

CITY OF
ANDERSON



AGENDA ITEM

March 2, 2010, City Council Meeting

Approved for Submittal By:
City Manager <i>Dana Shigley</i>
To Be Presented By:
John Stokes <i>John R. Stokes</i>

To: Honorable Mayor and Members of the Anderson City Council

Through: Dana Shigley, City Manager
Telephone 378-6646

From: John Stokes, Planning Director
Telephone 378-6636

Date: March 2, 2010

SUBJECT

Report pursuant to Section 65858 (d) of the Government Code on measures taken regarding Medical Marijuana dispensaries, collectives and cooperatives within the City of Anderson.

RECOMMENDATION

The Planning Director recommends that the City Council:

Accept the report finding it meets the requirements of Government Code Section 65858 (d).

FISCAL IMPACT

This item is only a report to the Council and has no impact on the City finances.

DISCUSSION and BACKGROUND

On October 20, 2009, the City adopted Ordinance 761 placing a forty five (45) day moratorium on the establishment of medical marijuana dispensaries, collectives and cooperatives. On November 17, 2009 the moratorium was extended for four (4) months when the City Council adopted Ordinance No. 763. This moratorium will expire on April 4, 2010.

Section 65858 (d) of the California Government Code requires that ten (10) days prior to the expiration of the moratorium the City Council accept a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. This report is provided in compliance with that code. This is only a report and no action is required other than to accept the report.

Report:

The condition that existed when the moratorium was established still exists today. The moratorium was established because no zoning district in the City allows the establishment of medical marijuana dispensaries, cooperatives and collectives. The zoning code only allows uses that are specifically listed or, in certain cases, determined to be similar in nature to allowed uses. The Planning Director has determined these uses not to be similar to allowed uses in the zoning code. It is therefore necessary to determine what regulation is legal and appropriate and how these regulations should be integrated into the City Municipal Code prior to the establishment of medical marijuana dispensaries, cooperatives and collectives.

When the City Council adopted Ordinance 763 establishing the moratorium, the Planning Commission was directed to look into regulation and provide recommendations to the Council. As directed, the Planning Commission held a workshop on December 14, 2009 on medical marijuana dispensaries, cooperatives, collectives and cultivation. Public comments and Commissioner recommendations were received at this workshop. Based on the workshop information, staff prepared a draft ordinance for regulating cultivation of medical marijuana and presented it to the Planning Commission at their February 22 meeting. Dispensaries, cooperatives and collectives were also discussed at the February 22 meeting. After conducting a public hearing and considering the public comments, the Commission recommended that the Council extend the moratorium for an additional period as allowed in the Government Code and adopt an ordinance regulating cultivation.

Staff will return to the City Council at their March 16 meeting with specific recommendations for action.

ATTACHMENTS

None