ANALYSIS

This ordinance extends Interim Ordinance No. 2016-0022U to June 28, 2016, the date of the next regularly scheduled public hearing to allow the Los Angeles County Department of Regional Planning to continue its comprehensive zoning study to review the possible impacts that medical marijuana activities could have on the properties located in all zones in the County unincorporated territory and to consider a possible zoning ordinance amendment to address those impacts. Interim Ordinance No. 2016-0022U adopted on April 12, 2016, temporarily imposes a ban on the cultivation, manufacturing, laboratory testing, and distribution of medical marijuana, and prohibits their establishment on all properties located in the unincorporated territory of the County of Los Angeles.

This extension ordinance is an urgency measure that requires a public hearing and a four-fifths vote by the Board of Supervisors for adoption.

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SJS:ss

Requested: 5-16-16

Revised: 5-24-16

HOA.100703764.1

ORDINANCE NO. _____

An ordinance extending Interim Ordinance No. 2016-0022U, temporarily imposing a ban on the cultivation, manufacturing, laboratory testing, and distribution of medical marijuana, and prohibits their establishment on all properties located in the unincorporated territory of the County of Los Angeles.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim Prohibition.

Pursuant to section 65858 of the Government Code, the Board of Supervisors ("Board") having held a public hearing, hereby extends Interim Ordinance No. 2016-0022U to June 28, 2016. Interim Ordinance No. 2016-0022U provided, and this extension similarly provides, that no facilities, premises, or property shall be established, developed, leased, rented, or used for "cultivation," "manufacturing," "laboratory testing," or "distribution" of medical marijuana.

SECTION 2. Adoption and Expiration of Initial Interim Ordinance; Authority.

Interim Ordinance No. 2016-0022U was adopted on April 12, 2016. Unless this ordinance takes effect on or before May 27, 2016, Interim Ordinance No. 2016-0022U will expire. Government Code section 65858 provides that any urgency measure in the form of an initial interim ordinance may be adopted without following the procedures otherwise required prior to adoption of a zoning ordinance, by a four-fifths vote of the Board, which shall be effective for only forty-five (45) days following its adoption. Government Code section 65858 further provides that such an urgency measure may

be extended, following compliance with that section, for up to an additional ten (10) months and fifteen (15) days beyond the original forty-five (45) day period, and it can be extended a second time for an additional year.

SECTION 3. Definitions and Penalties.

For purposes of this ordinance, the following definitions shall apply:

A. "Cultivation" shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical marijuana.

B. "Distribution" shall mean the procurement, sale, and transport of medical marijuana and medical marijuana products between entities.

C. "Laboratory" means any facility or site that offers or performs tests of medical marijuana or medical marijuana products.

D. "Laboratory testing" shall mean the process by which medical marijuana is evaluated for quality control.

E. "Manufacture" or "manufacturing" shall mean the process by which medical marijuana is produced, prepared, propagated, or compounded, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.

F. "Medical marijuana" shall mean a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical marijuana patients in California pursuant to the Compassionate Use Act of 1996 ("Proposition 215"). Medical marijuana does not include "industrial hemp" as defined by

section 81000 of the Food and Agricultural Code or section 11018.5 of the Health and Safety Code.

G. The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to the interpretation and to violations of the provisions of this interim ordinance.

SECTION 4. Zoning Study Initiated, Determination of Immediate Threat.

The Los Angeles County Regional Planning Department ("Regional Planning") has been conducting a comprehensive zoning study to review the possible impacts that medical marijuana activities, conducted pursuant to the Medical Marijuana Regulation and Safety Act ("MMRSA"), could have on the properties located in all zones in the County unincorporated territory, and to consider a possible permanent zoning ordinance amendment to address those impacts.

In October 2015, the Legislature enacted a comprehensive package of bills to establish a statewide regulatory structure for commercial medical marijuana activities. Together, AB 266, AB 243, and SB 643 comprise MMRSA and regulate licensing and enforcement of commercial medical marijuana. MMRSA, which became effective January 1, 2016, and which will be administered and overseen by the newly created State Bureau of Medical Marijuana Regulations, provides statewide uniform standards, but allows local jurisdictions to implement additional standards. MMRSA provides a dual licensing structure for commercial medical marijuana activities including cultivation, manufacturing, laboratory testing, distribution, dispensing, and transportation. It also

preserves police power for local jurisdictions to permit, regulate, or ban medical marijuana activities.

As a result of this new legislation, the County has been receiving inquiries concerning County permitting and licensing for these activities.

Since 2011, the County has banned the dispensing of medical marijuana from storefront locations throughout all of the unincorporated territory in Title 22 – Planning and Zoning of the Los Angeles County Code. The use of land for cultivation, manufacturing, laboratory testing, or distribution of medical marijuana is not specifically allowed under the County's permissive zoning code, but the County does not have a ban specifically prohibiting these medical marijuana activities.

The dispensing, cultivation, manufacturing, laboratory testing, and distribution of medical marijuana remain illegal under federal law, but MMRSA allows qualified individuals and entities, who possess both State and local permits and licenses, to engage in these activities. Notwithstanding, these activities have been associated with certain risks and crime.

Outdoor cultivation where it is readily observable by neighbors and the general public increases the risk of trespassing and burglary. It also increases the rise of violence in connection with either the commission of such crimes or the occupants' attempts to prevent such crimes. Additionally, outdoor cultivation is often associated with violations of local, State, and federal environmental laws and pesticide regulations, threatening harm to local waterways and groundwater quality, and endangering the public health and safety.

Indoor cultivation and the processing, manufacturing, distribution, and testing of medical marijuana within a residence or other structure used or intended for human occupancy, presents potential health and safety risks to those living in the residence or otherwise occupying the structure, especially to children, including, but not limited to, increased risk of fire from grow light systems, increased risk of adverse chemical reactions, exposure to fertilizers, pesticides, and anti-fungus/mold agents and exposure to potential property crimes.

Based on the findings above, the Board finds that the potential establishment of medical marijuana cultivation, manufacturing, laboratory testing, and/or distribution and the use of property for these purposes in the unincorporated territory of the County poses a current and immediate threat to the public health, safety, and welfare in the County due to the negative impacts of such activities as described above. The Board further finds that the issuance or approval of business licenses, subdivisions, use permits, variances, building permits, site plans, or any other applicable entitlement for medical marijuana cultivation, manufacturing, laboratory testing, and/or distribution absent necessary and appropriate regulations will result in the aforementioned threat to public health, safety, and welfare.

SECTION 5. Severability.

If any provision of this interim ordinance extension or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the

invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 6. Area of Applicability.

This interim ordinance extension applies to all properties in the unincorporated territory of the County of Los Angeles.

SECTION 7. Urgent Need.

This interim ordinance extension is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect on May 27, 2016, and it shall be of no further force and effect following June 28, 2016, unless further extended in accordance with the provisions set forth in Government Code section 65858.

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