

**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

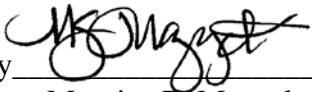
ABSENT: R. Roberts

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