

**FILED**

MAR 19 2015

**CITY ATTORNEY  
IMPARTIAL ANALYSIS**

**The Yucca Valley Medical Marijuana Dispensary Authorization and Regulation Act Initiative**

BY  DEPUTY  
REGISTRAR OF VOTERS

**(Measure “ ”)**

The *Yucca Valley Medical Marijuana Dispensary Authorization and Regulation Act Initiative* (“Measure \_\_\_”) is proposed to amend the Town of Yucca Valley’s current ordinance prohibiting medical marijuana dispensaries by allowing one medical marijuana dispensary per every 10,000 Town residents. Measure “\_” does not allow recreational (non-medical) marijuana sales, use or possession. State law allows possession and/or cultivation of marijuana for medical purposes, with the written or oral recommendation of a physician. Federal law, however, holds it illegal to manufacture, distribute, or possess marijuana for any purpose. The legal and operational ramifications of this conflict-in-law are currently uncertain.

Under Measure “\_” medical marijuana dispensaries would be eligible to operate in the Town on a first-come, first-serve basis, subject to health, zoning, fire, and safety review by Town staff and the County Health Department, until the maximum number of dispensaries is reached. Certain applications for opening a medical marijuana dispensary would be eligible for a priority approval if one of the two following conditions apply: (i) the applicant holds a State-issued seller’s permit pre-dating July 1, 2014 for a location in Yucca Valley and certain other corporate documents, *or* (ii) the applicant has operated a medical marijuana dispensary in the Town within three years prior to January 1, 2015, pursuant to an agreement with the Town.

Upon approval of a medical marijuana dispensary’s application, the medical marijuana dispensary would have to remain in compliance with the operational standards and regulations set forth in Measure “\_”, including:

- Professional security;
- Hours of operation from 8 am to 8 pm;
- Odor-absorbing ventilation systems;
- No minors;
- No on-site sales or consumption of food or alcohol; and
- No on-site cultivation, except for cuttings for home cultivars to be distributed by the dispensary;
- Other requirements imposed by the Yucca Valley Municipal Code.

Measure “\_” requires medical marijuana dispensaries to be at least 600 feet from schools, churches and childcare facilities, and 200 feet from state highways. Dispensaries would be limited to “Industrial”, “Mixed Use Commercial”, “Old Town Mixed Use”, “Old Town Commercial/Residential” and “Old Town Industrial/Commercial” zones.

Town and taxpayer cost implications for implementing and enforcing Measure “J\_” are unknown. Measure “\_” requires each medical marijuana dispensary to pay the Town an annual operating fee to

assist the Town in recovering increased law enforcement costs incurred as a result of dispensary operations in the Town.

Measure “\_” must be approved by a majority of the voters to take effect. A “yes” vote is a vote in favor of Measure “\_” allowing for medical marijuana dispensaries in the Town of Yucca Valley. A “no” vote will reject Measure “\_” and keep in place the existing prohibition against such dispensaries. Measure “\_” was placed on the ballot by the Town of Yucca Valley pursuant to an agreement with citizen proponents for a petition on a similar measure signed by the requisite number of voters to qualify for ballot placement.

**The above statement is an impartial analysis of Measure “\_”. If you desire a copy of the ordinance, please call the Town of Yucca Valley Clerk’s office at (760) 369-7207 and a copy will be provided at no cost to you.**