County of San Diego

Medical Marijuana Collective Facilities Ordinance
Frequently Asked Questions

What is a Medical Marijuana Collective Facility?

A Medical Marijuana Collective Facility means any location at which members of a medical marijuana collective, collectively or cooperatively cultivate or exchange marijuana among themselves or reimburse each other or the medical marijuana collective for cultivation, overhead costs and operating expenses. Pursuant to the State Attorney General Guidelines these facilities are not for profit and must operate within a "closed circuit" membership.

What does the County's Medical Marijuana Collective Facility Ordinance do?

The adopted ordinance goes into effect on July 30, 2010. The Medical Marijuana Collective Ordinance actually consists of two separate ordinances; Zoning Ordinance requirements and County Regulatory Code requirements. Provisions within the Zoning Ordinance regulate where facilities can be located in the unincorporated County. The Regulatory Code regulates how medical marijuana facilities in the unincorporated County must operate. These regulations do not apply to medical marijuana facilities located in any city. The ordinances can be viewed on the DPLU Advance Planning webpage at: http://www.sdcounty.ca.gov/dplu/ordamend.html

Questions regarding the Regulatory Code operational requirements should be directed to the Sheriff's Licensing Division at (858) 974-2020 Monday thru Friday 9:00 am – 3:00 pm.

Who can open a Medical Marijuana Collective Facility Ordinance?

As stated above, a medical marijuana collective is a facility operated collectively by members of the collective. Consequently, operators of the collective must be qualified patients or primary caregivers as defined in California State law.

Where can I establish a Medical Marijuana Collective Facility?

Pursuant to Zoning Ordinance a medical marijuana collective facilities in the unincorporated County can only be located on:

- Industrial zoned properties;
- 1000 feet from schools, public recreation centers, youth centers, churches, playgrounds and parks;
- 1000 feet from residential zoned properties; and
- 1000 feet from other medical marijuana collective facilities.

The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

Maps and address lists of potential sites are on file with the DPLU Zoning Counter and can also be viewed on the DPLU Advance Planning webpage at: http://www.sdcounty.ca.gov/dplu/ordamend.html

How do I establish a Medical Marijuana Collective Facility?

In order to establish a medical marijuana collective facility the following steps must be taken:

County of San Diego

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Frequently Asked Questions

1. Obtain zoning clearance that the proposed site meets the separation requirements noted above. The DPLU Zoning Counter will provide documentation that the proposed site is in compliance with the Zoning Ordinance requirements.
2. Contact the Sheriff's Licensing Division for an appointment to discuss the application process at (858) 974-2020 Monday thru Friday 9:00 am – 3:00 pm.
3. Contact the County Building Division for information on filing for a building permit. Building permits will be necessary for interior improvements or when a new building is being constructed. Once the Building Division has either issued a building permit or signed off the application that no improvements are necessary, return to the Sheriff's Licensing Division to submit the operations application.
4. No Operations Certificate will be issued by the Sheriff until the Building Inspector has issued and provided a copy of the Occupancy Permit.

Are there permits or fees associated with establishing this use?

The required zoning clearance can be obtained from the DPLU Zoning Counter at no cost. A use permit is not required to establish medical marijuana collective within an existing legal structure in the unincorporated County. New construction of facilities will be subject to all underlying zoning requirements for the site in question and may require a permit or similar approval consistent with the zoning. Typical fees for processing such permits/approvals can be obtained from the DPLU Zoning Counter. For questions on zoning, please contact the DPLU Zoning Counter at (858) 565-5981.

An applicant will need to acquire an Operations Certificate from the Sheriff's Department. For information on the cost of the Operating Certificate please contact the Sheriff's Licensing Division at (858) 974-2020 Monday thru Friday 9:00 am – 3:00 pm.

Additionally, a building permit and associated fees will be required if an applicant proposes to construct a collective facility or improve an existing structure to comply with Regulatory Code provisions. For information on acquiring a building permit please contact the DPLU Building Division at (858) 565-5920.

What requirements must I meet in order to establish a Medical Marijuana Collective?

In addition to meeting the separation requirements noted above, the Ordinance requires that the use meet parking requirements similar to an office use per Section 6762 of the Zoning Ordinance (typically one space for ever 200 s.f. of gross floor area). In addition the Ordinance provides other components which must be considered as part of site selection and design. The Regulatory Code also contains a number of infrastructure requirements such a security measures which must be complied with. Failure to comply with parking requirements or other aspects of the ordinances will jeopardize DPLU's ability to issue a building permit. It is recommended that both ordinances be carefully reviewed to assure compliance with all requirements. The ordinances can be viewed on the DPLU Advance Planning webpage at: http://www.sdcounty.ca.gov/dplu/ordamend.html

County of San Diego

Medical Marijuana Collective Facilities Ordinance
Frequently Asked Questions

Does the Ordinance apply to me if I'm a qualified patient or primary caregiver who wants to cultivate and self medicate from my home?

The Ordinance exempts qualified patients and/or primary caregivers who possess limited quantities of marijuana as defined in the ordinance, only cultivate marijuana for themselves or their patients, do not exchange marijuana and no selling of marijuana occurs on site.

Does this Ordinance exempt me from Federal prosecution?

The Ordinance does not protect individuals from criminal prosecution pursuant to Federal law and/or State prosecution if the collective is not run in accordance with State law. The Ordinance establishes regulations for the siting and operation of medical marijuana collective facilities consistent with State law.