

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, MARCH 22, 2017**

MINUTE ORDER NO. 6

SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: SAN DIEGO COUNTY CODE AND ZONING ORDINANCE AMENDMENTS BANNING MEDICAL AND NON-MEDICAL MARIJUANA FACILITIES AND EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES (DISTRICTS: ALL)

OVERVIEW:

On March 15, 2017 (2), the Board of Supervisors introduced the Ordinance for further consideration and adoption on March 22, 2017.

This is a request for the Board of Supervisors (Board) to consider proposed amendments to the San Diego County Code of Regulatory Ordinances (County Code) and the Zoning Ordinance related to Medical Marijuana Facilities. On January 25, 2017 (1), the Board directed staff to return with Ordinance Amendments to prohibit and ban medical and non-medical marijuana facilities within the unincorporated County of San Diego (County). Staff has prepared amendments to amend existing language in the County Code and amend and repeal the Zoning Ordinance; to add language prohibiting medical and non-medical marijuana facilities; and to update the amortization requirements applicable to non-conforming medical marijuana collective facilities.

These changes would result in a local ban within the unincorporated area on medical and non-medical marijuana facilities, including both non-profit and for-profit facilities. Recently adopted State laws permit local jurisdictions to ban both medical and non-medical marijuana facilities. These amendments do not preclude the private use of medical and non-medical marijuana as allowed by State law.

The proposed Zoning Ordinance changes, if adopted, may cause three existing medical marijuana collective facilities and two other vested facilities to become non-conforming uses since they would no longer be allowed in the County. If this were the case, the non-conforming medical marijuana collective facilities would need to cease operations within five years of the effective date of the ban ordinance with one possible six month extension.

On April 27, 2016 (2), the Board extended the interim urgency moratorium ordinance prohibiting the establishment of new medical marijuana collective facilities until March 16, 2017 (Ordinance No. 10426). This action also includes, for the Board's consideration, an extension of the interim urgency moratorium ordinance (Attachment C) which, if adopted, would extend the interim urgency moratorium ordinance for an additional year to March 15, 2018. If the Board adopts the ordinance changes, the moratorium will remain in effect only until the Zoning Ordinance banning medical and non-medical facilities becomes effective.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) does not concur with the Planning Commission recommendations and requests that the Board:

1. Find that the proposed San Diego County Code Ordinance amendments comply with the CEQA and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines (Attachment E).
2. Adopt the Ordinance (Attachment A1) entitled:
AN ORDINANCE AMENDING SECTIONS 21.2501 AND 21.2503(a) OF THE SAN DIEGO COUNTY REGULATORY ORDINANCES RELATING TO THE ISSUANCE OF MEDICAL MARIJUANA COLLECTIVE FACILITIES OPERATING CERTIFICATES (second reading).

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Horn, the Board took action as recommended, adopting Ordinance No. 10474 (N.S.), entitled: AN ORDINANCE AMENDING SECTIONS 21.2501 AND 21.2503(a) OF THE SAN DIEGO COUNTY REGULATORY ORDINANCES RELATING TO THE ISSUANCE OF MEDICAL MARIJUANA COLLECTIVE FACILITIES OPERATING CERTIFICATES.

AYES: Jacob, Gaspar, Horn

NOES: Cox, Roberts


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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