

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA - Planning Department

SUBMITTAL DATE:

March 10, 2006

SUBJECT: ORDINANCE NO. 449.225, AMENDING AND EXTENDING ORDINANCE NO. 449.224, AN INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES COUNTYWIDE (UNINCORPORATED AREAS) [Note: 4/5 vote required]

RECOMMENDED MOTION:

That the Board of Supervisors amend and extend the interim ordinance for a period not to exceed sixteen (16) months and fifteen (15) days while a subsequent permanent zoning ordinance is prepared addressing regulations and standards regarding the location of medical marijuana dispensaries in unincorporated Riverside County.

BACKGROUND: On August 23, 2005, the Board of Supervisors adopted an interim zoning ordinance prohibiting the establishment of medical marijuana dispensaries. This interim zoning ordinance prohibited the establishment of these dispensaries for an initial forty-five (45) day period. The Board of Supervisors extended the interim zoning ordinance for an additional six (6) month period on September 27, 2005. The Planning Department is now requesting a final extension of the ordinance as provided by law for an additional sixteen (16) months and fifteen (15) days. The purpose of this extension is to give the County adequate time to formulate and adopt permanent zoning regulations addressing the establishment of medical marijuana dispensaries.

(Continued on Attached Page)

Mark F. Balys for
Robert C. Johnson
Planning Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ n/a	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ n/a	Budget Adjustment:
	Annual Net County Cost:	\$ n/a	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:
APPROVE

County Executive Office Signature

James [Signature]

Prev. Agn. Ref.: 9/27/05, Item 16.1 | **District:** ALL | **Agenda Number:**

16.2

FORM APPROVED COUNTY COUNSEL

MAR 10 2006

- Dep't Recomm.: Policy
- Per Exec. Ofc.: Policy
- Consent
- Consent

Departmental Concurrence

BY *Mark Johnson*

The Honorable Board of Supervisors

RE: ORDINANCE NO. 449.225, AMENDING AND EXTENDING ORDINANCE NO. 449.224, AN INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES - COUNTYWIDE (UNINCORPORATED AREAS) [Note: 4/5 vote required]

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Since the extension of the interim zoning ordinance, the Planning Department has conducted a public workshop before the Riverside County Planning Commission on September 28, 2005. The purpose of the workshop was to obtain public input regarding the formulation of the permanent zoning regulations. The Planning Department has also met with the City of Indian Wells, the City of Palm Desert and the Riverside County Sheriff's Department to discuss potential provisions of such an ordinance. During the final extension of the interim zoning ordinance, Staff will prepare an amendment to Ordinance No. 348 as described above for consideration by the Planning Commission and the Board of Supervisors.

1 medical marijuana dispensaries often result in loitering, traffic congestion, parking problems, noise and
2 other harmful secondary effects.

3 Section 3. In adopting this ordinance, the Board reports that measures to alleviate the
4 condition that led to its adoption will be taken and that such measures shall include, but not be limited to,
5 the formulation and adoption of permanent zoning regulations, consistent with State law, that address the
6 establishment of medical marijuana dispensaries and protect the public from their harmful secondary
7 effects.

8 Section 4. At least ten (10) days prior to the expiration of this ordinance, the Planning
9 Director shall make a written report to the Board describing therein all measures taken to alleviate the
10 condition which led to the adoption of this ordinance.

11 Section 5. This ordinance shall in no way limit the right to possess, use or cultivate
12 marijuana for medicinal purposes as is presently authorized by the laws of the State of California as set
13 forth in the Health and Safety Code.

14 Section 6. Medical marijuana users in California may be subject to federal prosecution
15 under existing federal law.

16 BOARD OF SUPERVISORS OF THE COUNTY
17 OF RIVERSIDE, STATE OF CALIFORNIA

18
19 By: _____
20 Chairman, Board of Supervisors

21 ATTEST:
22 NANCY ROMERO
23 Clerk of the Board

24 By: _____
25 Deputy

26 (SEAL)

27 APPROVED AS TO FORM

28 By: Katherine Lind
KATHERINE LIND
Deputy County Counsel