



**SPECIAL MEETING AGENDA NO: I  
REGULAR MEETING AGENDA ITEM C-3  
MEETING DATE: August 8, 2017**

## **ADDENDUM TO STAFF REPORT**

To: Honorable Mayor and City Council  
From: Dana Swanson, City Clerk  
Date: August 7, 2017  
Subject: REVIEW OF MARIJUANA COUNCIL SUBCOMMITTEE RECOMMENDATIONS  
AND CONSIDERATION OF AND DIRECTION FOR FUTURE LOCAL  
MARIJUANA REGULATIONS

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The memo from Police Chief Allen referred to in the staff report is attached.

# MEMO



**To:** City Councilmember Marlys McPherson and  
City Councilmember Robert Davis

**From:** Gregory Allen, Police Chief

**Date:** August 7, 2017

**Subject:** PROPOSED MEDICAL MARIJUANA  
DISPENSARY AND DELIVERY RECOMMENDATIONS

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## Overview

The Morro Bay Police Department will ensure ongoing public safety oversight of proposed medical marijuana dispensary and delivery businesses. This includes conducting thorough employee and business background checks, approval of security plans, inspections, controls and audits of permitted businesses. These actions will assist in ensuring that the permitted businesses operate legally and ethically, and that they remain good neighbors of the community. The scope of business operations must be conducted within the lawful parameters, framework and guidelines permitted by the City of Morro Bay. Businesses must conduct themselves in such a manner that does not detract from the police department's existing resources or mission of protecting and serving the larger community. In order to facilitate our processes relating to this industry, it is recommended that a technical "Marijuana Facilities Review Committee" comprised of staff be formed as determined by the city manager.

## Medical Marijuana Dispensaries and Delivery Services

Security plans shall be presented for each proposed medical marijuana dispensary location and shall be "site specific". The security plan will address proximity to residential areas, schools and churches. On-site inspections at various phases of planning, construction and operation will be conducted. Security plans must specifically state the intended scope of dispensary and delivery operations. Delivery operations intending to operate from the dispensary shall be disclosed. Security plans are subject to review, revision and approval by the police department. Marijuana manufacturing, processing, "Co-Ops" or other uses, actions or expansions of the original approved dispensary permit shall not be modified, added or assumed. Internal and external security camera placement and other

public safety enhancements shall be approved and installed based on police department recommendations. The Medical Marijuana dispensary shall have business-like signage and appearance that conforms to the Morro Bay Municipal Code. It is recommended that no more than six (6) medical marijuana delivery service permits be granted to operate within the city limits of Morro Bay. All medical marijuana delivery services approved to operate within the City of Morro Bay shall possess a permit to operate within San Luis Obispo County. Delivery drivers shall be subject to the same background checks, inspections, controls and audits as the dispensary businesses. All delivery drivers shall be required to have in their possession copies of permits, licenses and delivery records, and shall make them available for inspection by the police department personnel upon request. Consideration should be given to require all delivery drivers operating within Morro Bay pay a permit fee and be issued photo identification by the city, similar to vendor photo identification.

### **Indoor Cultivation (Recreational Personal Use)**

State law requires the city to allow personal cultivation of marijuana for personal use, but it also allows the City to impose reasonable regulations for the public health, safety and welfare. The following are recommendations to consider:

Limited home cultivation should be allowed under the following health and safety regulations:

**Resident Requirement (Tenants)-** A person may engage in limited home cultivation inside his/her primary residence or an accessory structure thereto; non-residents or non-tenants may not engage in home cultivation. Tenants must obtain written permission from the property owner to engage in personal cultivation at the location. This written permission must be presented to a representative of the City of Morro Bay as determined by the city manager.

**Only in a Dedicated Cultivation Area-** Limited home cultivation is only permitted in a dedicated cultivation area. The cultivation area must be used exclusively for limited home cultivation; it may not be used for sleeping, cooking, eating, bathing or any other residential activity. If the cultivation is in the private residence itself, it must be physically separated from the residential areas of the residence, such as in a separate room or closet with a lockable door. The cultivation area may not be used or prepared in a manner to cultivate more than six (6) marijuana plants.

### **Outdoor Cultivation (Personal and Commercial)**

Based on public safety priorities and the potential for increases in crime, it is strongly recommended that outdoor cultivation (outdoor grows) for personal and commercial use be banned in the City of Morro Bay. Appropriate city ordinances should be drafted prohibiting outdoor cultivation and adopted in advance of California State laws to avoid conflict.

**Properly Permitted Building and Utilities-**The private residence or accessory structure that includes the cultivation area, and all the plumbing, electrical, and other utilities in the residence or structure, must be properly permitted by the City and by any other applicable regulatory agency. No artificial light, ventilation, heating, or air conditioning may be used in support of

limited home cultivation except in compliance with the California Building Code, the City of Morro Bay Municipal Code, and any other permitting requirements that may be imposed.

**No Controlled Chemicals**-We need to be guided by the Fire Chief's recommendations on all issues related to potential fire hazards. The following chemicals may not be used in limited home cultivation; they may not be used or stored for any purpose in the cultivation area; and, if they are lawfully stored elsewhere on the grounds of a private residence where limited home cultivation takes place, they must be stored in leak and fireproof containers sufficient to provide storage up to required safety standards. These chemicals include:

Explosive gases, Including, but not limited to: Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, Oxygen (O<sub>2</sub>), Carbon Dioxide (CO<sub>2</sub>), or Hydrogen (H<sub>2</sub>); and dangerous poisons, toxins, or carcinogens, including, but not limited to: Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene or Tri-chloro-ethylene.

**Not Visible**-Neither the marijuana plants nor the marijuana that they produce may be visible by normal unaided vision from any public place. The cultivation area itself must not be visible from anywhere outside the residence or structure that contains it. Every window, skylight, ventilation, and other opening must be sufficiently covered or opaque as to obscure visibility of the cultivation area from any adjacent property.

**Not Detectible**-The cultivation area must not produce any odor, sound, or other emission that is detectible with normal unaided senses from outside the grounds of the private residence if that odor, sound, or other emission indicates that marijuana cultivation is taking place. Nor may the cultivation area produce any odor, sound, or other emission that constitutes a nuisance under any other state law or Morro Bay Municipal Code.

**Secured Residence**-State Law requires that the residence of the indoor grow be secured. It is my recommendation that we draft an ordinance additionally requiring that the specific cultivation area to be secured and enclosed to prevent children from gaining access.

The cultivation area must be accessible only by lockable doors, and any window, skylight, ventilation opening, or other opening must also be lockable.

Every opening to the cultivation area must be kept locked at all times when the opening is not in use. The cultivation area may not be left unsecured.

**Limited Access**-Access to the cultivation area must be restricted to the residents that are authorized by this section to engage in limited home cultivation.