

SECTION 15.3: MEDICAL MARIJUANA COLLECTIVES AND COOPERATIVES

(Section 15.3 pertaining to “Medical Marijuana Dispensaries” added by Ord. No. 3342, effective 5-1-07; repealed by Ord. No. 3398, effective 1-1-10; Sec. 15.3 pertaining to “Medical Marijuana Collectives and Cooperatives” added by Ord. No. 3398, effective 1-1-10)

FINDINGS A.

The Board of Supervisors, in adopting this section, takes legislative notice of the existence and content of the studies and opinions concerning potential adverse effects of Medical Marijuana Collectives and Cooperatives in other counties and cities. The Board of Supervisors relies upon these studies and opinions, believes them to be true, and finds that certain potential adverse effects can be associated with Medical Marijuana Collectives or Cooperatives, including: increases in crimes, specifically theft of marijuana from individual patients, caregivers or the collective/cooperative, and the sale of medical marijuana for non-medical purposes; and a negative effect on the general quality of life for areas surrounding such collective/cooperative.

Furthermore, the Board of Supervisors finds that, based upon the evidence before it as presented by staff and members of the public, there are sufficient properties zoned for commercial and industrial land uses within Tulare County to allow Medical Marijuana Collectives and Cooperatives to be established within unincorporated Tulare County while meeting setbacks from sensitive uses and other development standards.

INTENT B.

It is the intent of this section to reasonably regulate the locating of Medical Marijuana Collectives or Cooperatives, to promote the health, safety, and general welfare of the citizens of the County of Tulare, and to prevent adverse secondary effects of Medical Marijuana Collectives or Cooperatives from occurring within the County of Tulare. It is the intent of this section to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which could be brought about by the concentration of Medical Marijuana Collectives or Cooperatives in close proximity to each other or proximity to other incompatible uses such as schools for minors, day care facilities, churches that have facilities for children, and parks. The Board of Supervisors finds that it has been demonstrated in various communities that a concentration of Medical Marijuana Collectives and Cooperatives could cause an increase in the number of transients in the area, and an increase in crime and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of Medical Marijuana Collectives and Cooperatives or their close proximity to incompatible uses, while permitting the location of Medical Marijuana Collectives or Cooperatives in certain areas.

Nothing in this section is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any state or federal laws, regulations, or local ordinances, including County ordinances and regulations, including those relating to public nuisances or unlawful use of marijuana. All medical marijuana collectives or

cooperatives must comply with all state and federal laws, regulations, and local ordinances, including County ordinances and regulations.

DEFINITIONS C.

A "Medical Marijuana Cooperative" and "Medical Marijuana Collective" is defined in Part VI of the Ordinance Code of the County of Tulare, Chapter 21. Refer to Chapter 21, Part VI of the Ordinance Code for additional definitions regarding medical marijuana terminology.

ZONES D.

Medical marijuana collectives and cooperatives as defined in Chapter 21 of Part VI of the Ordinance Code of Tulare County shall not be established or located in any zone in the County of Tulare, nor shall any building or land be used for such collectives or cooperatives, other than those located in a C-2 (General Commercial), C-3 (Service Commercial), M-1 (Light Manufacturing), or M-2 (Heavy Manufacturing) zone district. Medical marijuana collectives and cooperatives shall comply with the requirements of Tulare County Ordinance No. 352, the Ordinance Code of Tulare County, and other state and local laws or regulations. Facilities or uses that distribute medical marijuana to two or more patients within the un- incorporated areas of the County of Tulare shall be unlawful unless they are medical marijuana collectives or cooperatives.

SEPERATION OF USE E.

Property lines of medical marijuana collective and cooperative locations shall be at a minimum of 1,000 feet radius from the following:

1. Existing public or private schools, residential dwellings, day care facilities as defined by the state of California, parks or other recreational facilities where minors congregate.
2. Planned or existing park set forth in the general plan or other recreational facility where minors congregate;
3. Existing places of religious worship;
4. Other public or private facilities, including but not limited to theaters, bus stops, dog parks, and other open space or facilities where minors may congregate; and
5. Other medical marijuana collectives or cooperatives.
6. As used in this section, "existing" means existing at the time the collective or cooperative is to be established.

The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the property line of the collective or cooperative to the property line of the other use.

Medical marijuana collectives and cooperatives will be required to apply and adhere to all regulations within Chapter 21, Part VI of the Ordinance Code. The Planning Department will review Business License applications for zone and proximity requirements for medical marijuana collectives and cooperatives. Medical marijuana collectives and cooperatives will be required to apply and adhere to all state and federal laws, regulations, and local ordinances, including

County ordinances and regulations.

DEVELOPMENT REGULATIONS AND STANDARDS

Any Medical Marijuana Collective or Cooperative located in the County of Tulare is subject to the regulations as established in Chapter 21, Part VI of the Tulare County Ordinance Code.