

EXHIBIT LRP 2006-00007:A

ORDINANCE NO. 3114

AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
TABLE 2-2 AND ARTICLE 4 RELATING TO MEDICAL MARIJUANA DISPENSARIES

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 22.06.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

LAND USE	PERMIT REQUIREMENT BY L.U.C.							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
General Retail								
Medical Marijuana Dispensaries		MUP	MUP					22.30.225

SECTION 2. Article 4 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection 22.30.225 as follows:

22.30.225 - General Retail

This section applies only to Medical Marijuana Dispensaries when proposed in the Commercial Retail or Commercial Service land use categories and outside of the Central Business District (CBD). Other General Retail uses are subject to the land use permit required by 22.06.030 (Table 2-2). A Medical Marijuana Dispensary is defined as a facility where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5 (Proposition 215).

- A. **Purpose.** The voters of the State of California affirmed the medical use of marijuana by voting for Proposition 215 (codified as Health & Safety Code Section 11362.5). The intent of this Proposition was to give persons who are in need of medical of marijuana the ability to obtain and use it without fear of criminal prosecution. The specific purpose of this Section is to set standards for this use consistent with neighborhood concerns.
- B. **Permit requirements.** Minor Use Permit approval is required in order to establish a Medical Marijuana Dispensary.
- C. **Design and operational standards.**
 - 1. **Location.** Medical Marijuana Dispensaries shall be located outside of the CBD, a minimum of 1000 feet from any pre-school, elementary school, high school, library, park, playground, recreation or youth center. Distance shall be measured from the building which contains the Medical Marijuana Dispensary to the property line of the enumerated use using a direct straight line measurement.

2. **Limitation on use.**

- a. Hours of operation are limited to 11:00 a.m. to 6:00 p.m. seven days per week.
- b. No person under the age of 18 (eighteen) shall be permitted in the Dispensary at any time except in the presence of his/her parent or guardian.
- c. No retail sales of paraphernalia as defined in Health and Safety Code section 11364.5 are permitted at the Dispensary.
- d. No cultivation of medical marijuana is permitted at the Dispensary or on Dispensary property.

3. **Employees.** All staff/employees employed by the Medical Marijuana Dispensary must be 21 years of age or older.

4. **Security Plan.** A security plan shall be submitted with the Minor Use Permit Application that includes lighting, security video cameras, alarm systems and secure area for medical marijuana storage. The security plan shall include a requirement that there be at least 30 business days of surveillance video that captures both inside and outside images on an on-going basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.

5. **Displayed notice.** Each Dispensary, inside of the Dispensary itself, shall display in a manner legible and visible to its clientele:

- a. Notice that persons under the age of 18 (eighteen) are not allowed in the Dispensary except in the presence of his/her parent or guardian;
- b. Notice that there is no consumption of medical marijuana in the vicinity of the Dispensary.

6. **Sheriff notification.** A condition to establishment of a Medical Marijuana Dispensary shall be notification to the Sheriff's Department informing it of the name, location and contact information for the owner/operator of the Dispensary.

SECTION 3. That the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and

against the ordinance.

INTRODUCED, PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the sixth day of February, 2007, by the following roll call vote, to wit:

AYES: Supervisors K.H. "Katcho" Achadjian, James R. Patterson, Bruce S. Gibson,
Chairperson Jerry Lenthall

NOES: None

ABSENT: Supervisor Harry L. Ovitt

ABSTAINING: None

/s/ Jerry Lenthall

Chairperson of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

BY: /s/ Vicki M. Shelby,
Deputy Clerk-Recorder

[SEAL]