

Compliance with State Government Code Section 65858(d):
Measures Taken to Alleviate the Condition Which Led to the Adoption of the
Interim Urgency Ordinance
(Medical Marijuana Dispensaries)
September 19, 2006

On August 15, 2006, the City of Placentia City Council adopted Ordinance No. O-2006-03, an Interim Urgency Ordinance, declaring that the establishment of, or the issuance or approval of any permit, certificate of use and occupancy, or other entitlement for the legal establishment of a medical marijuana dispensary in the City will result in a threat to the public health, safety, and welfare in that the City Code does not currently regulate the location and operation of medical marijuana dispensaries, and the experience of other cities with such dispensaries shows that negative effects on the public health, safety, and welfare are likely to occur within the vicinity of such uses.

Since the adoption of the Interim Urgency Ordinance No. O-2006-03, City staff has taken the following measures to address the conditions that led to the adoption of the Urgency Ordinance:

- Researched the City's General Plan, including the Land Use Element Goals and Policies;
- Researched the City's Municipal Code relative to pharmacies, drug stores, and other similar service/retail businesses;
- Reviewed the Building Code for regulations which may affect health and safety;
- Consulted with surrounding/adjoining cities to understand how they have or will be responding to requests for establishment and operation of medical marijuana dispensaries;
- Conducted a survey of other cities in Orange County of permitted uses or prohibitions on the establishment of medical marijuana dispensaries;
- Consulted with the City Attorney's office regarding the relevant state and local regulations governing medical marijuana dispensaries and the potential impact to the City's ability to maintain compliance/consistency with the City's General Plan; and
- Obtained medical marijuana dispensary ordinances from other agencies that may include information useful to the City's ongoing study of this issue.

Over the past several weeks, staff has been in an information gathering mode to better understand the City's existing Municipal Code provisions, relevant General Plan goals, and to obtain pertinent data that will better assist the City in developing regulations that will help the City to determine how best to address important policy questions relative to appropriately regulating medical marijuana dispensary uses.

Examples of some key policy issues are as follows:

- Analysis of the regulatory options to address medical marijuana dispensaries, i.e. (1) adopting a regulatory ordinance, but no zoning; or (2) adopting a zoning and regulatory amendment.
- The impact of federal law on California medical marijuana statutes.

- Whether actions by state and local officials implementing state law be considered aiding and abetting a federal crime.
- Analysis of the issuance of land use entitlements for a use that is unlawful under federal law.

Staff needs additional time to complete the information gathering process, analyze the data in light of the policy issues, and develop a medical marijuana ordinance specific to the City of Placentia. The following issues and standards have been identified for further review:

1. Planning requirements, including parking standards.
2. Building Code issues:
 - Structural conditions;
 - Minimum sanitation requirements;
 - Safety standards;
 - Plumbing standards, including materials, connections, and metering;
 - Heating and venting standards;
 - Stairs and handrail compliance;
 - Smoke detectors and related fire suppression measures, including roofing materials;
 - Occupancy standards;
 - ADA accessibility standards; and
 - Installation and maintenance of landscaping.
3. Primary Impacts - Identify the problems occurring or anticipated to occur from a dispensary. Research and document the experience of other municipalities that have medical marijuana dispensaries.
4. Secondary Impacts - Identify any additional impacts occurring or anticipated to occur from the dispensary. Document the experiences of others.
5. General Plan consistency.

As the ordinance develops, additional regulations may be considered for inclusion.