the help our neighbors need for law enforcement.

I am also upset about the impression the marijuana dispensaries will have on our youth. As a lifelong volunteer for youth programs in Ramona, it is a struggle to keep our children from exposure to alcohol and tobacco. Allowing dispensaries in Ramona will add to the level of decreased perception of harm and increase of youth curiosity to access marijuana.

Realizing now that our local representatives mistakenly did not protect our community from being left out of the protected zone, as the cities surrounding us did, I am aware that we are left with ultimatums to allow dispensaries under certain options. Being this is the only choice and after much research of the options presented, I would like to be on the record to request the following options be considered in order I have listed them. As an active volunteer, representative of my community and the neighbors I have spoken with about this situation I feel that I am the voice of many:

1) Option #4 – 1 mile buffer from sensitive land uses

2) Option #1 – Residential Use V Residential Zone

PLUS – we would recommend including the Major Use Permit requirement be added to all options.

Respectfully,



Nancy Roy
335 Shandy Lane, Ramona

Farace, Joseph

From: Melvin Chang <melvinachang@gmail.com>
Sent: Friday, September 09, 2016 7:46 AM
To: Farace, Joseph
Subject: Marijuana Ordinance

Subject: Medical Marijuana Ordinance Amendment

Dear Mr. Farace:

I've reviewed the different options put forward and I support options #1 or #4, as these will result in the least impact to communities. Also, it's important to make that change to residential uses from residential zones. Locating pot shops and grow sites next to homes is not wise and would negatively impact families and children.

I think including enhanced review and discussion for any pot facility is a good idea, therefore I also support including a Major Use Permit for any pot shop/facility.

Thank you for your consideration of my thoughts and opinions.

Melvin Chang

Farace, Joseph

From: Roy Gage <roygage@gmail.com>
Sent: Thursday, September 08, 2016 3:27 PM
To: Farace, Joseph
Subject: SD County Zoning Ordinance Amendment to Marijuana Facilities

Subject: SD County Zoning Ordinance Amendment to Marijuana Facilities

Dear Mr. Farace

I support Options #1 and #4.

Keeping these harmful and problematic facilities out of and away from residential USES is vital, and good public policy.

I support including a Major Use Permit requirement for all the options.

Thank you,

Roy Gage

Farace, Joseph

From: tom hetherington <hetherington3@hotmail.com>
Sent: Thursday, September 08, 2016 7:34 PM
To: Farace, Joseph
Subject: Marijuana Dispensaries

Hello Joseph,

I'm a father of 4 boys and my business is in Fallbrook. The County's marijuana ordinance doesn't address the many concerns the community has regarding dispensaries.

I know marijuana from dispensaries are being diverted to our teens every day. Adults underestimate how easy marijuana is to get for teens, it's easier to get than alcohol.

The negative health risks associated with marijuana use are often underestimated by teens, their parents, and elected officials. Marijuana today is much stronger in potency.

No other city but the county and city of San Diego permits dispensaries. Tell the County Board of Supervisors they need to consider banning dispensaries all together.

If the Board will not consider a ban they need to require the most stringent regulations possible. They need to increase sensitive land use buffer from 1000 to 1 mile. They need to require a Major Use Permit and limit the number of dispensaries in the County.

Thanks,

Tom Hetherington

Sent from my iPhone

Farace, Joseph

From: Ken Limon <kvlimon@gmail.com>
Sent: Thursday, September 08, 2016 7:35 PM
To: Farace, Joseph
Subject: Zoning Ordinance Amendment related to MMCF

Dear County Supervisors,

My wife and I and are retired public school educators who moved into our home in 2013. Our property includes 114 heritage apple, pear and cherry trees. We have restored the orchards and become active members in the Julian Apple Growers Association. Last year we received recognition from State Senator Joel Anderson for helping to refurbish the apple culture in Julian. We were also recognized by the Julian Backcountry Collaborative for our donation of 400 Red Delicious apples to Julian Elementary School for their Apple Crunch day in November of 2015.

We support compassionate marijuana use. Before my long suffering wife died in 2010, it was the only drug that mitigated her nausea after chemotherapy. **But compassionate use by one person is one thing and commercial use in a residential area quite another.** Specifically, we worry about water, traffic and community safety when Marijuana is grown in residential areas such as ours.

Water: All of our neighbors use private wells. Most of us are getting about 4 gallons per minute. Because of that, every one of our trees is drip irrigated a few times a week and only when there has been no rain for some time.

But when the collective grow operation near us began production a year ago, their water pump ran night and day sometimes for several days on end. Since all aquifers are interconnected, we and some of our neighbors installed low water regulators to keep our pumps from potentially burning out. Excessive use for commercial purposes simply will not work in our area, especially when it is so dependent on water.

Traffic: On Slumbering Oaks Trail (which is a private road), we recognized all the cars that drive up the road. But when the collective began, untold cars came into our neighborhood at all times of day and night. Some cars were multicolored and spewing smoke. One broke down just inside the gate, prompting a call to our Sheriff. Numerous times we had to call out for cars to slow down. It became a very different community almost overnight.

Community Safety: While the illegal collective was in operation, we could tell that there were people now in our neighborhood who were involved with other forms of substance abuse. Once I watched a woman lose control and drive off the road and into our orchard going twice our speed limit. When I looked at her, she was obviously under the influence of some substance.

For these reasons, I hope you will strongly consider Options one (1) and (6) of the proposed options under consideration. These options will ensure that our small community maintains its peaceful residential nature.

I so appreciate your openness to input from the community on this matter.

Sincerely,
Dr. Ken Limón,
3297 Slumbering Oaks Trail
Julian, California 92036

Farace, Joseph

From: Linda Todd Limon <ltodd.limon@gmail.com>
Sent: Thursday, September 08, 2016 8:37 PM
To: Farace, Joseph
Subject: Amending Zoning Ordinance Regarding MMCF

Dear County Supervisors,

My husband and I are retired public school educators who moved into our home in 2013. Our property includes 114 heritage apple, pear and cherry trees which we have restored with TLC. Ken and I have become active members in the Julian Apple Growers Association, and last year we even received recognition from State Senator Joel Anderson for helping to refurbish the apple culture in Julian. We were also recognized by the Julian Backcountry Collaborative for our donation of 400 Red Delicious apples to Julian Elementary School for their Apple Crunch day in November of 2015. We love our peaceful community, specifically our gated community of Slumbering Oaks Trail. Unfortunately because our neighbor decided to grow marijuana (some 200 plants) our peaceful little world has changed.

We support compassionate marijuana use, and do not want to see all medical marijuana dispensaries shut down. Throwing the baby out with the bathwater does not make sense. My brother suffers horribly from OCD, and because of medical marijuana, he has been able to drastically reduce his use of pharmaceuticals that have unwanted side effects. **Compassionate use by purchasing marijuana at a legal dispensary in a commercial zone is much different than growing marijuana (and selling) in a residential area.** In our residential area of Slumbering Oaks Trail in Julian, we worry about water usage, traffic and community safety when Marijuana is grown here. Actually, no one living in any residential area should have to worry about the safety of their children and their environment.

Water: All of our neighbors use private wells. Most of us are getting about 4 gallons per minute. Because of that, every one of our trees is drip irrigated a few times a week particularly when we have had little or no rain.

But when the collective grow operation near us began production a year ago, their water pump ran night and day sometimes for several days on end. Since all aquifers are interconnected, we and some of our neighbors installed low water regulators to keep our pumps from potentially burning out. **Excessive** use for commercial purposes simply will not work in our area, especially when it is so dependent on water.

Traffic: On Slumbering Oaks Trail, which is a private road, we usually recognize all the cars that drive up and down the road. But when the collective began, untold cars (and questionable people) came into our neighborhood at all times of day and night. Some cars were multicolored and spewing smoke. One broke down just inside the gate, prompting a call to our Sheriff. Numerous times we had to call out for cars to slow down. It became a very different community almost overnight.

Community Safety: While the illegal collective was in operation, we could tell that there were people now in our neighborhood who were involved with other forms of substance abuse. One day while I was taking a walk on our road, I watched a woman lose control of her vehicle as she was speeding through a curve in the road that parallels our lower orchard. It was apparent that she was under the influence of some substance. I am very wary now when I walk on our beautiful road, and I am especially concerned when my little nieces are visiting and walking on the road with me.

For these reasons, I hope you will strongly consider Options one (1) and (6) of the proposed options under consideration. These options will ensure that our small community maintains its peaceful **residential** nature.

I so appreciate your openness to input from the community on this matter.

Sincerely,
Linda Todd-Limón

Farace, Joseph

From: Peggy Walker <pwalker323@yahoo.com>
Sent: Thursday, September 08, 2016 9:24 PM
To: Farace, Joseph
Subject: Zoning Ord. Amendment Re Marijuana

To: Joseph Farace, Group Program Manager, Advanced Planning Division,
Planning and Development Services, County of San Diego
Via email: joseph.farace@sdcounty.ca.gov

Re: Notice of Public Review: County of San Diego Zoning Ordinance Amendment
related to marijuana storefronts

Unfortunately, it's to the detriment of public health and welfare, particularly that of our youth, that the county's determination of vested rights has put three new dispensaries and one indoor cultivation center back on track.

Of the options presented to Supervisors to amend the zoning ordinance, a full ban would now be the best policy decision. Second would be to increase the sensitive land use buffer to one mile, and third, a requirement for a Major Use Permit prior to siting an MMCF.

I feel strongly about these amendments because, In my work in youth drug use prevention education in San Diego County schools for nearly 20 years, I have observed the grave harm to youth, families, and society proliferated by the presence of marijuana storefronts, cultivation and deliveries in our communities.

These pot-selling, growing, and delivery entities promote increased availability to and use by children. The "normalization" promoted by their approval has promulgated the false perception by youth (as well as uniformed adults) that marijuana is "harmless." Unfortunately, too many parents as well as kids at the most vulnerable ages of 12-25 are ignorant of the extremely high and dangerous levels of THC in today's marijuana products and it's insidious, life-changing, and sometimes fatal effects.

I find the nonchalance regarding the demonstrated, devastating mental and physical effects of this psychotropic drug on youth by so many to be staggering. So is the horror of addiction, the tearing apart of families, attitudinal changes, student failure and dropout experienced in our communities daily as a result marijuana use. Data show that kids mistakenly think tobacco is more dangerous than marijuana. At the same time, research demonstrates that marijuana and marijuana smoke are far *more toxic* than tobacco. Yet, while tobacco is being outlawed, or at least highly regulated, pot is allowed to proliferate. We've only to look at stunning data from the sad examples of Colorado and Washington to understand the problems, injuries, and deaths generated by free-flowing pot. The citizens of San Diego County deserve better. They deserve to maintain a healthy environment for raising drug-free children.

Sincerely,
Peggy Walker
Solana Beach

Farace, Joseph

From: Kathy Kassel <info@lakesidechamber.org>
Sent: Friday, September 09, 2016 11:38 AM
To: Farace, Joseph
Cc: Jacob, Dianne
Subject: MMF Ordinances

RE: MMF Ordinances for the County of San Diego

Mr. Farace,

Thank you for taking the time to listen to our concerns, ideas & suggestions regarding the purposed MMF Ordinances. As the Lakeside Chamber President & Past President of CASA (Community Action Service & Advocacy), I felt I was fairly educated on the marijuana ordinances & issues faced in East County. While trying to decipher these latest options proposed by the County of San Diego I have found them to be challenging and confusing. I attended the Lakeside Planning Group meeting last Wednesday, in hopes someone from the County would be in attendance to present these options and answer questions. Unfortunately, the Planning Group & community were left with the task of trying to understand the language in these ordinances and trying to figure out which option would be best for Lakeside. The chart you sent Janice Shackelford was helpful but still not as clear as we needed. Most in the group wanted to choose Option 4, since that would create the least amount of shops, but according to the chart, Lakeside would be burdened with the one, lone marijuana facility in East County and there were doubts that the county would adopt the most restrictive ordinance. Also later I learned in Option 4, the 1 facility would actually be the already existing facility by Gillespie Field. So I am not sure everyone present at the planning group meeting had all the facts in making their decision.

Below are the items discussed, my thoughts and suggestions:

- Choosing the Option which has the least number of facilities IN Lakeside
- Major Use Permit Required in any ordinance adopted
- Language that allows Code Enforcement and the Sheriff the ability to quickly close non-compliant shops
- Language that holds property owners accountable for non-compliant usage of their property
- Multiple Violation punishment to include the loss of license for a minimum of 5 years
- Store hours limited to usual business hours (8am to 8pm)
- Lighting, parking and security enforcement
- A minimum 1000 setback from all schools, parks, churches & residential zones & areas
- The Option 1 residential buffer language really should be inserted into Options 2-5.
- Option 1 language: 1000 feet from a parcel to which a residential use is present or may take place pursuant to zoning. Options 2-5: 1000 feet from a parcel to which a residential Use Regulation applies;

- We have many parcels that the plan update rezoned from residential or an agricultural zone that still have an occupied home on them. Also, because Lakeside is blessed with many industrial zoned parcels, we do not want to be burdened with the most marijuana facilities in East County.
- Create an Option 8 and not accept the Staff options. Merge the best criteria from each option.
- Hold a Public Open Forum, with county staff presenting the options and explaining how each impacts our community, prior to any adoption of a marijuana ordinance.

Again, Mr. Farace, thank you for taking the time to listen to all our concerns. I hope our suggestions help the county create the best possible MMF Ordinance for Lakeside and all the surrounding areas of East County.

Respectfully,

Kathy Kassel
Lakeside Chamber
President/CEO
619-561-1031

Farace, Joseph

From: Misty Dornon <misty.dornon@yahoo.com>
Sent: Thursday, September 08, 2016 6:41 PM
To: Farace, Joseph
Subject: marijuana dispensaries

Dear Mr. Farace

After spending many weeks, pondering, deliberating, asking others their thoughts on the current issue of locating dispensaries for the purposes of medical marijuana use and availability within the San Diego County area it is my hope and recommendation that your staff would recommend the following options to the County Board of Supervisors:

Require separation buffer from Residential Use rather than Residential Zone

Requirement for a Major Use Permit to be obtained prior to siting a MMCF

If you need me to give you my reasons I will gladly. However for the purposes of this letter and the deadline given I submit in good conscience what I believe to be the very best for the County of San Diego, and even more personally Julian.

Thank you, your work on this issue is appreciated. I have been and will continue to pray that God will bless you with wisdom, discernment and the ability to put on paper the best possible solutions for this situation.

Thank you,

Misty Dornon
Resident on Newman Way, Julian
Business owner on Newman Way, Julian
Business owner on Main Street, Julian

Farace, Joseph

From: Misty Dornon <misty.dornon@yahoo.com>
Sent: Friday, September 09, 2016 12:44 PM
To: Farace, Joseph
Cc: Dana Stevens; diane.jacob@sdcounty.ca.gov
Subject: Marijuana Dispensaries

Dear Mr. Farace

In the matter of the upcoming vote on "Medical" marijuana ordinance I want to recommend that it be modified as follows:

- 1) 1 mile buffer from a residential "use"
- 2) Requirement of a major use permit

I am aware that this will greatly limit the number of possible sites in San Diego County. If I had my way it would be completely banned as a MAJORITY of San Diego municipalities have wisely done. We are still raising the last of our children in Julian and we are acutely aware of the drug problems up here. As far as I have know, legitimate drugs have been thru FDA trials and are available in pharmacies all over the county. The majority of people showing up at county meetings in support of the MM agenda have in most part been people seeking to profit from the sales of product, still federally illegal. There are also people that claim a human interest position that have not had a problem getting hold of any MM that they would desire. Those of us with the most to lose from this are busy running our legitimate businesses and trying to raise our children and grand children free of the normalization of marijuana, for most kids that abuse drugs marijuana is the easiest and first step of this normalization. What we would like to see is the normalization of handwork, drug free healthy minds, and safety for healthy lifestyles instead. What seems to be normal now is the experimental drug use turning into drug dependence, which is supported by many case studies.

Thank you for your consideration and efforts put into making ordinances that are for the best of our community.

Fred Dornon
Resident and Business owner in Julian
Dornon@sbcglobal.net
09/09/2016

Farace, Joseph

From: Janis Shackelford <jgshackelford@cox.net>
Sent: Friday, September 09, 2016 2:54 PM
To: Farace, Joseph
Subject: draft MMCF options

To Joe Farace,

I am submitting the following comments on the options to amend the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF).

First, a question to verify my understanding - does the language "1000 feet from a parcel to which a residential use is present or may take place pursuant to zoning" include the various commercial uses and agricultural uses where residential use types are permitted by right or by permit?

The existing Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF) definitely requires amending. However all of the proposed options have both positive and negative impacts for the unincorporated communities. The positive impacts of some options are to reduce the number of facilities County wide, the negative impacts of all options is to concentrate the siting of these facilities in the community of Lakeside. Recognizing that the County cannot implement an outright ban on these facilities, it is essential to reduce the impacts.

I propose an Option 8 with the following criteria:

- a. Include the Option 1 Residential Use Buffer criteria but reduce the separation distance so a facility might be possible in more unincorporated communities. Would a 500 ft separation be adequate? Would a separation distance specific to each community resolve this issue? Can each community be restricted to the siting one facility? Rationale might be to reduce the impact of these facilities in a community, while providing needed access.
- b. Include the Option 2 language for a 1/4 mile setback from schools, etc.
- c. Include the 1000 ft separation between facilities.
- d. Include the 1000 ft separation from an incorporated city.
- e. Include the MUP requirement with the additional requirements for external appearance, no loitering, security, hours of operation, etc.

In addition, transfer enforcement of facilities that are non-complying from Codes Enforcement to the Sheriff. If a facility begins operation without an operating license, or MUP and is deemed unlawful, it is prohibited from applying for a MUP and license for 5 years. There must be no method for a non-complying facility to continue doing business.

Submitted by ,
Janis Shackelford

Farace, Joseph

From: Lorenzo Higley <L.Higley@cox.net>
Sent: Friday, September 09, 2016 3:47 PM
To: Farace, Joseph; 'Joseph '
Subject: FW: Medical Marijuana Ordinance Options Public Review-Deadline 9/9/16 4pm.

Mr. Farace,

I live in unincorporated La Mesa and my address is below. I have spoken with my Valle de Oro Community Planning Group about my concerns and wish to provide my own recommendations. Specifically, I strongly urge you and DPLU to revise this ordinance including Option 1 and Option 6 for the following reasons.

I understand that rezonings will occur over time but residents "right to quiet enjoyment" should not be infringed by requiring buffers only to "residential zones". Protecting residential properties from these businesses and the traffic that they generate by changing the language to "residential uses" is very important. That is why I support Option 1.

Requiring Major Use Permits for placement of these facilities offers community resident and your established Community Planning Groups the opportunity to guide development of MMCF's in a manner that will not damage existing communities. Community Planning Groups should be an important part of this process and only Option 6 will support their work creating healthy futures for their area. I urge you to adopt Option 6 in addition to the language of Option 1.

None of the proposed changes to the Ordinance appear to support the resources needed to ensure removal of illegal marijuana businesses by the County's Code Enforcement staff and process. I shop in Casa de Oro and am very familiar with the existing unlicensed, illegal dispensaries in our area. As I experience the impact of illegal marijuana businesses in our community, I also urge that the licensing fees for licensed facilities include the funds needed to support the Code Enforcement expenses needed to effectively close unlicensed marijuana retailers. Neither do existing licensing fees support Sheriff's expenses in visiting out-of County grow sites. Licensing fees should be increased to support full cost recovery.

Increasing the fines for property owner who rent or lease to these businesses should be pursued vigorously by County Counsel using fine revenue that ensures full cost recovery. For repeated violations, these fines should rapidly escalate to a point where property owners risk loss of title to their blighted property.

I am confident that yours is a thankless task. As a resident of the unincorporated La Mesa area, thank you for your work on revisions to this ordinance.

Lorenzo Higley, M.S.W.
10654 Anaheim Drive
La Mesa, CA 91941
619.447.2855 home ofc.

From: Farace, Joseph [<mailto:Joseph.Farace@sdcounty.ca.gov>]
Sent: Friday, August 05, 2016 6:25 PM
Subject: FW: Medical Marijuana Ordinance Options Public Review

Joseph Farace AICP
Planning Manager / County of San Diego
5510 Overland Avenue
San Diego CA 92123

August 30, 2016

Dear Mr. Farace,

I am writing to express my concerns about the proposed changes to the county's medical marijuana ordinance.

The primary concern seems to be twofold, the proximity of Medical Marijuana Dispensaries to residences and the concentration of Dispensaries in any area. Option 1 would seem to address the issue of keeping Dispensaries away from residences, and it also has the effect of diminishing the number of possible locations, thus obviating the necessity of further distance requirements. The language in the ordinance is somewhat problematic; the phrase in Section 2 (d) 1 that states "or may take place pursuant to zoning" is not specific in regards to time. A less problematic phrase might be; "or may take place pursuant to zoning at the time of establishment of the Collective Facility" I realize it sounds a bit redundant, but it would remove any question as to the relevant period of time and avoid the argument against allowing a permit because because a residential use might be granted in the future, or was present in the past.

According to County Staff analysis, Option 1 would result in there being only 4 locations available in the county. If Option 1 is combined with any other distance Option (Option 2, Option 3, Option 4, Option 5) it would equate to a ban because there would not be any qualifying locations in the county.

If Option 1 and Option 7 are enacted together, this results in an effective ban. The problem with Option 7 is that it ignores population density and geographic size and the fact that majority of Supervisor Districts will not have any licensed dispensaries.

In terms of population, San Diego City is allowing 4 dispensaries for each Council District which means an average of 1 dispensary for approximately 42,000 people. Los Angeles County Proposition D allows for 135 licenses which is approximately 1 dispensary for 75,000 people. Allowing for 4 dispensaries in each Supervisor district would mean 1 dispensary for approximately 165,000 people, and a much larger geographic area to be served by each of those dispensaries.

San Diego County is 4,562 square miles. District 2 is almost half of the county with 2,000 square miles of area. If Option 1 is enacted by itself, that would mean 1 county dispensary for approximately 1,131 square miles. If we include the dispensaries in San Diego City, which would bring the total to 15 licensed locations servicing an average 377 square miles each. Virtually all of these dispensaries would

be located west of the 67 freeway and north of the 8, which would mean that those living in the eastern and southern part of the county could have a very long way to travel. Clearly there are significant and profound problems with Option 7.

I know it is a popular idea that the majority of medical marijuana users are recreational by nature. This idea can obscure the needs of many people who depend on medical marijuana for relief from various severe medical conditions. Many of these people rely on public transportation, the idea that they can easily move around the county or visit the San Diego dispensaries easily is simply wrong. Limiting the number of locations further than the residential restrictions of Option 1 means that many cancer patients, and those with chronic pain, or other chronic conditions will have an extremely difficult time accessing the medicine they need to relieve their conditions.

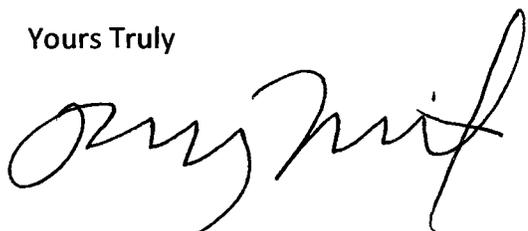
I sympathize with citizens who fear dispensaries, but I feel that this concern is adequately addressed by Option 1. Option 1 creates a real and significant buffer zone which addresses almost all of the concerns expressed in the various meetings held to address this issue. Further restrictions are unnecessary and create a ban situation. The county might want to explore the idea of moving existing licensed dispensaries to other areas of the county that would be less visible or proximate to residential use areas.

Option 7 as written is a ban on all future dispensaries or cultivation locations. A more effective approach would be to consider this on a community basis, instead of by Supervisor Districts.

Requiring a Major Use Permit is an unnecessary and punitive measure that needlessly complicates the process of licensing and might actually impair the Sheriff department's ability to manage the licensing process. A Major Use Permit does nothing to address the concerns expressed by the citizens or the supervisors. It is merely an attempt to needlessly complicate and drive up the cost of an already complicated and costly licensing process.

I thank you for this opportunity to respond to the proposed changes.

Yours Truly

A handwritten signature in black ink, appearing to read "Rodger Quist". The signature is fluid and cursive, with a large initial "R" and "Q".

Rodger O Quist CPA, FLMI

Resident District 3

Farace, Joseph

From: Jake Fredericks <jtfredericks@gmail.com>
Sent: Thursday, September 08, 2016 6:14 PM
To: Farace, Joseph
Subject: Comment Submission - Medical Marijuana Ordinance Options Public Review

Dear Mr. Farace,

Please accept this email as my formal comment submission regarding the current Medical Marijuana Ordinance Options Public Review.

I would like to report and register the fact that the moratorium on County permits has lead to much business and economic hardship as well as lost opportunity for the County to reap new tax revenues.

Our own individual efforts have been costly and prohibitive owing solely to the cessation of permit issuance. We have followed existing guidelines in good faith and with a commitment to compliance and good stewardship. Failure to have navigable plans and permits have only added to our costs, and have depleted resources and lost opportunity. It is now approaching critical stages for us economically, and we cannot afford to hold out much longer without moving forward.

Given the looming State law changes slated to take effect in 2018, it is imperative that we move forward at the local level to set final ordinance regulations. Further delay will impede not only our individual operational plans and efforts, but those of many others.

With regards to the specific ordinance options, we want to register support of the 1000 foot limitation from city borders. We also ask that the County move to resume its application and issuance operations of use permits. It is imperative that no further delay be experienced in order to give legitimate operators and cultivators the time, tools and authorizations necessary to obtain future State licenses.

I am grateful for the opportunity to provide comments here, and appreciate your efforts to move forward with finalized ordinances and resumed operations.

Sincerely,

Jake Fredericks
FAD Enterprises
San Diego County

To: San Diego County Board of Supervisors
Subject: Zoning Ordinance Amendment related to Medical Marijuana Collective Facilities
Date: September 9, 2016

We are:

1. Joseph Casey a founder of a municipal collective and a potential licensee under the Medical Cannabis Regulation and Safety Act (MCRSA)
2. John S. Abrams, PhD, a biotechnology professional with an interest in ensuring safe and pathogen free cannabis nursery stock.

As local area Cannabis industry professionals, the proposed amendments are of extreme interest to us. We are supportive of implementing sensible and necessary regulations for this industry in San Diego County.

Our responses below are directed to zoning ordinance amendments for MMCFs. We acknowledge the imminent implementation of MCRSA regulations. We also understand that the MMCF model is transient and will be phased out within a few years. We propose the revisions below with the overall recommendation that the regulatory review process to harmonize with the pending MCRSA be started now.

Our specific comments:

1. Require separation buffer from Residential Use rather than Residential Zone

No comment on this item.

2. Increase sensitive land use buffer from 1000 feet to 1/2 mile
3. Increase sensitive land use buffer from 1000 feet to 1/4 mile
4. Increase sensitive land use buffer from 1000 feet to 1 mile
5. Require a 1000 foot separation buffer from incorporated cities

We do not support increasing the sensitive land use buffer beyond the existing limit of 1000 feet. We feel this limit is fully harmonized and compliant with existing state guidelines within the MCRSA.

6. Requirement for a Major Use Permit to be obtained prior to siting a MMCF

We do not support this requirement. While there may be specific factors that should be applicable to an MMCF, we view the entirety of the set of factors described in the Major Use

Permit Application to be overly broad, onerous, and beyond the scope of individual project scale..

7. Limit the number of Medical Marijuana Collective Facilities per supervisorial district

We support the proposition of an initial limit set per supervisorial district. We recommend that Planning Staff advise the board when that limit is close to being reached so the next permitting threshold can be appropriately evaluated and established in a timely manner.

In conclusion, we do not support the blanket extension of any current or proposed MMCF zoning amendments to the entire set of MCRSA license categories. Zoning requirements for licensing of MCRSA activities should be evaluated on a category basis.

Thank you,

Joseph Casey
joe@palmtreecollective.com

John S. Abrams, PhD

John S Abrams

Digitally signed by John S. Abrams, PhD
DN: cn=John S. Abrams, PhD, o=Abrams
BioConsulting, ou=Contracts,
email=j.s.abrams.bioconsulting@gmail.com, c=US
Date: 2016.09.09 10:38:14 -0700



John S. Abrams, PhD
Abrams BioConsulting
Cell: 760-271-3500
Email abrams.bioconsulting@gmail.com

Farace, Joseph

From: Neil Widmer <neilwidmer@yahoo.com>
Sent: Tuesday, August 30, 2016 7:19 AM
To: Farace, Joseph
Subject: Re: Medical Marijuana Ordinance Options Public Review

Hi Joe,

I would like to provide the following comments.

Creating very restrictive zoning rules will adversely limit access to medical marijuana and promote the continued situation of illicit dispensaries and cultivation. Illicit operations sell to minors, sell untested products and do not have the necessary safety precautions against criminal activity. The citizens of the state legalized medical marijuana 20 years ago and recently the state implemented laws to provide regulated and safe access. Fully embracing these law and allowing sufficient businesses to operate will be the only way to shutdown the illegal operations.

Specifically, I would recommend the following:

- 1) No distance restriction between other medical marijuana businesses. The intent is to provide choices not monopolies.
- 2) If distance between businesses is still supported, limit the types of business licenses that are restricted to dispensaries and not other types of business like distributors, cultivators, testers, researchers and manufacturers. These business should be allowed to operate even on the same property or in the same buildings.
- 3) Any distance requirement should consider natural and manmade geographical barriers (rivers, canyons, railroads, freeways, etc). The intent is to prevent people exiting these sensitive uses from having to pass a medical marijuana business. When a barrier exist, measure by the most direct route on public roads.
- 4) Distance requirements to other incorporated cities should be no more restrictive than the incorporated cities own requirements if they are to change in the future.
- 5) Limit the sensitive use distance to that defined by the state at 600 ft to public schools, but in no cases to more than a 1000 ft.
- 6) Limit the residential buffer to be not abutting or across the street unless street has a minimum width of 100 feet.

Thanks for the opportunity to comment. The sooner we support safe access, the sooner taxes will be available to invest in education and research.

Best regards,
Neil

On Aug 7, 2016, at 9:30 AM, Farace, Joseph <Joseph.Farace@sdcounty.ca.gov> wrote:

Hi - you are receiving this notice because you have expressed interest in the current County process pertaining to Medical Marijuana Collective Facility Ordinance amendments.

On March 16, 2016 the Board of Supervisors directed staff to return to the Board with several options to amend the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities (MMCF). Based on Board's direction staff is proposing seven different options (attached) for the Board's consideration which include:

1. Require separation buffer from Residential Use rather than Residential Zone
2. Increase sensitive land use buffer from 1000 feet to ¼ mile
3. Increase sensitive land use buffer from 1000 feet to ½ mile

1 - 110

4. Increase sensitive land use buffer from 1000 feet to 1 mile
5. Require a 1000 foot separation buffer from incorporated cities
6. Requirement for a Major Use Permit to be obtained prior to siting a MMCF
7. Limit the number of Medical Marijuana Collective Facilities per supervisorial district

Comments back to the County are due on September 9, 2016 (30-day public review period).

Also the attached notice contains a link to the PDS Medical Marijuana Collectives Webpage which contains information on the existing MMCF program. Please let me know if you have any questions.

Thanks, Joe

Joseph Farace

Group Program Manager, Advance Planning
Planning & Development Services
(858) 694-3690

<2016-08 Public Notice IP for MMCF.pdf>

<2016-8 MMCF Ordinance Option 1 - Res Use.pdf>

<2016-8 MMCF Ordinance Option 2 - Quarter Mile.pdf>

<2016-8 MMCF Ordinance Option 3 - Half Mile.pdf>

<2016-8 MMCF Ordinance Option 4 - One Mile.pdf>

<2016-8 MMCF Ordinance Option 5 - 1000 ft cities.pdf>

<2016-8 MMCF Ordinance Option 6 - MUP req.pdf>

<2016-8 MMCF Ordinance Option 7 - District limit.pdf>



www.GoodEarthPlants.com

September 9, 2016

Mr. Joseph Farace
County of San Diego
Planning & Development Services
5510 Overland Ave, Suite 310
San Diego, CA 92123

Re: Zoning Ordinance Amendment Related to Medical Marijuana Collective Facilities

Dear Mr. Farace:

I have reviewed the County's proposed Zoning Ordinances and the County's primary concerns seem to be: (1) the proximity of medical marijuana collective facilities to residences; and (2) the concentration of collective facilities in any one area. Here are some comments on the Options.

Option 1 appears to address the issue of keeping collective facilities away from residences, but it also has the effect of dramatically diminishing the number of possible locations to the point of effectively eliminating reasonable patient access to collective facilities. According to County staff analysis in March of 2016, only four locations in the entire unincorporated area would be available to support a collective facility. It is understanding that if an Ordinance were to be adopted that combined the buffer in Option 1 with any of the sensitive land use buffers in Options 2, 3, 4, or 5, then no locations in the County could support a collective facility.

Option 6, which requires a collective facility to obtain a Major Use Permit, is an unnecessary and punitive measure that needlessly complicates the process of licensing and might actually impair the Sheriff Department's ability to manage the licensing process. A Major Use Permit does nothing to address the concerns expressed by the citizens or County Supervisors. It would needlessly complicate and drive up the cost of an already complex and costly licensing process.

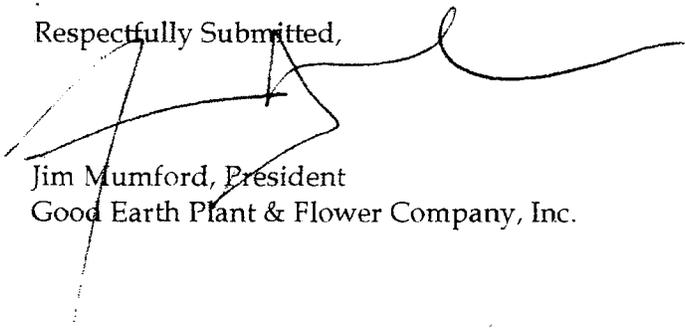
Option 7 deserves heightened scrutiny. This Option does not adequately consider how geographically large San Diego is. The unincorporated area of the County covers 3,572 square miles. If Option 1 becomes law, and accordingly only 4 facilities are opened in the unincorporated area, then there would be only one collective facility for every 900 square miles, which is approximately 3 times the size of the City of San Diego. While one could

argue that a resident of the unincorporated area could also travel to a collective facility in the City of San Diego, those are all located far west of State Route 125. Residents of the southern and eastern parts of the County would therefore have to travel long distances, no matter whether the collective facility they visited was in the unincorporated area or the City.

It is a widely-held belief that most people who obtain marijuana from collective facilities are recreational users. This belief obscures the needs of many people who depend on medical marijuana for relief from severe medical conditions. Given that many of these people rely on public transportation, the idea that they can freely move about the County or travel to the City of San Diego is not realistic. Limiting the number of locations for collective facilities will mean that many cancer patients, or many living with chronic conditions or pain, will suffer because they are unable to obtain the medicine they need. Another unfortunate effect would be the proliferation of illegal collective facilities, with all of their attendant problems.

I thank the County for the opportunity to respond to the proposed changes.

Respectfully Submitted,



Jim Mumford, President
Good Earth Plant & Flower Company, Inc.

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September 09, 2016

SENT VIA EMAIL

Joseph Farace
Planning & Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123
Email: joseph.farace@sdcounty.ca.gov

**RE: Notice of Public Review of County of San Diego Zoning Ordinance Amendment
related to Medical Marijuana Collective Facilities**

Dear Mr. Farace:

This correspondence is to provide you with feedback in regards to the options to amend the Zoning Ordinance pertaining to Medical Marijuana Collective Facilities (MMCF). My law firm represents a San Diego County trade association of medical marijuana business owners who have vested rights to continue the establishment and operation of their facilities.

After thoughtful consideration amongst the members of our group, we propose to amend the Zoning Ordinance to limit the number of MMCFs to four (4) per supervisorial district. Additionally, we recommend a 1,000-foot distance requirement between a medical marijuana facility and all residential zoned areas, sensitive uses, and a medical marijuana facility owned or leased by another licensee.

Additionally, our group has drafted an amendment to Chapter 25 of the San Diego Regulatory Code pertaining to the licensing of MMCFs. We find this amendment to be necessary to bring the County's ordinance into compliance with the enactment of the State of California's Medical Cannabis Regulation & Safety Act (MCRSA). MCRSA eliminates the previous "collective or cooperative" model and instead replaces it with a regulated licensing structure. Our amendment to Chapter 25 reflects these changes and ensures the County's regulations are aligned with MCRSA.

County of San Diego Zoning Ordinance Amendment
September 9, 2016
Page 2

The amended Zoning Ordinance and Regulatory Code are attached to this email. We welcome a discussion about the County's amendments and any inquiries you have on our proposals. You can contact me at (818) 710-8330 or lisa@selanlaw.com.

Regards,

Lisa Selan
Selan Law Firm

San Diego County Code of Regulatory Ordinances

AMENDMENT KEYRegular text- *no change*Strikethrough- *language removed***Underline and bold**- *language added***CHAPTER 25. MEDICAL MARIJUANA**

SEC. 21.2501. LEGISLATIVE FINDINGS AND INTENT.

(a) On November 5, 1996, California voters approved Proposition 215, The Compassionate Use Act of 1996 ("CUA"), which decriminalized the cultivation and use of marijuana by seriously ill individuals upon a physician's recommendation. and recognized a qualified right to the collective and cooperative cultivation of medical marijuana. The CUA's purposes are to "ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana" and to "ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction." However, nothing in the CUA "shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes."

(b) On January 1, 2004, Senate Bill 420, the Medical Marijuana Program Act ("MMPA"), H&S §§ 11362.7 - 11362.83, became law. The MMPA requires the California Department of Public Health to establish and maintain a voluntary registration and identification card program, sets possession guidelines and recognizes a qualified right to the collective and cooperative cultivation of medical marijuana. The MMPA allows cities and counties to adopt and enforce rules consistent with the MMPA. ~~In August 2008, the California Attorney General published "Guidelines For The Security And Non-Diversion Of Marijuana Grown For Medical Use." That document provides counties and cities with California Department of Justice guidance on the laws governing medical marijuana and preventing diversion of marijuana to illegal non-medical purposes and illicit markets.~~

(c) In July 2009, the County of San Diego implemented a Medical Marijuana Identification Card program through its Health and Human Services Agency and in compliance with the requirements of the MMPA. Section 252 of the San Diego County Administrative Code became effective August 20, 2009, establishing the fees for obtaining a Medical Marijuana Identification Card from the County of San Diego. ~~(e) The CUA and MMPA contemplate a closed circuit of cultivation, expense sharing and consumption by qualified patients and primary caregivers with no sales or purchases involving persons outside the collective or cooperative organization.~~

(d) On October 9, 2015, Governor Brown signed into law three bills, Assembly Bill 266 ("AB 266"), Assembly Bill 243 ("AB 243") and Senate Bill 643 ("SB 643") collectively

referred to as the “Medical Cannabis Regulation and Safety Act”, which established a comprehensive regulatory structure for commercial cannabis activity (hereinafter, “MCRSA”). MCRSA affirmatively permits and licenses commercial cannabis activity conducted in accordance with local ordinances and MCRSA’s to-be-issued regulations.

~~(d) — In many communities in which so-called medical marijuana “dispensaries” have been established, law enforcement agencies have documented the serious and adverse impacts associated with such dispensaries. These communities and the media have reported increased crime, including burglaries, robberies, violence, illegal sales of marijuana to and use of marijuana by minors and others without medical need in the areas immediately surrounding such medical marijuana dispensaries. Other negative secondary effects include the smoking of marijuana in public areas and adverse impacts on neighboring businesses (including odor complaints). The County of San Diego could reasonably anticipate experiencing similar adverse impacts and effects from any marijuana dispensaries established in the unincorporated county.~~

~~(e) In July 2009, the County of San Diego implemented a Medical Marijuana Identification Card program through its Health and Human Services Agency and in compliance with the requirements of the MMPA. Section 252 of the San Diego County Administrative Code became effective August 20, 2009, establishing the fees for obtaining a Medical Marijuana Identification Card from the County of San Diego.~~

~~(f) — Additionally, a number of sources, including the United States Department of Justice’s California Medical Marijuana website [which contains various documents and reports related to issues surrounding marijuana use (<http://www.usdoj.gov/dea/ongoing/legalization.html>)] and the “White Paper on Marijuana Dispensaries” published by the California Police Chiefs Association’s Task Force on Marijuana Dispensaries (April 22, 2009), have concluded that the establishment of marijuana dispensaries can lead to an increase in crime. Among the crimes cited as typical examples are burglaries, robberies, sales of illegal drugs in the areas immediately surrounding such dispensaries, as well as other public nuisances such as loitering, smoking marijuana in public places, sales to minors and driving while under the influence of marijuana. The Board of Supervisors finds that these data and conclusions justify the implementation of the regulatory and safety measures included in this ordinance.~~

~~(g)~~**(e)** It is intent of the Board of Supervisors to protect the citizens of the County of San Diego and promote their general welfare and safety by ensuring that marijuana is not diverted for illegal purposes or to illicit markets. It is the Board’s further intent that medical marijuana be limited to authorized legal use by San Diego County residents who are qualified patients as defined by state law and who suffer from one or more of the following serious medical conditions: AIDS; anorexia; arthritis; cachexia; cancer; chronic pain; glaucoma; migraine; seizures; severe nausea; persistent muscle spasms; any other chronic or persistent medical condition that either limits their ability to conduct one or more major life activity as defined by the American Disability Act of 1990 or may cause harm if not alleviated. It is the further intent of the Board to ensure that only qualified medical marijuana patients and primary caregivers, as defined by state law, associate within the County in order to collectively or cooperatively cultivate marijuana for medical purposes. This

chapter is not intended to apply to personal, individual cultivation and use for legitimate medical purposes as contemplated by the CUA and the MMPA.

(f) The Board of Supervisors finds and determines that the following amendments to Chapter 25 will provide a necessary update to the Regulatory Ordinance. The foregoing additions and changes are proposed to clarify existing sections of the Regulatory Ordinance, and to align the County's Regulatory Ordinance with the rules and regulations set forth in MCRSA (California Business & Professions Code Sections 19300 through 19360) as it pertains to the permitting and operations of medical marijuana facilities in the County.

(g) The purpose of this ordinance is to establish reasonable and uniform licensing requirements of commercial medical marijuana facilities, which in combination with zoning requirements set forth in Section 6935 of the County's Zoning Ordinance, will regulate medical marijuana facilities located within the County.

(h) The purpose of this ordinance is also to allow the County to transition the medical marijuana permit program, provided for herein, to a permit program for the recreational use of marijuana by adults in the event that in November of 2016, the voters of the State of California adopt Proposition 64 (the Adult Use Marijuana Act).

SEC. 21.2502. LICENSING OF MEDICAL MARIJUANA FACILITIES

(a) Medical marijuana facilities permitted under this chapter include the following facilities: (i) dispensaries, (ii) cultivation, (iii) manufacturing, (iv) testing laboratories, and (v) distribution facilities.

(b) All medical marijuana facilities shall be owned and operated by bona fide non-profit organizations such as a cooperative or a collective, unless otherwise permitted under California law, subject to the provisions of MCRSA, as may be amended from time to time, the Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Sections 11362.7 through 11362.83), and any other State laws pertaining to cultivating and dispensing marijuana.

SEC. 21.25023. DEFINITIONS.

The following terms shall be defined as follows:

- (a) “Applicant” has the same meaning as that term is defined by Section 19300.5(b) of the Business and Professions Code.
- (b) “Church” means a permanent structure or leased portion of a permanent structure, which is used year-round and predominately as a location for religious worship and related religious activities.
- (c) “Canopy” means the total combined canopy area for all locations on a property where medical marijuana is being cultivated, including indoor areas, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line. This does not include aisles or walkways of a cultivation area.
- (d) “Child-Resistant Packaging” means special packaging that is 1. designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995); 2. opaque so that the packaging does not allow the product to be seen without opening the packaging material; and 3. re-sealable for any product intended for more than a single use or containing multiple servings.
- (e) “Cultivation” means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- (f) “Delivery” means the commercial transfer of medical marijuana or medical marijuana products from a dispensary, up to an amount determined by the State of California, to a primary caregiver, qualified patient or a testing laboratory. “Delivery” also includes the use by a marijuana facility of any technology platform owned and controlled by the dispensary that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical marijuana or medical marijuana products.
- (g) “Dispensary” has the same meaning as that term is defined by Section 19300. 5(n) of the Business and Professions Code, except a facility that does not sell medical marijuana or medical marijuana products shall not qualify as a Dispensary.
- (h) “Distribution” means the procurement, sale, and transport of medical marijuana and medical marijuana products from one permitted medical marijuana business location of a licensed entity to the permitted business location of another permitted entity for the purposes of conducting commercial marijuana activity authorized by the Medical Cannabis Regulation and Safety Act, and for the purposes set forth in California Health and Safety Code Section 11362.5 Compassionate Use Act of 1996) and California Health

and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act), and subject to the provisions of this chapter, and the County of San Diego's zoning regulations.

(i) “Edible Marijuana Product” has the same meaning as that term is defined by Section 19300.5(s) of the Business and Professions Code. All edible marijuana products made available for sale shall be in child-resistant packaging.

(j) “Identification Card” or “ID Card” means a valid identification card issued pursuant to Section 113672.7 et. seq. of the California Health and Safety Code.

(k) “Identification Card Holder” or “ID Card Holder” means an individual who is a Qualified Patient who has applied for and received a valid ID Card pursuant to Article 2.5 of Chapter 6 of Division 10 of the California Health and Safety Code.

(l) “Legal parcel” means a parcel of land for which one (1) legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels may at the option of the property owner be counted as a single parcel for purposes of this chapter.

(m) “Licensee” means a person or entity who has been issued a Medical Marijuana Facility Operating Compliance Certificate pursuant to this chapter.

(n) “Limited Access Area” means a building, room or other area that is part of the Licensed Premises where medical marijuana is grown, cultivated, stored, weighed, displayed, packaged, or sold to other medical marijuana facilities, under control of the Licensee, with limited access to only authorized personnel.

(o) “Licensed Premises” means the premises specified in an application for a Medical Marijuana Facility Operating Compliance Certificate which is owned or in possession of the Licensee or Applicant or within which the Licensee or Applicant is authorized to cultivate, manufacture, distribute, test, or dispense medical marijuana in accordance with the provisions of this chapter, the County's zoning regulations, MCRSA, and any rules adopted pursuant thereto.

(p) “Marijuana” has the same meaning as in California Health and Safety Code Section 11018 as such Section may be amended from time to time. For the purpose of this chapter, “marijuana” does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(q) “Marijuana Concentrate” means manufactured marijuana that has undergone a process to concentrate or extract the cannabinoid active ingredient.

(r) “Marijuana Cultivation Facility” means a facility wherein marijuana is propagated, planted, grown, harvested, dried, cured, graded, labeled, tagged for tracking or trimmed, or that does all or any combination of those activities, that holds a Medical Marijuana Facility Operating Compliance Certificate, and that will qualify for a valid state license

pursuant to MCRSA, as may be amended from time to time, when the State of California begins issuing licenses for Marijuana Cultivation. For the purpose of this chapter, calculation of cultivation floor area shall apply starting at the outward edge of the vegetative growth area, and include the growth area only.

(s) “Marijuana Dispensary” or “Dispensary” means any business, office, store, or other retail “storefront” component of any Medical Marijuana Cooperative or Collective that dispenses, distributes, exchanges, sells or provides marijuana to members of any Medical Marijuana Cooperative or Collective for the purposes set forth in California Health and Safety Code Section 11362.5 Compassionate Use Act of 1996, MCRSA (Section 11362. 7 to 11362.83 (Medical Marijuana Program Act), that is subject to and licensed under the provisions of this chapter and the County’s zoning regulations.

(t) “Marijuana Distribution Facility” means any facility or location where the primary purpose is the procurement, sale, and transport of medical marijuana and medical marijuana products between entities operating in strict accordance with the Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5 et seq.) licensed pursuant to this chapter and for the purposes set forth in California Health and Safety Code Section 11362.5 Compassionate Use Act of 1996) and California Health and Safety Code Sections 11362. 7 to 11362. 83 (Medical Marijuana Program Act), MCRSA, as it may be amended from time to time, and subject to the provisions of this chapter, and the County’s zoning regulations.

(u) “Marijuana Facility” or “Medical Marijuana Facility” means collectively any marijuana cultivation, dispensary, distribution, testing laboratories or manufacturing facility, as those terms are defined in this chapter. “Medical Marijuana Facility” or “Marijuana Facility” does not mean or include the following facilities licensed pursuant to the following provisions of Division 2 of the Health and Safety Code: (1) A clinic licensed pursuant to Chapter 1; (2) A health facility licensed pursuant to Chapter 2; (3) A residential care facility for persons with chronic, life-threatening illnesses licensed pursuant to Chapter 3.01; (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2; or (5) A residential hospice or a home health agency licensed pursuant to Chapter 8.

(v) “Marijuana Manufacturing Facility” means a facility where the production of marijuana concentrate, or preparation, propagation, or compounding of manufactured marijuana, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis occurs and that packages or repackages medical marijuana or medical marijuana products or labels or relabels its container, that holds a valid Medical Marijuana Facility Operating Compliance Certificate issued in accordance with this chapter, and in accordance with the County’s zoning regulations, and that will qualify for a valid state license pursuant to MCRSA when the State of California begins issuing state licenses to marijuana manufacturers.

- (w) “Medical Marijuana Facility Operating Compliance Certificate” (“Operating Certificate”) means a business license granted by the Sheriff or the authorized representatives thereof, pursuant to this chapter.
- (x) “Manufacturer” means a person or entity that conducts the production of marijuana concentrate, or preparation, propagation, or compounding of manufactured marijuana, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages medical marijuana or medical marijuana products or labels or relabels its container, that holds a valid state license pursuant to MCRSA and a Operating Certificate issued in accordance with this chapter and the County’s zoning regulations.
- (y) “Medical marijuana” or “medical marijuana product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical marijuana patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (z) “Permitted location” is a location to which a valid Operating Certificate applies.
- (aa) “Qualified Patient” shall have the meaning set forth in Section 11362.7(f) of the California Health and Safety Code.
- (bb) “Recreational Center” means any location that is under the control, operation, or management of a governmental agency and which is open to the public and used solely for recreational purposes.
- (cc) “School” means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a daycare or preschool facility that provides supervision of eight or fewer minor children, or children less than 10 years of age, a personal residence wherein minors are educated (“home schooled”) or include a vocational or professional institution of higher education, such as a college or university.
- (dd) “Sheriff” or “Sheriff’s Department” means the Sheriff’s Department of the County of San Diego, or the authorized representatives thereof. The Sheriff shall be the issuing officer for the Operating Certificate.
- (ee) “State Law(s)” shall mean and include California Health and Safety Code Section 11362. 5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act); MCRSA, as may be revised from time to time, and all other applicable laws of the state of California.
- (ff) “State License,” “License,” or “Registration” means a state license issued pursuant to MCRSA.

(gg) “State Licensing Authority” shall mean the Bureau of Medical Cannabis Regulation within the Department of Consumer Affairs, the State Department of Public Health, or any other state agency responsible for the issuance, renewal, or reinstatement of a license issued under MCRSA or the agency authorized to take disciplinary action against such license.

(hh) “Youth center” means a building (i) dedicated to providing programs, activities, or services for persons who have not yet reached the age of eighteen (18) years on a regular basis, (ii) for which a Certificate of Occupancy has been issued indicating the building is used as a youth center. “Youth center” does not include (i) any programs, activities, or services for persons who have not yet reached the age of eighteen (18) years on a regular basis primarily conducted in private residences, (ii) a location or facility used to provide programs, activities, or services for persons who have not yet reached the age of eighteen (18) years for less than five (5) hours per day each day the building is open, or (ii) a location or facility where less than fifty percent (50%) of the activities at that location are provided to persons who have not yet reached the age of eighteen (18).

(ii) “Youth-oriented facility” means an elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or; the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

B. Words and phrases not specifically defined in this chapter shall have the meaning ascribed to them as defined in the following sources:

1. The Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5);
2. The Medical Marijuana Program Act (California Health and Safety Code Sections 11362.7 through 11362.83); and
3. The Medical Cannabis Regulation and Safety Act (California Business & Professions Code Sections 19300 through 19360) as may be amended from time to time.

(a) ~~“Primary Care Giver” has the same meaning as defined by state statutes, including but not limited to Health & Safety Code sections 11362.5(e) and 11362.7(d). As explained in *People v. Menteh* (2008) 45 Cal.4th 274, a “primary caregiver” is a person who (1) consistently provides caregiving to a qualified patient, (2) independent of any assistance in taking medical cannabis, (3) at or before the time he or she assumed responsibility for assisting with medical cannabis.~~

(b) ~~“Qualified Patient” has the same meaning as defined by state law, including but not limited to Health & Safety Code sections 11362.7(f) and 11362.5(b).~~

(e) ~~“Medical Marijuana Collective” or “Collective” means any association or combination of primary caregivers and/or qualified patients collectively or cooperatively cultivating and/or storing marijuana for medical purposes as provided in Health & Safety Code section 11362.775.~~

~~(d) "Medical Marijuana Collective Facility" or "Collective Facility" means any location at which members of a medical marijuana collective collectively or cooperatively cultivate, store or exchange marijuana among themselves or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses. "Medical Marijuana Collective Facility" or "Collective Facility" does not mean or include the following facilities licensed pursuant to the following provisions of Division 2 of the Health and Safety Code:~~

- ~~(1) A clinic licensed pursuant to Chapter 1;~~
- ~~(2) A health facility licensed pursuant to Chapter 2;~~
- ~~(3) A residential care facility for persons with chronic, life threatening illnesses licensed pursuant to Chapter 3.01;~~
- ~~(4) A residential care facility for the elderly licensed pursuant to Chapter 3.2; or~~
- ~~(5) A residential hospice or a home health agency licensed pursuant to Chapter 8.~~

~~(e) "Marijuana" has the same meaning as defined by Health & Safety Code section 11018.~~

~~(f) "Caregiver Events" means visits, consultations, transactions, interactions or other events involving a qualified patient and his or her primary caregiver designated by the qualified patient and his or her primary caregiver to demonstrate that the primary caregiver meets the requirements of state law, including but not limited to Health & Safety Code section 11362.5(e), other relevant statutes and court decisions.~~

~~(g) "Responsible Persons" means those members of the collective who shall be jointly and severally responsible for operating the collective facility in compliance with state law and this ordinance. "Applicant" or "Applicants" means those persons who are completing and executing the Application for a Medical Marijuana Collective Facility Operating Compliance Certificate ("Operating Certificate").~~

SEC. 21.25034. OPERATING CERTIFICATE REQUIRED; APPLICATIONS.

(a) A collective **medical marijuana facility** may only operate in the unincorporated area of San Diego County if a valid **Medical Marijuana Collective Facility Operating Compliance Certificate** ("Operating Certificate") has been issued by the Sheriff's Department to **a member of the collective the licensee**.

(b) The procedure for obtaining an Operating Certificate, including appeals of denials and revocations, shall be as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure, except as set forth in this chapter and in addition, shall be subject to the specific requirements and regulations set forth in this chapter.

(c) The form of application for an Operating Certificate shall be developed by the Sheriff's Department. At a minimum, the form of application developed by the Sheriff shall require the applicant(s) to provide sufficient information deemed necessary by the Sheriff to make an initial determination that (1) the applicant(s) will be operating a legitimate collective **medical marijuana** facility in compliance with state law and this ordinance, and (2) the applicant(s) is or are the

owner(s) of the property for which the Operating Certificate is sought or have the written permission of the owner(s) of the ~~property~~ **premises** for which the license **Operating Certificate** is sought.

(d) As a condition for obtaining an Operating Certificate from the Sheriff, the applicant must show proof that the location has been approved by the Department of Planning and Development Services, Zoning Division and a building permit (including a tenant improvement permit) has been applied for if required by the California Building Code.

(e) The form of application, which upon completion shall be signed by the applicant(s), shall also require the applicant(s), at a minimum, to make the following express representations:

(1) That no activities prohibited by state law will occur on or at the ~~collective~~ **medical marijuana** facility with the knowledge of the responsible person(s).

(2) That the ~~collective~~ **operations of the medical marijuana** facility, will comply with all provisions of this chapter and state law pertaining to medical marijuana.

(f) An Operating Certificate issued pursuant to this section shall be valid only for the ~~property~~ address **licensed premises** for which it was issued.

(g) Section 21.108(c) of the County of San Diego Uniform Licensing Procedure shall not apply to the issuance of Operating Certificates for ~~collective~~ **medical marijuana** facilities.

(h) For purposes of facilitating the provisions of this ordinance, a ~~collective~~ **medical marijuana facility** must have a unique identifying name that will be entered onto the application for an Operating Certificate.

(i) The fee for an Operating Certificate shall be as provided in section 21.1901 of the County Code of Regulatory Ordinances.

(j) The application for an Operating Certificate shall designate and identify one or more persons as responsible persons. The designated responsible person(s) shall include the applicant(s).

(k) An Operating Certificate shall not be issued where a responsible party has a felony conviction.

(l) **Nothing in this section shall permit a medical marijuana facility to operate at any time in a manner that is in violation of this chapter, the County regulations, zoning, building and fire ordinances and all other applicable state and local laws.**

(m) **Except as otherwise permitted by MCRSA, beginning January 1, 2018, it shall be unlawful for a medical marijuana facility to operate in the County unless it has been granted a State License.**

(n) **Notwithstanding subsection 21.2503 (m), any medical marijuana facility that has: (1) submitted an application for a State License once such applications become available; and (2) been in operation and good standing on or before January 1, 2018 may continue**

operations until its State License has been approved or denied by the State Licensing Authority. A medical marijuana facility shall be considered to be " in operation," " in good standing," and "operating in compliance with local zoning ordinances and other state and local requirements" for purposes of this section and Section 19321(c) of the Business and Professions Code if the business has been issued an Operating Certificate by the San Diego County Sheriff's Department, is exercising any of the privileges of its permit, and has applied for a Local License on or before January 1, 2018.

SEC. 21.25045. INFRASTRUCTURE REQUIREMENTS FOR COLLECTIVE MEDICAL MARIJUANA FACILITIES.

The premises of any medical marijuana facility must comply with all of the following infrastructure and security requirements:

- (a) Alarms, closed circuit television.
 - (1) A Sheriff Department-licensed, 24-hour centrally monitored alarm system is required.
 - (2) Closed circuit television (CCTV) video monitoring shall be installed that meets the following criteria:
 - (A) Continuous 24-hour operation and recording with minimum archival period of 14 days.
 - (B) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where marijuana is present at any time **and in the immediate exterior areas of doors, windows or other avenues of potential access.**
 - (C) ~~Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows or other avenues of potential access.~~
 - (C) All CCTV recordings shall be accessible to law or code enforcement officers at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system.
 - (D) To prevent tampering, the recorder shall be kept in a secure location and all recordings shall be date and time stamped.
- (b) Windows.

- (1) Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.
 - (2) Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.
- (c) Roofs, roof hatches, sky lights, ceilings. For buildings in which a collective facility is located:
- (1) All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.
 - (2) Roof hatches and skylights shall be secured so as to prevent intrusion.
 - (3) Where a collective **medical marijuana** facility is located in a building with other tenants, the collective **medical marijuana** facility shall be secured against unauthorized access from other tenant spaces or common areas, including access through crawl spaces, ceiling spaces, ventilation systems or other access points concealed from the common areas.
- (d) Visibility.
- (1) No marijuana may be visible from any location off the property on which a collective **medical marijuana** facility is located.
 - (2) Exterior landscaping within 10 feet of any building in which a collective **medical marijuana** facility is located shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.
 - (3) Exterior building lighting and parking area lighting must be in compliance with County of San Diego Light Pollution Code (Sections 51.201-51.209 of the San Diego County Code), County of San Diego Zoning Ordinance (Sections 6322 - 6326), and California Energy Code (Title 24-Chapter 6 of the California Code of Regulations). Lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.
- (e) Fire suppression system: An approved automatic fire sprinkler system, designed in compliance with NFPA 13, shall be provided in buildings and portions thereof used as a collective **medical marijuana** facility.
- (f) Parking. A collective **medical marijuana facility operating as a dispensary** shall conform to the requirements of Zoning Ordinance Section 6762 and shall be considered an "Office" occupancy type for purposes of that section.

(g) Entrances, exits, doors.

- (1) A collective **medical marijuana** facility shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.
- (2) Any exit or entrance that is not visible from a public or common area shall be plainly marked as an emergency exit only. Such emergency exits shall be self-closing, self-locking, equipped with an alarm and not used except in an emergency.
- (3) Any aluminum door shall be fitted with steel inserts at the lock receptacles.
- (4) Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.
- (5) Panic exit hardware shall be "push-bar" design.
- (6) Double doors shall be fitted with three-point locking hardware and push-bars consistent with fire agency regulations or requirements.
- (7) All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.
- (8) All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.

(h) Odor control. Medical marijuana facilities shall provide an odor absorbing ventilation and exhaust system.**SEC. 21.25056. OPERATING REQUIREMENTS FOR COLLECTIVE MEDICAL MARIJUANA FACILITIES.**

- (a) The hours of operation of a collective **medical marijuana** facility shall be no earlier than 8 a.m. and no later than 8 p.m., seven days a week.
- (b) No persons under the age of eighteen are allowed at, in or on a **medical marijuana** facility, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.
- (c) In order to facilitate verification that a collective **medical marijuana** facility is operating pursuant to state and local laws, the following records must be maintained at the collective **medical marijuana** facility at all times and available for inspection by the Sheriff's Department.
 - (1) **A record showing the identification of the responsible persons for the medical marijuana facility by name and contact information.** A record

identifying all current qualified patient members of the collective associated with the collective facility. The record shall identify each qualified patient's designated primary caregiver, the name of the physician providing the recommendation for medical marijuana and shall reflect whether the recommendation is written or oral. The record shall identify the city and county of residence for each qualified patient and his or her primary caregiver.

(2) A clearly-visible, posted document identifying the names of the responsible persons and their emergency contact telephone numbers **contact information**. A record identifying all current primary caregiver members of the collective associated with the collective facility, and the persons for whom they are the designated primary caregiver. The record will show the city and county of residence for all qualified patients and primary caregivers.

(3) **Until such a time that the State of California fully implements Section 19335 of the Business and Professions Code, a medical marijuana facility must utilize third-party software that tracks all sales, transfers, purchases, receipts, deliveries of medical marijuana and medical marijuana products. The software must be capable of producing electronic shipping manifests, tracking all medical marijuana inventory in possession of the medical marijuana business, promptly identifying a discrepancy in the stock, and tracking medical marijuana from a qualified patient, id card holder, or primary caregiver back to its source.** A current record of caregiver events for each member of the collective associated with the collective facility. Such record should include, at a minimum, the dates, times, duration, participants and nature of the caregiver event(s). Such record shall not include information protected by federal or state medical information privacy laws.

(4) **All medical marijuana and medical marijuana products must be labeled and packaged pursuant to the regulations set forth by Section 19347 of the Business and Professions Code, and any and all applicable state and local laws.** A record identifying the source or sources of all marijuana currently on the premises of the collective facility or that has been on the premises during the two-year period preceding the current date. The record shall reflect the grower and the address and location of cultivation of the identified marijuana.

(5) All marijuana at the collective facility must at all times be physically labeled with information which, used in conjunction with the record required by section 21.2505(c)(4), will allow for ready identification of the specific collective member who is the source of the marijuana.

(6) All marijuana at the collective facility must at all times be physically labeled with the monetary amount to be charged (or "price" for purposes of this subparagraph only) to a collective member as reimbursement for cost of cultivation, overhead and operating expenses. Marijuana that is stored in bulk, and which is distributed by requested weight

amount, shall be labeled with the price per ounce. Marijuana that is stored and distributed in fixed weight packages shall be labeled with the price and weight of the marijuana in the package.

~~(7)~~ Current records of all transactions involving money and/or marijuana occurring in connection with the operation and activities of the collective or the collective facility during the two-year period preceding the current date. Such records must include at a minimum the following information: (a) The names of the persons involved, the person's membership status in the collective associated with the collective facility, and whether they are a qualified patient or a primary caregiver; (b) the amount of cash involved, if any; (c) the amount of marijuana involved, if any; (d) the method of payment if not by cash, and (d) if marijuana was involved, the collective member who was the source of the marijuana.

~~(8)~~**(5)** An agreement, signed by each member of the collective associated with the collective facility and who is a source of marijuana to the collective facility as identified by sections 21.2505(e)(4) and 21.2505(e)(5), **the licensee of the medical marijuana facility that:**

(A) within seven days of request by the Sheriff's Department, **the member medical marijuana facility will allow the inspection of the security recordings, activity logs, or business records** inspection by law enforcement a record, current to within 48 hours, of costs of cultivation, overhead and operating expenses; and

(B) **the medical marijuana facility will allow the inspection of the licensed premises** by the location of the cultivation of the marijuana supplied by the member shall be subject to inspection for physical verification by appropriate law enforcement or fire agencies.

The form of the agreement required by this subdivision shall be determined by the Sheriff's Department, and shall require as a minimum the full name **of the licensee**, home address, medical marijuana facility address, home and emergency **the business** telephone numbers and the agreement required by this section.

~~(d)~~ The total quantity of marijuana located at any collective facility shall not exceed the maximum quantity limits set by state law, as established by statute and court decisions, in relation to the number of qualified patients and primary caregivers that are members of the collective.

~~(e)~~ All marijuana at a collective facility must have been cultivated at that collective facility or have as its source a member or members of the collective with which the collective facility is associated.

~~(f)~~ Only marijuana as herein defined is allowed at the collective facility. No food or drink containing marijuana is allowed.

~~(g)~~**(d)** No smoking or any other consumption or ingestion of marijuana is allowed at a collective **medical marijuana** facility.

~~(h)~~ — Only persons who are members of the collective that is associated with a collective facility shall collectively or cooperatively cultivate, store or exchange marijuana among themselves, or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses, at the collective facility.

~~(i)~~ — All transactions between or among members of a collective involving the exchange of marijuana and money, the exchange of marijuana and any other thing of value, the exchange of marijuana, or the provision of marijuana by one collective member to another collective member shall occur at the collective facility operated by the collective to which the members belong, except as follows: To the extent allowed by Health & Safety Code § 11362.71 and Health & Safety Code § 11362.765, a member of a collective may transport medical marijuana from the collective facility of the collective to which the member belongs and deliver the medical marijuana to another member of the same collective and may, upon delivery, accept money on behalf of the collective in exchange for the medical marijuana.

~~(j)~~**(e)** **Medical marijuana** facilities shall be available for inspection by the Sheriff, the Director of Planning and Development Services, the fire authority having jurisdiction or their respective authorized representatives, at all times during operating hours and upon reasonable notice during non-operating hours.

~~(k)~~**(f)** A collective **medical marijuana** facility shall have on its premises, posted in a prominent location, a copy of its Operating Certificate and a document that provides the names, home addresses, home telephone numbers and 24-hour emergency telephone numbers of its operators **issued pursuant to this chapter.**

~~(l)~~**(g)** A licensed, uniformed security guard shall be present at a collective **medical marijuana** facility at all times during hours of operation pursuant to section 21.25056(a).

(h) A medical marijuana facility shall not sell, provide, store, or distribute any product that would require that the licensee possess an alcoholic beverage license. ~~(m)~~ — The provisions of this section do not apply to the following collective facilities:

(1) — A collective facility operated by a qualified patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single qualified patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

(2) — A collective facility operated by a primary care giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single primary care giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

SEC. 21.2507. OPERATIONAL REQUIREMENTS APPLICABLE TO DISPENSARIES.

(a) A medical marijuana dispensary must comply with the requirements set forth in this subsection and Section 6935. Failure to comply with any of these requirements shall be considered grounds for disciplinary action.

(b) Restricted Access Area.

(1) Restricted access areas shall be secured and maintained separately from any lobby or waiting area, and shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state, "Restricted Access Area - Only Qualified Patients, Primary Caregivers, and ID Cardholders Allowed."

(2) The display of medical marijuana for sale is allowed only in Restricted Access Areas and shall not be visible from outside the Licensed Premises.

(3) A Dispensary may not permit a person less than eighteen (18) years of age into its Restricted Access Area unless that person is verified by the Dispensary as a qualified patient or ID card holder and accompanied by the person's primary caregiver, parent or legal guardian.

(c) A dispensary may only offer for sale those edible marijuana products that are in Child-Resistant Packaging.

SEC. 21.2506. FACILITY LIMITS; NAMING.

~~(a) A collective may operate only one collective facility where members of the collective exchange marijuana among themselves or reimburse each other or the collective for cultivation, overhead costs and operating expenses. A collective may operate additional collective facilities where only cultivation occurs, all of which must meet the requirements of this ordinance except as expressly provided by this ordinance.~~

~~(b) A collective must have a unique identifying name, identified on the Operating Certificate Application, for purposes of tracking membership and facilities.~~

SEC. 21.2508. LIMITATION ON THE NUMBER OF DISPENSARIES.

(a) The Sheriff shall issue no more than four Operating Certificates to medical marijuana dispensaries per supervisorial district. This limitation shall only apply to medical marijuana facilities that operate as dispensaries. A dispensary may also operate a separate, stand-alone medical marijuana cultivation facility, to which the cultivation facility is not subject to this

limitation. Said stand-alone facility shall meet all the requirements of this chapter and of section 6935 of the County's Zoning Code.

SEC. 21.25079. ADMINISTRATIVE AND CIVIL PENALTIES.

(a) An Operating Certificate may be revoked for any violation of state law or this chapter, or for failure to comply with conditions listed on the Operating Certificate. Revocation proceedings, hearings and appeals shall be conducted as set forth in Chapter I of the County of San Diego Uniform Licensing Procedure. Administrative civil penalties shall be assessed pursuant to sections 18.201 et seq. of this Code or successor or amended administrative civil penalty provisions as may be adopted.

(b) In a civil action filed by the County to enforce provisions of this ordinance, a court may assess a maximum civil penalty of \$2500 per violation for each day during which any violation of any provision of this ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this ordinance.

(c) Any violation of this chapter may also be deemed a public nuisance and may be enforced by any remedy available to the County for abatement of public nuisances.

SEC. 21.2510. LIMITATIONS ON COUNTY'S LIABILITY.

(a) To the fullest extent permitted by law, the County shall not assume any liability whatsoever, with respect to approval of any applicant pursuant to this chapter or the operation of any medical marijuana facility approved pursuant to this chapter. As a condition of approval an Operational Certificate, as provided in this chapter, the applicant or its legal representative shall:

- (1) Execute an agreement indemnifying the County from any claims, damages, etc., associated with the operation of the medical marijuana facility;**
- (2) Maintain insurance in the amounts and of the types that are acceptable to the County;**
- (3) Name the County as an additionally insured on all County required insurance policies;**
- (4) Agree to defend, at its sole expense, any action against the County, its agents, officers, and employees related to the approval of a regulatory permit; and**
- (5) Agree to reimburse the County for any court costs and attorney fees that the County may be required to pay as a result of any legal challenge related to the County's approval of an Operating Certificate. The County may, at its sole**

discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

SEC. 21.250~~8~~**11**. SEVERABILITY.

(a) If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.



San Diego County Zoning Ordinance

AMENDMENT KEYRegular text- *no change*Strikethrough- *language removed***Underline and bold**- *language added*

SECTION 6935 MEDICAL MARIJUANA COLLECTIVE FACILITIES

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5), the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) **and Medical Cannabis Regulation and Safety Act (California Business & Professions Code Sections 19300 through 19360)** by establishing reasonable and uniform zoning regulations of medical marijuana ~~collective~~ facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow **medical marijuana facilities to provide medical marijuana to qualified patients and primary caregivers** ~~qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes,~~ and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana ~~collective~~ facilities.

b. Definition. The terms “Qualified Patient”, “Primary Care Giver”, **and** “Medical Marijuana Collective Facility” and ~~“Collective Facility”~~ shall have the meanings given in San Diego County Code Section ~~21.25023~~. However, this Zoning Ordinance shall not apply to the following: **(1) “qualified patients” as defined in Section 11362.7(f) of the California Health and Safety Code; and (2) “primary caregivers” as defined in Section 11362.7(d) of the California Health and Safety Code.** ~~a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

c. Use Regulations Where ~~Collective~~ **Medical Marijuana** Facilities Are Allowed. A ~~Collective~~ **medical marijuana** Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

d. Separation Requirements For ~~Collective~~ **Medical Marijuana** Facilities. A ~~Collective~~ **medical marijuana** Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the ~~Collective~~ **medical marijuana** Facility, within any of the following:

1. 1000 feet from a parcel ~~to which a residential Use Regulation applies~~ **in a residential zoned area;**
2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; or
3. 1000 feet from a parcel on which another ~~Collective~~ **medical marijuana** Facility has been established. **Medical marijuana facilities owned and/or leased by the same licensee shall not be subject to this distance requirement.**

The distance between a ~~Collective~~ **medical marijuana** Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the ~~Collective~~ **medical marijuana** Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. *The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.*

e. **Limitation On The Number Of Medical Marijuana Facilities. Notwithstanding the separation requirements for medical marijuana facilities herein above, a maximum of four medical marijuana dispensaries may be located within the boundaries of each Supervisorial District.**

~~(e)~~(f) Openness of Premises. A ~~Collective~~ **medical marijuana** Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

~~(f)~~(g) Operating License Required. Pursuant to San Diego County Code Section 21.2504, a **valid Medical Marijuana Collective Facility Operating Compliance Certificate which has been issued by the San Diego County Sheriff's Department** is required for the operation of a ~~Collective~~ **medical marijuana** Facility.

~~(g)~~(h) Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.
2. Parking. A ~~Collective Facility~~ **medical marijuana dispensary** shall conform to the

requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.

3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

(h)(i) Amortization of Nonconforming Uses. Notwithstanding Section 6852, a **nonconforming Collective medical marijuana Facility** which was lawfully established before August 5, 2009 **[NEW ORDINANCE EFFECTIVE DATE]** shall cease operations no later than August 5, 2013 **[FIVE YEARS FROM DATE OF EFFECTIVE ORDINANCE]**. In order for a Collective **medical marijuana Facility** to be "lawfully" established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff's Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective **medical marijuana Facility** may apply for one six-month extension of this period. The Director may grant that extension if upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective **medical marijuana Facility**; (4) the profits which have been received during the period from **[INSERT NEW DATE RANGE]**, and (5) the potential for other conforming uses to locate on the site. Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

JWA J. Whalen Associates, Inc.

Balancing the needs of the environment with those of business.

September 9, 2016

Mr. Joseph Farace
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Re: Zoning Ordinance Amendment Related to Medical Marijuana
Collective Facilities

Dear Mr. Farace:

We appreciate you giving the public the opportunity to comment on the County's proposed ordinance changes related to medical marijuana collective facilities. We have comments on several elements that have been proposed.

First, the buffers should be measured by foot or driving path of travel, not a straight line. A straight line measurement isn't realistic and makes the buffers unnecessarily larger, which can impede a patient's ability to access a collective facility, especially if that patient does not own a vehicle or live near public transportation. Another advantage of the path of travel measurement is that it takes into account large obstructions like freeways and natural features. It ensures that residences or sensitive land uses that are within 1,000' as the crow flies, but are a much greater distance when measured by path of travel (often across a freeway), do not prevent a collective facility from being approved. The City of San Diego recently approved amendments to its zoning ordinance in which path of travel is used. *See* San Diego Municipal Code section 113.0225, which is enclosed for your convenience.

Second, Options 3 and 4, which aim to increase the buffer from sensitive land uses to ½ mile (Option 3) and 1 mile (Option 4), should not be adopted. No explanation has been given for why such large buffers are needed, and they serve as a *de facto* ban on collective facilities within the County.

Third, Option 5, which seeks to increase the buffer from incorporated cities to 1,000' feet should not be adopted as neither a collective facility nor the County can control the actions of incorporated cities. This Option simply creates too much uncertainty, both for the County and for applicants.

Fourth, a collective facility should not have to obtain a Major Use Permit. Under the current regulatory structure, a collective facility must already obtain what is essentially a discretionary permit from the San Diego County Sheriff's Department. This process ensures that only law-abiding citizens apply for a permit and facilitates the goals of Section 6935 of the County's Zoning Ordinance, which is to deter the spread of crime and ensure public safety, among others. Obtaining a Major Use Permit would be inordinately expensive for the type of use, and would add duplicative, unneeded processing since the applicant will already have been vetted by law enforcement officials, whom we entrust to ensure public safety. In most other ways, medical marijuana cultivation and sale facilities mirror uses which are able to obtain ministerial permits to operate. Maintaining a regulatory approach similar to that for alcoholic beverages makes sense.

Finally, limiting the amount of collective facilities to four per Supervisorial District could severely inhibit patient access, particularly in Supervisorial Districts 2 and 5, which cover much of the unincorporated areas of the County. The City of San Diego limited the amount of collective facilities to four per City Council District, but the City is much, much smaller geographically, and much more densely-populated than Districts 2 and 5. The City's land area is 342.4 square miles. District 5 is 1,800 square miles and District 2 spans over 2,000 square miles. The distances traveled by patients are inherently much shorter in the City compared with distances that patients would have to travel in the County. Thus, limiting the number of dispensaries as the City does would translate into under-served or completely unserved communities.

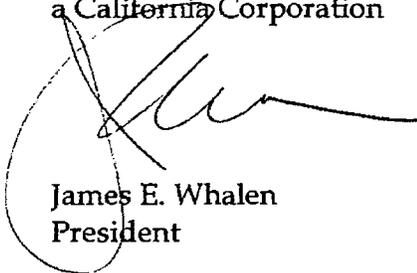
As an example, if the amount of collective facilities per Supervisorial District were limited to four, it is possible that all four of those facilities could be located within a relatively-small geographical area. If all four collective facilities in District 2 were located in Ramona, then a patient in Jacumba Hot Springs would have to travel at least 70 miles to obtain his or her medical marijuana. In the City of San Diego, the limitation on the

number of facilities, coupled with a first-come, first-served policy, has led to unnecessary and untoward jockeying and conflict among applicants, with no way for the City to approve better projects if they are unluckily later "in line". Sometimes being later in line is caused by the actions of competing applicants. If the County intends to limit the number of facilities, this unreasonable impediment to access can be avoided if the number of collective facilities allowed per Supervisorial District is determined by the size of the Supervisorial District. In other words, given relatively similar populations, smaller Supervisorial Districts would thus need fewer collective facilities than Districts 2 and 5.

While we feel strongly that the size of the County makes limiting the number of collective facilities unworkable, there may be a compromise: limiting the number of storefront dispensaries to eight per Supervisorial District, without limiting the number of cultivation facilities. Cultivation facilities have no customers coming and going and are discreetly located in unmarked buildings, so they do not warrant the same level of concern about crime and public safety.

Thank you for the opportunity to comment. We wish to close by emphasizing that that the best way to get rid of illegal collective facilities is to facilitate our citizens' ability to open legal ones.

Respectfully submitted,
J. Whalen Associates, Inc.
a California Corporation



James E. Whalen
President

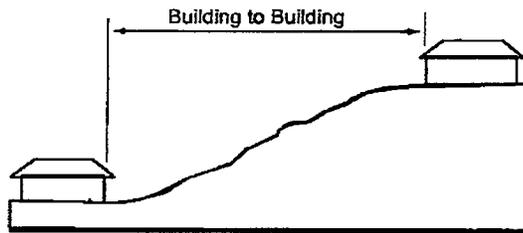
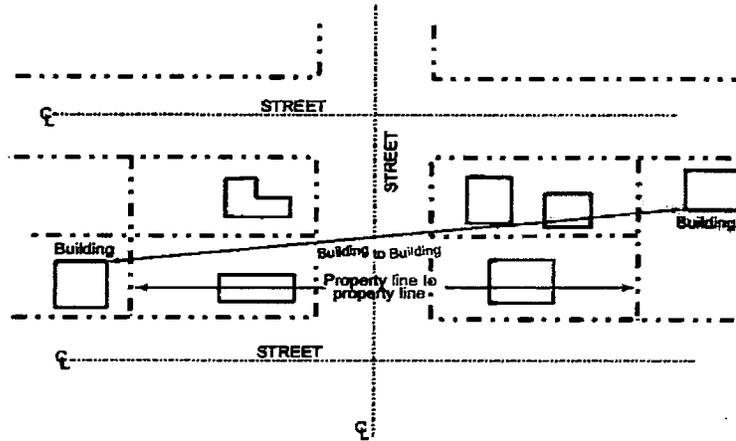
Enclosure: San Diego Municipal Code section 113.0225

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. (See Diagram 113-02E).

Diagram 113-02E

Distance Between Uses



- (a) The distance shall be measured between *property lines*, buildings, or use locations, as required by the regulations for the particular use.
- (b) Except as provided in Section 113.0225(c), the distance between uses shall be measured horizontally in a straight line between the two closest points of the *property lines*, buildings, or use locations. The distance shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.

- (c) When measuring distance for separation requirements for *medical marijuana consumer cooperatives*, the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as *freeways* or *flood control channels* that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]



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September 9, 2016

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DELIVERED VIA ELECTRONIC MAIL

RE: **Public Comments in Response to NOTICE OF PUBLIC REVIEW of County of San Diego Zoning Ordinance Amendment related to Medical Marijuana Collective Facilities.**

Dear Mr. Farace:

Green Wise Consulting, LLC (“Green Wise”), represents Patients of San Diego County for Medical Cannabis (our “Client”), a group of San Diego County residents interested in establishing agricultural businesses in the County for the cultivation of medical cannabis—California’s newest official “agricultural product”¹ thanks to the State’s enactment of the Medical Cannabis Regulation & Safety Act or “MCRSA”. We are writing this memo in direct response to your NOTICE OF PUBLIC REVIEW of County of San Diego Zoning Ordinance Amendment related to Medical Marijuana Collective Facilities dated August 5, 2016.

A. Background on Green Wise and Our Client’s Ongoing Interaction with San Diego County Regarding Medical Cannabis Business Regulations

¹ Cal. Health & Safety Code § 11362.777.

Green Wise and our Client have been intimately involved in San Diego County's consideration of options to amend its Regulatory Code and Zoning Ordinance related to Medical Marijuana Collective Facilities. During the County's initial discussion on the subject, Green Wise submitted two sets of public comments. In the first set of comments submitted on March 15, 2016, Green Wise provided a comprehensive overview of MCRSA and recommended that the County completely overhaul its Regulatory Code and Zoning Ordinance to fully implement MCRSA. In the second round of comments submitted on April 25, 2016, Green Wise and our Client provided revised draft ordinances for the Regulatory Code and Zoning Ordinance to implement MCRSA on a limited basis to better reflect the County's economic and political realities. A common theme throughout Green Wise our public comments is that the County needs to revise its County Code implement and integrate with MCRSA.

B. The Options Developed by Planning & Development Services Do not Implement and Integrate with MCRSA

The County's current Regulatory Code and Zoning Ordinance related to Medical Marijuana Collective Facilities was enacted under the State's previous regime for regulating medical cannabis businesses—the Medical Marijuana Program Act—rather than MCRSA. As such, the current Regulatory Code and Zoning Ordinance allow closed-circuit cultivation and dispensing of medical cannabis—*i.e.*, the complete vertical integration of the medical cannabis supply chain where a dispensary directly cultivates and distributes its own medical cannabis. To illustrate, the Regulatory Code's current definition of Medical Marijuana Collective Facility means:

[A]ny location at which members of a medical marijuana collective collectively or cooperatively **cultivate, store or exchange** marijuana among themselves or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses.

See San Diego County Code § 21.2502(d) (emphasis added).

It is important to note that closed-circuit cultivation and dispensing of medical cannabis is being phased out under the MCRSA. Business and Professions Code section 19326 outlines MCRSA's medical cannabis supply chain. Under the MCRSA, all medical cannabis and medical cannabis products produced by a State licensed Cultivator or Manufacture must be routed through independent State licensed Distributors and Testing Labs prior to being sent to Dispensaries for ultimate retail sale to qualified patients and primary caregivers.

Notwithstanding the above, all of the options developed by Planning & Development Services continue to treat the cultivation and dispensing elements of Medical Marijuana Collective Facilities as one in the same.

C. All of the Options Provided by Planning & Development Services are Unsuitable Because they Impose Requirements that are Only Appropriate for Dispensaries on All Medical Marijuana Collective Facilities

Besides providing better accountability of medical cannabis and medical cannabis products, MCRSA's segmentation of the medical cannabis supply chain provides the State and local jurisdictions the opportunity to regulate each component of the supply chain differently. With that opportunity in mind, the continued insistence on viewing the medical cannabis industry through the lens of closed-circuit cultivation and dispensing is where all of the options proposed in the Notice of Public Review fall exceedingly short.

All of the options proposed by Planning & Development Services to amend the Zoning Ordinance section pertaining to Medical Marijuana Collective Facilities impose greater restrictions on Collective Facilities in one form or the other and all maintain a sensitive land use buffer from other Collective Facilities. Although Green Wise would disagree with the approach from a personal and medical perspective, these types of land use policies are more common (if not appropriate) for medical cannabis dispensaries with their openness to the public and reputation for attracting crime and other elements adverse to public safety. By contrast, medical cannabis cultivation sites are closed to the public and do not have a reputation for attracting crime and other elements adverse to public safety. As a result, typically when local jurisdictions develop ordinances to implement MCRSA, they provide additional restrictions and limitations on dispensaries as opposed to production side activities such as cultivation, manufacturing, wholesale distribution, and testing.

D. Recommendations

Green Wise and our Client's position has been and continues to be that San Diego County should completely overhaul its Regulatory Code and Zoning Ordinance to fully implement MCRSA. Notwithstanding that ultimate position, we recognize that Planning & Development Services' regulatory scope only includes the Zoning Ordinance and that it is impossible to fully implement MCRSA without also revising the Regulatory Code. With that restriction in mind, it is still possible to improve the options proposed in the Notice of Public Review and partially implement MCRSA solely within the confines of the Zoning Ordinance. To do so, we recommend:

- Adding a definition to differentiate between those Medical Marijuana Collective Facilities acting as dispensaries and those that are not.
- Impose the more stringent zoning requirements on Medical Marijuana Collective Facilities acting as dispensaries. Of all the options presented, the Major Use Permit is most reasonable because it provides the County ultimate flexibility, while presenting a significant barrier to additional dispensaries over and above sensitive use buffers. For your reference, the County and City of San Francisco uses the exact same regulatory mechanism.

- Allow Medical Marijuana Collective Facilities not acting as dispensaries—*i.e.*, those acting solely as cultivators—to be sited in the County’s agriculturally zoned lands to create a new and robust agricultural industry in the County. This can be accomplished by allowing Medical Marijuana Collective Facilities engaged only cultivation on agriculturally zoned property and removing the sensitive use buffer from other Medical Marijuana Collective Facilities engaged only cultivation. Just to reiterate, medical cannabis is now defined as an “agricultural product”² and sells at wholesale prices ranging from \$1,600 to \$1,800 per pound.³ Thus, there is tremendous potential for the County to put its plethora of agriculturally zoned land to a more productive and lucrative agricultural use. With that in mind, as the County knows from its experience regulating other agricultural products and as Green Wise knows from its experience developing medical cannabis cultivation permit programs in other local jurisdictions, there is a need and tendency for like-minded agricultural operations to be sited on agricultural lands thereby fostering efficiency and security.

Enclosed with this letter is a modified version of Planning & Development Services’ Option 6 with redlining to implement the above recommendations.

We respectfully request that you review this letter and the accompanying recommendations with great consideration. Ultimately, the State’s MCRSA provides a tremendous opportunity for local jurisdictions to finally control and benefit from the medical cannabis industry. With well conceived regulations that implement MCRSA, medical cannabis businesses within the County of San Diego can be safe, profitable, and highly beneficial to the community.

Thank you for your time and thoughtful consideration.

Respectfully Submitted,

Pamela N. Epstein, Esq., LL.M

cc: County Counsel, Justin Crumley (justin.crumley@sdcounty.ca.gov)
Director of Planning & Development Services, Mark Wardlaw
(wardlaw@sdcounty.ca.gov)

Enclosures: Green Wise Consulting, LLC, *Option 6 Modified: Major Use Permit required for establishment of Medical Marijuana Facilities engaged in Dispensing* (Sept. 4, 2016)

² Cal. Health & Safety Code § 11362.777.

³ See <http://www.cannabisbenchmarks.com/weekly-report.html>.

Option 6 Modified: Major Use Permit required for establishment of Medical Marijuana Facilities engaged in Dispensing

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO UPDATE AND CLARIFY SECTION 6935 RELATED TO MEDICAL MARIJUANA COLLECTIVE FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. On June 30, 2010, the Board of Supervisors added Section 6935 to the San Diego County Zoning Ordinance and amended said Zoning Ordinance on January 25, 2011. The Board of Supervisors finds and determines that the following amendments to Section 6935 will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to clarify existing sections of the Zoning Ordinance related to the applicability and location of the medical marijuana collective facility requirements.

Section 2. Section 6935 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

a. **Purpose and Intent.** It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. **Definition.** The terms “Qualified Patient”, “Primary Care Giver”, “Medical Marijuana Collective Facility” and “Collective Facility” shall have the meanings given in San Diego County Code Section 21.2502. The term “Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products to Qualified Patients or Primary Care Givers from a Collective Facility.

c. **Applicability.** ~~However, t~~ This Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

Option 6 Modified: Major Use Permit required for establishment of Medical Marijuana Facilities engaged in Dispensing

d. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility not engaged in Dispensing may only be located upon property to which the M50, M52, M54, M56, M58, A70 or A72 Use Regulations apply, and within those areas, the separation restrictions of paragraph e below shall apply. A Collective Facility engaged in Dispensing may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d ~~f~~ below shall apply.

e. Separation Requirements For Collective Facilities Not Engaged in Dispensing. A Collective Facility not engaged in Dispensing shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; ~~or,~~
3. ~~1000 feet from a parcel on which another Collective Facility has been established.~~

f. Separation Requirements For Collective Facilities Engaged in Dispensing. A Collective Facility not engaged in Dispensing shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;
2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; or
3. 1000 feet from a parcel on which another Collective Facility has been established.

g. The distance between a Collective Facility and the parcels containing the uses listed in paragraphs d ~~e~~ and f above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

h. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

i. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

Option 6 Modified: Major Use Permit required for establishment of Medical Marijuana Facilities engaged in Dispensing

j. Major Use Permit Required. Pursuant to Zoning Ordinance section 7350 et al., seq., a Major Use Permit is required for the operation of a Collective Facility engaged in Dispensing.

k. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.

2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.

3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

l. Amortization of Nonconforming Uses. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before [INSERT NEW ORDINANCE EFFECTIVE DATE] shall cease operations no later than [INSERT DATE FIVE YEARS FROM THE NEW ORDINANCE EFFECTIVE DATE]. In order for a Collective Facility to be "lawfully" established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff's Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from [INSERT NEW DATE RANGE], and (5) the potential for other conforming uses to locate on the site. A lawfully established Collective Facility engaged in Dispensing will not be considered a nonconforming use for lack of possessing a Major Use Permit pursuant to this ~~ordinance~~ Section if the Collective Facility owner/operator applies for and receives a Major Use Permit prior to [INSERT DATE FIVE YEARS FROM THE NEW ORDINANCE EFFECTIVE DATE].

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Green Capital Ventures, Inc.

Improving the world through cannabis

September 9, 2016

San Diego County Planning & Development Services
ATTN: Joseph Farace

San Diego County Planning & Development Services
ATTN: Joseph Farace

Thank you County Staff for opening up the issue of medical marijuana for public comment. We are Green Capital Ventures, a consulting and holding company located in Downtown San Diego. Your decision on medical cannabis in unincorporated San Diego County directly impacts the nature of our business. Specifically, we have a client who made large-sum investments in reliance of the Ordinance Regulating Medical Marijuana Collective Facilities (the Ordinance). We contracted out to negotiate terms for a purchase agreement at 2338 Montecito Way, the Folts Family Estate. It is currently a eucalyptus farm. We spent time speaking to the Ramona Planning Group and the Ramona Design Board as we feel that generating community input throughout the process is of vital importance. We wanted to show the community we were there to work with them and address their needs through community development projects. We were there to be a medical cannabis liaison and address and questions and issues from the community. We personally met with the Ramona Planning Group Chair and Secretary – Jim Piva and Kristi Mansolf, respectively. We have invested time, money and energy to understand the concerns of the community, prior to applying for a license. We wanted to be in touch with the constituents and made aware of their issues with our type of business. We know medical marijuana is not popular among everyone. We also know that a lack of education tends to lead to lack of compassion for medical cannabis patients and ancillary businesses that serve these patients. In this paper we will discuss the nature of the moratorium extension, concerns of our client, concerns of the community and our thoughts regarding the seven ordinances proposed by County Staff.

On April 27, 2016, the San Diego County Board of Supervisors held a meeting (the Meeting) to discuss and vote on the status of the Ordinance. The board decided to extend the moratorium to better address the concerns of their constituents. Proposition 215 and Assembly Bill 420 were voted on and passed to address the needs of medical cannabis patients and to provide safe access. The Ordinance that is currently under moratorium was put in place to create infrastructure for such patient demands. Taking a law away that creates a legal avenue for legitimate patients and businesses does not eradicate the marijuana black-market. Medical cannabis laws were created to keep patients safe – having a moratorium or an ordinance that hinders the ability to legally cultivate, process, possess or distribute medical cannabis works in opposition of the current laws and future policies of our State.

Our client went into escrow relying on the Ordinance. Vested rights are only given to those who have obtained a building permit. A site plan is required with each application. The cost of obtaining the plan and other necessary documents totaled to over \$20,000. Additionally, the land

secured was not only in reliance of an ordinance but based on land pre-approved by the County. As mentioned above, our firm spent time meeting with community leaders to understand their concerns about medical cannabis. The County should take into consideration such applicants who devoted time to understand the issue at hand and address community concerns.

Growing and manufacturing medical cannabis through a government-regulated ordinance will largely benefit public safety because the Sheriff's Department can rely on legal businesses to put an end to illegal operations. In doing so, it will address the most consistent concerns of the community including

During the Board of Supervisors Meeting of April 27, 2016, Supervisor Dave Roberts noted that moratoriums are only passed for serious threat to welfare and posed the question, what is the immediate threat to our welfare? To date, there have been no incidents of crime at any of the legally operating dispensaries in the County of San Diego. In fact, medical cannabis positively impacts the community's welfare. The rising patient base of medical cannabis are ages 66 and older – many of these are fixed-income patients that have found relief through cannabis. As constituents of San Diego, we feel our welfare is not compromised because the medical marijuana ordinance reduces risk for the public and for patients. The public will now know which shops are operating as legitimate storefronts for people to access medicine, and, if the County improvises taxes, the revenue from the facilities can generate money to shut-down the illegal shops. Throughout the State of California and other states that have passed medical and recreational cannabis we've seen reduction in domestic violence, violent crimes and DUIs. In addition to that, addiction rates and opiate deaths have fallen among other community impacts. Cultivation and manufacturing facilities are important to ensure the consistency and quality of the medicine for San Diego patients. Patients can ensure no harmful pesticides are put into their medicine. We suggest to limit the number of – “dispensaries” – in each County District to relieve the concerns of the public and still make medicine accessible to patients. Keeping medical cannabis in control of the local government is what the Medical Marijuana Regulation and Safety Act (MMRSA) aims to do, and we should honor it by creating rules and regulations to mirror MMRSA.

In addition to dispensary licenses, MMRSA carves out 10 different type of cultivation licenses [SB 643 Sec. 13 Article 6. Licensed Cultivation Sites 19332 (g), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB643]. It also allows counties to impose a tax. [SB643 Sec. 16 Article 11. Taxation 19348, Id] A cannabis cultivation site does not pose the same threats as a storefront because large amounts of cash are not held on premises, there is no retail foot-traffic or increase in travel to the facility (except minimal product shipments out of the site). There is no need for advertisements either on site or in print. The materials in cultivation sites have no real value until after curing.

The San Diego County Medical Marijuana Ordinance calls for background checks of any applicant through the sheriff's department as well as added security. Concerns of citizens who supported the moratorium on April 27, 2016 included: youth drug prevention, dangerous roads and illegal dispensaries. Not one word was mentioned about cultivation or manufacturing. If the ordinance is re-written with the input of cannabis industry professionals, tax-revenue raised from legally operating medical cannabis facilities can help alleviate the aforementioned issues. Also, including a designated community liaison from each facility, as seen in jurisdictions like

Greenfield, Calif., will help mitigate all other concerns of citizens and how to properly implement a feasible system to correct those issues.

Safe havens for medical cannabis patients are necessary. By continuing a moratorium on cannabis, we are potentially harming our County's medical cannabis patients. Currently, there are no legally operating cultivation sites in San Diego County. That leaves dispensaries and deliveries to get their products either from a legal cultivation that is far away or an illegal grow operation. Illegally grown marijuana can contain harmful chemicals because of lack of regulation including harmful pesticides. Therefore, the moratorium has long-term effects that negatively impacts not only business owners but medical marijuana patients.

The unincorporated area of San Diego is proud of its agriculture. Similar agriculture-drive counties, like Sonoma, welcomed cannabis cultivation and has devoted time to get input from industry leaders in order to create the right law for its county. [<http://sonomacounty.ca.gov/cannabis/>]. We strongly urge San Diego County to have a similar approach to medical cannabis.

We are in favor of Ordinance Proposal 7 – limit the number of collective facilities – with minor amendments.

At the Meeting, the Supervisors addressed the concerns of an outright ban and a change of land use code. There are a total of 12 legally operating dispensaries for 3.4 million people, only two of those are in the unincorporated part of the county. The idea of “saturation” is not true; however, the concept of medical cannabis is novel to the County, so the argument has a certain amount of weight. As the ordinance is written, people are allowed open a medical cannabis cultivation facility. Not one person mentioned any issues with cultivation, manufacturing or any other medical cannabis facility besides a dispensary storefront. The most sensible solution is to limit the amount of dispensaries in the County. Proposal 7 limits Collective Facilities to four per district and includes the following added language:

“This section, by limiting the number of medical marijuana collective facilities within each Supervisorial district will continue to protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County, while also continuing to allow a reasonable number of medical marijuana collective facilities for use by qualified patients and primary caregivers for medical purposes.”

“Notwithstanding the above provisions a maximum of four Collective Facilities may be located within the boundaries of a Supervisorial District.”

Because of the public concern with dispensaries is enough to pose as evidence of threat to public welfare, we respectfully request the following changes to Proposal 7:

“This section, by limiting the number of medical marijuana ~~collective facilities~~ dispensaries within each Supervisorial district will continue to protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County, while also continuing to allow a reasonable number of medical marijuana collective facilities for use by qualified patients and primary caregivers for medical purposes.”

“Notwithstanding the above provisions a maximum of four Collective Facilities dispensaries may be located within the boundaries of a Supervisorial District.”

The simple change in language will not only address a majority of the issues put forth by the community but will also allow for cultivation and other medical cannabis facilities to help patients access reliable and regulated medicine. In addition to providing safe medicine for our County’s patients, cultivation facilities will create larger, more consistent tax revenues through a “per-square-foot” tax or similar system. We think it’s important to add clearly written text to collect tax revenue from both dispensaries and cultivation facilities. These revenues can be used to shut-down illegally operating dispensaries, provide capital for infrastructure projects within the county, provide education and provide drug abuse treatment as a few examples. In our conversations with the Ramona Community Planning Group and the Ramona Design Board, we’ve noted concerns of theirs that include preserving nature trails and the safety of their roadways. This provides a perfect example of how a medical cannabis businesses, through both tax contribution and outreach, can directly provide a positive impact on the communities they serve. The change in language also allows for legitimate businesses to continue with their application process or resubmit an application as a different type of cannabis facility, not a dispensary.

In conclusion, by limiting the number of “dispensaries,” the County will address virtually every concern expressed by the community regarding the safety and impact of medical marijuana businesses.

Sincerely,

Green Capital Ventures

Austin Legal Group

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September 9, 2016

Joseph Farace
Group Program Manager, Advance Planning Division
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Public Comments In Response To Notice Of Public Review Of San Diego County Zoning Ordinance Amendment Related To Medical Marijuana Collective Facilities

Dear Mr. Farace:

This firm represents San Diego County residents interested in establishing agricultural businesses to cultivate medical cannabis pursuant to California's enactment of the Medical Cannabis Regulation & Safety Act or "MCRSA." This letter responds to the Notice of Public Review of County of San Diego Zoning Ordinance Amendment related to Medical Marijuana Collective Facilities dated August 5, 2016 ("Ordinance").

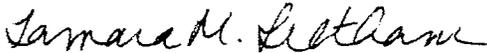
The Ordinance, as drafted, fails to account for MCRSA. The County's current regulatory scheme related to Medical Marijuana Collective's was enacted under California's prior legislation regulating medical cannabis businesses- the Medical Marijuana Program Act. This distinction is significant as MCRSA changes the regulatory scheme for cultivating and dispensing medical cannabis. The County's current piecemeal response to medical cannabis businesses in light of MCRSA and its impact on the Medical Marijuana Program Act is unproductive; it makes far more sense to overhaul the Ordinance in light of MCRSA and maintain the status quo while this is being done. In addition to maintaining the status quo, the County can stay within the confines of the Ordinance while partially implementing MCRSA by allowing cultivation in agricultural zones.

Joseph Farace
September 9, 2016
Page 2

MCRSA offers the County an opportunity to both control medical cannabis and to benefit from medical cannabis through a comprehensive and well conceived regulatory scheme. Thank you for reviewing this correspondence.

Sincerely,

AUSTIN LEGAL GROUP, APC

A handwritten signature in cursive script that reads "Tamara M. Leetham".

Tamara M. Leetham, Esq.

RRR Investment LLC

A real estate investment company

September 9, 2016

Joseph Farace
Planning & Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

RE: Proposed additional changes to the draft Zoning Ordinance amendment related to the Medical Marijuana Collective Facilities

Dear Mr. Farace,

RRR Investments LLC and other Property Owners are part of the Medical Marijuana Business Owners that is represented by the Selan Law Firm. The property owners requested to have a couple of items added to the proposed amendment that was submitted to you on Friday September 9, 2016. RRR Investments LLC and RAC LLC, as property owners in the County, support the amendments submitted but would request the following changes be made for Non Dispensary usage.

We would like the County of San Diego to consider the follow changes to the proposed amendments to the ordinance. The properties that met the zoning requirement previously determined by the County should have different distance requirements than a business that is a public MMCF dispensary. We feel our land use right is being impaired due to the same restriction being placed on public dispensaries when our property will not be used to dispense medical marijuana.

The following are the proposed changes we are requesting.

- 1. There is a distance requirement of 1,000 feet from a residential zoned area for dispensaries only**
- 2. A medical marijuana dispensary cannot be located within 1000 feet from a parcel containing a medical marijuana dispensary. A medical marijuana facility that does not dispense medical marijuana or medical marijuana products shall not be subject to this distance requirement."**
- 3. Of the total Cannabis being sold from a license dispensary a minimum of 75% shall be grown within San Diego County, a maximum Of 25% shall be grown outside San Diego County. "Similar to the Zoning Ordinance for the Winery in the County".**

We welcome the opportunity to discuss this with you at your earliest convenience.

Sincerely
Chip Rumis
RRR Investments LLC

**Attachment H – Minute Orders
March 1, 2016 and April 27, 2016**

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, MARCH 16, 2016**

MINUTE ORDER NO. 3

SUBJECT: OPTIONS TO AMEND COUNTY REGULATORY CODE AND ZONING ORDINANCE AND URGENCY ORDINANCE ENACTING A MORATORIUM RELATED TO MEDICAL MARIJUANA COLLECTIVE FACILITIES (DISTRICTS: ALL)

OVERVIEW:

On February 3, 2016, during the public communication segment of the Board of Supervisors meeting, nine speakers addressed the Board of Supervisors regarding their concerns with marijuana dispensaries. The Board of Supervisors referred the matter to the Chief Administrative Officer, with a request to return with potential options now available for regulating medical marijuana collective facilities in light of a recent California Supreme Court decision allowing local municipalities to ban marijuana facilities, newly adopted State laws pertaining to medical marijuana and ballot initiatives slated for the upcoming November election.

Today's action provides the Board options for regulating medical marijuana and the ability to provide additional direction to staff to further address this matter.

An interim urgency ordinance enacting a moratorium is available to the Board should the Board choose to further explore options for medical marijuana collective facilities ("collective facilities"). The interim urgency ordinance would allow County staff the time needed to prepare and return with the appropriate actions based on the Board's direction. The interim urgency ordinance would prohibit to the extent allowed by law the ability for new medical marijuana collective facilities to be established.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378 of the State CEQA Guidelines.
2. Receive staff's report and provide further direction.

- 3. If the Board chooses; adopt the attached Form of Ordinance (Attachment A):
 AN ORDINANCE ENACTING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY. (4 VOTES)

ACTION:

Noting that an errata had been distributed, ON MOTION of Supervisor Jacob, seconded by Supervisor Horn, the Board took action as recommended and directed the Chief Administrative Officer to return to the Board with Options 1, 2 (including 2a, 2b, and 2c), 3 and 5, with an additional option to require a Major Use Permit for marijuana dispensaries; and adopted Ordinance No. 10419 (N.S.) entitled: AN ORDINANCE ENACTING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY.

AYES: Cox, Jacob, D. Roberts, Horn

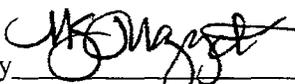
ABSENT: R. Roberts

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the original entered in the Minutes of the Board of Supervisors.

DAVID HALL
Clerk of the Board of Supervisors



By 
Marvice E. Mazyck, Chief Deputy

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, APRIL 27, 2016

MINUTE ORDER NO. 2

**SUBJECT: NOTICED PUBLIC HEARING:
AN ORDINANCE EXTENDING A MORATORIUM ON THE
ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE
FACILITIES (DISTRICTS: ALL)**

OVERVIEW:

On March 16, 2016 (3), the Board of Supervisors (Board) adopted an interim urgency ordinance enacting a moratorium on the establishment of medical marijuana collective facilities. The Board also directed staff to return at a future date with various ordinance options to address the siting and enforcement of these facilities. The interim urgency ordinance was adopted to allow County staff the time needed to research, analyze and develop possible actions based on the Board's direction. The interim urgency ordinance prohibits the establishment of new medical marijuana collective facilities to the extent allowed by law.

Pursuant to Section 65858 of the California Government Code, such an interim urgency ordinance is initially effective for a period of 45 days. Section 65858 permits an extension of the 45 day period, following public notice and public hearing, for an additional 10 months and 15 days. This action will extend the moratorium for 10 months and 15 days.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years. Based on the March 16, 2016 (3) Board direction, staff does not anticipate the need for additional funding to complete this action at this time. However, due to the evolving and uncertain nature of marijuana use, both medical and recreational, as a result of state legislation and a potential November 2016 ballot measure, the complexity of the proposed ordinance and enforcement options may increase. This may require staff to request additional funding at a future date.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378 of the State CEQA Guidelines because it is not a project as defined under the CEQA Guidelines.

2. Adopt the attached Form of Ordinance:

AN ORDINANCE EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY. (4 VOTES)

3. Provide any additional direction regarding this matter.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Horn, the Board closed the Hearing and took action as recommended, adopting Ordinance No. 10426 (N.S.) entitled: AN ORDINANCE EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the original entered in the Minutes of the Board of Supervisors.

DAVID HALL
Clerk of the Board of Supervisors



By 
Marvice E. Mazyck, Chief Deputy