ORDINANCE NO. 2014-1748

AN ORDINANCE REPEALING THE SUNSET PROVISION OF ORDINANCE NO. 2013-1736, WHICH DEFINED AND PROHIBITED "MEDICAL MARIJUANA DISPENSARIES" WITHIN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SOLANO

The Board of Supervisors of the County of Solano ordains as follows:

SECTION 1. Findings and Purpose

A. On July 30, 2013, the Board of Supervisors enacted Ordinance No. 2013-1736, which amended Chapter 28 of the Solano County Code to define and prohibit "medical marijuana dispensaries" within the unincorporated territory of the County of Solano. Section 6 of Ordinance No. 2013-1736 is a sunset provision, by which the definition and prohibition of medical marijuana dispensaries enacted by that ordinance would be of no further force and effect after July 29, 2014.

B. At the time it enacted Ordinance No. 2013-1736, the Board directed staff to conduct informational meetings and obtain public input regarding whether or how the County should regulate medical marijuana dispensaries within the unincorporated area. The Department of Resource management reported the results of this outreach effort to the Board on December 3, 2013.

C. Based on the information presented by the Department of Resource Management, as well as public testimony offered on December 3, 2013, it does not appear that qualified patients residing within the County of Solano, either within the unincorporated area or within the cities, are encountering substantial difficulty in obtaining marijuana for treatment of their medical conditions, as might be recommended by their physicians. While there was no information presented regarding the extent to which qualified patients and their primary caregivers rely on personal cultivation or informal collectives that do not operate from a dispensary in order to obtain medical marijuana, it appears that qualified patients and their primary caregivers who must rely on storefront dispensaries are adequately served by dispensaries operating in the City of Vallejo and outside the County of Solano.

D. The medical conditions for which a physician might recommend the use of medical marijuana as a treatment are not unique to a rural population. Given that the vast majority of Solano County residents reside within the incorporated cities, it is incumbent upon each city and its residents to make land use decisions regarding whether medical marijuana dispensaries should be allowed to operate within that city. All of the cities within County of Solano, except the City of Vallejo, have enacted ordinances prohibiting the establishment of medical marijuana dispensaries within their boundaries. Because medical marijuana dispensaries are a commercial-type land use that is not inherently unsuitable for an urban environment, and based on the County's long-standing development
policy that “what is urban shall be municipal,” there is no need for the County to allow the establishment of dispensaries in the unincorporated area to serve a patient population that resides predominately within the cities.

E. The sunset provision in Ordinance No. 2013-1736 is no longer necessary because the Board is no longer considering establishing regulations for the operation of medical marijuana dispensaries within the unincorporated area.

SECTION 2. Repeal of Sunset Provision

Section 6 of Ordinance No. 2013-1736, adopted July 30, 2013, is deleted and repealed, and of no further effect. No other section of Ordinance no. 2013-1736 is affected by this ordinance.

SECTION 3. Effective Date

This ordinance will be effective thirty (30) days after its adoption.

SECTION 4. Severability

If any provision of this ordinance or the application of it to any persons 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 provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

SECTION 5. Publication

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its adoption.

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on January 28, 2014, by the following vote:

AYES: SUPERVISORS: Hannigan, Spering, Thomson, Vasquez, and Chair Seifert

NOES: SUPERVISORS: None

EXCUSED: SUPERVISORS: None
Ordinance No. 2014-1748

Repeal of Sunset Provision of Ordinance No. 2013-1736 (Medical Marijuana)

Ordinance No. 2014-1748

Chair
Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Board of Supervisors

By: Jeanette Bellinder, Chief Deputy Clerk

Introduced: January 14, 2014
Adopted: January 28, 2014
Effective: February 28, 2014