

ATTACHMENT 4 – INFORMATIONAL MEETING COMMENTS

Agenda Date: June 21, 2011

COMMENTS AND QUESTIONS

MEDICAL MARIJUANA INTERIM URGENCY ORDINANCE

INFORMATIONAL MEETING

June 14, 2011

Process for preparation of the Interim Urgency Ordinance

- Will the ordinance undergo CEQA review?
- What is the urgency? Adding a use not otherwise allowed is not consistent with Government Code provisions on urgency ordinances.
- What happened to the prior moratorium?
- Disappointment that no outreach occurred and the City of Sacramento's ordinance wasn't used as a model.
- Why are we reinventing the wheel – we should draw from other jurisdictions' ordinances.
- Need more stakeholder meetings.
- Attendees want to see GIS map prior to Board hearing.

General Comments (not specific to either cultivation or dispensaries)

- Concern about taking away patients' rights.
- School bus stop separation is a problem; difficult to map.
- Look at 600 foot separation from churches.
- Issues related to separation of church and state. What if churches want to dispense, or support dispensaries?
- San Diego – separation from churches was thrown out in courts.
- This is an “Inverse establishment” clause – there is no “church zone”. Churches cannot be a sensitive zone per 9th circuit of appeals. We should eliminate the church requirement.
- What if a church or other sensitive use moves in or is established after a CUP is granted? Do we have to move?
- Take into consideration obstructions such as light rail lines, no street crossings, and other physical barriers in evaluating setbacks from residential and sensitive uses.
- Look at all current statutes related to medical marijuana.
- Will setbacks and other requirements be in the zoning code or the Ordinance and does that affect whether applicants can apply for variances?

Cultivation Provisions

- Why is commercial cultivation not addressed and only residential is addressed? Why is cultivation not allowed in industrial zones? Dispensaries need to have access to plants.
- Allow for outdoor cultivation.
- The limit on the number of plants may conflict with State Law.
- Ordinance does not address larger cultivation; most patients don't grow their own marijuana.

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- Will everyone with outdoor cultivation be grandfathered (e.g. considered a non-conforming use)?
- Patients may not be able to afford indoor cultivation due to electrical and other costs. The Ordinance is not adequately providing for patients to grow outdoors.

Dispensary Provisions

- Can dispensaries have/grow clones? How are clones treated under the Ordinance?
- Do the required reports include financial summaries?
- Why is selling or consuming edibles prohibited? Some patients cannot tolerate smoking and need food products. There is product liability already established for edibles.
- Why can't you sell or give away water? Does this mean no vending machines in the break rooms?
- If you change the ordinance to include eating on premises, would public health have to inspect and regulate?
- Restrictions need to be posted on signs. Ordinance silent on signage.
- What is the cost for a Use permit?
- What is the basis for the 300 or 1000 foot separation requirements?
- What about the elderly who cannot travel to dispensaries? What about access for patients unable to drive and who do not have designated caregiver? Why not allow deliveries?
- The ordinance does not adequately address over-concentration.
- The ordinance should specify and require a minimum distance between dispensaries.
- How are doctor's recommendations regulated?
- What can't there be a doctor on site to offer medical advice? What about chiropractors or alternative practitioners, including advising patients on options other than cannabis?
- Are you going to regulate the doctor who gives out these cards?
- What if someone sues a non-physician on site?
- What if a doctor's office has a dispensary – do you cover doctors' offices? Can you?
- Why can't someone open a dispensary in conjunction with a hospital or clinic?
- Staff is overemphasizing community complaints and concerns against medical marijuana and is not balanced. Much community support for dispensaries.
- Why is the Ordinance requiring a 1000 feet distance separation from a school when a pending Senate bill requires 600 feet? Operators have invested in businesses based on the senate bill? Why are you increasing that requirement?
- CUP too discretionary; ordinance should have black and white standards.
- San Francisco has "variances" built into CUP process. Consider best practices.
- Can club owners have more than one dispensary?
- Look at crime rates. Allowing dispensaries reduces crime. Don't put back on streets
- Are industrial locations safe?
- Why aren't dispensaries similar to a pharmacy?
- Why require a discretionary permit?

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- Clarify measurement of distances (door of establishment to parcel line) and how measured?
- What is the CUP cost, process and time frame?
- Less than 1% of the dispensaries will meet the new criteria – is this being set up to shut us down?

Enforcement

- Will existing dispensaries continue to be subject to day-to-day fines?
- If someone files for a use permit, will enforcement be stayed?
- Does Planning have the ability to reject the application if it appears to not meet the requirements? This also relates to the ability of applicants to apply for variances from standards.
- Will there be a deadline/timeframes/grace period for existing operations to get into compliance? Can County establish a grace period until new ordinance is passed? (Similar to the city?)
- What about a registration process for existing operations?
- I have an appeal in process now for a zoning violation. If I apply for a CUP and pay my fee, do I abandon the appeal?

Public Information and Outreach

- Will we notice stakeholders of CPAC meetings?
- Industry should have seat at the table.
- Need to define process for development of permanent ordinance.
- How long does the county have to get permanent ordinance in place?
- What role will CPACs play?
- Your study is short and staff is not familiar with the issues and did not reach out to the City. The City is permitting 39 dispensaries and will get \$1.5M in new revenues. The County has a lot more work to do and we want to work with you.