



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 035-07

NEW MEDICAL MARIJUANA DISPENSARIES INTERIM ORDINANCE

RECOMMENDATION TO CITY COUNCIL

SEPTEMBER 6, 2007

CITY INTERIM ORDINANCE RELATED TO NEW MEDICAL MARIJUANA DISPENSARIES

Planning Staff will conduct a public hearing on a proposed City zoning ordinance which would preclude new medical marijuana dispensaries within the City for a period of 180 days beginning August 14, 2007. The purpose of the ordinance is to give the City Council and Planning Commission sufficient time to draft and adopt a comprehensive City zoning ordinance amendment containing long-term regulations for the proper location and operation of medical marijuana dispensaries within the City. Nothing in either ordinance would allow Medical Marijuana Dispensaries to operate in a manner contrary to state law.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 5 people appeared to speak in favor of the ordinance, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

Staff Report with Attachments, August 30, 2007

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Recommended approval of the New Medical Marijuana Dispensaries Interim Ordinance, prohibiting the establishment of new medical Marijuana dispensaries, Citywide, for a period of six months beginning upon the effective date of the ordinance, to City Council with the following Planning Commission recommendations:

Regarding interim ordinance:

1. Consensus of Commissioners was in support of a medical marijuana dispensary moratorium.
2. Suggested controls in Section D that insure that current operating dispensaries operate in accordance with California law.
3. Suggested clarification of the language in the fourth paragraph on page two (the last whereas) that appears to be missing some additional words.
4. Suggested that the language in section two, number four could be reworded differently as it may not be appropriate to dispensaries.

Regarding future regulation:

1. Would like to see the distribution of medical dispensaries on a map that shows the existing number of dispensaries and their proximity to schools and day care facilities; and land use issues.
2. Suggested appropriate locations be included in the ordinance, such as a hospice or a hospital.
3. Suggested that dispensaries be for people that live in the local area only.
4. Suggested that medical marijuana not be consumed on premises, or anyone be allowed to drive after consumption.
5. Suggested that any medical marijuana growing operation should be inspected. We should know where it's being grown and how much is in cultivation and associated with a dispensary.
6. Suggested site visits to see first hand what is working and what is not, before jumping to conclusions based on one bad example.
7. Many Commissioners expressed interest in prohibiting the consumption of marijuana at the dispensary site and also prohibiting the growing of plants on site.
8. Operating hours are critical and should be included.

This motion was passed and adopted on the 6 day of September, 2007 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Jostes)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.