



**Agenda Item C.1
PUBLIC HEARING
Meeting Date: June 2, 2009**

TO: Mayor and Councilmembers

FROM: Vyto Adomaitis, Director, RDA, Neighborhood Services and Public Safety Department

CONTACT: Lt. Phil Willis, Chief of Police Services
Claudia Dato, Management Analyst

SUBJECT: Introduction of Proposed Ordinance Prohibiting Medical Marijuana Dispensaries

RECOMMENDATION:

- A. Receive and approve a Report on Moratorium (Attachment 1);
- B. Conduct a Public Hearing to receive comment regarding proposed ordinance; and
- C. Introduce and conduct the first reading (by title only) of Ordinance 09-___ entitled "An Ordinance of the City Council of the City of Goleta, California, Prohibiting Medicinal Marijuana Dispensaries and Making Findings in Support Thereof" (Attachment 2).

BACKGROUND:

On November 19, 2007, the City Council adopted Interim Ordinance No. 07-17 pursuant to Government Code section 65858(b), which prohibited the establishment of medical marijuana dispensaries (MMDs), which expires on August 30, 2009. In anticipation of this timeline, City staff, the Chief of Police Services and the City Attorney, met with the Ordinance Committee on Thursday, May 14, 2009, to provide a report on the City's moratorium and to review regulations and other actions taken by cities with regard to MMDs. At the conclusion of staff's presentation, a recommendation was provided to City staff to return to the full City Council with an ordinance prohibiting MMDs.

DISCUSSION:

Under the Controlled Substances Act, enacted by Congress in 1970, marijuana is classified as a Schedule One controlled substance. This classification is based on a determination that marijuana: (1) has a high potential for abuse; (2) has no currently accepted use for medical treatment; and (3) is not accepted as safe, even when used under medical supervision. This federal law makes it illegal to import, manufacture, distribute, possess, or use marijuana in the United States.

In 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.5, *et seq.*, and entitled the

Compassionate Use Act of 1996 (“the Act”). The intent of Proposition 215 was to ensure that seriously ill individuals have the right to obtain and use marijuana for medical purposes when recommended by a physician. This voter initiative exempts patients and their primary caregivers from prosecution under state laws that otherwise prohibit the cultivation or possession of marijuana.

In 2003, the state legislature passed SB 420, which established the Medical Marijuana Program (Health and Safety Code §11362.7 et seq). This legislation created a voluntary system for qualified patients and their caregivers to obtain identification cards which insulate them from arrest for violations of state law relating to marijuana. Neither the Medical Marijuana Program nor Prop 215 expressly authorize the establishment of medical marijuana dispensaries.

In 2005, the U.S. Supreme Court rendered a decision under *Gonzales v. Raich* (2005) 125 S. Ct. 2201, which essentially provides that the federal government can continue to prohibit the possession of marijuana for medical purposes under the Controlled Use Act. The practical significance of this decision is that federal law enforcement may continue to enforce federal drug laws against Californians who cultivate or use marijuana even for medical purposes.

On August 6, 2007, the City adopted an urgency ordinance (No. 07-09) prohibiting the siting of MMDs for a period of forty-five (45) days and directed that a permanent ordinance be reviewed by the City’s Ordinance Committee after the City completed research on the implications of State and federal law. At the time the urgency ordinance was passed, there were already four existing MMDs established in the City limits.

The City Council adopted another moratorium, Interim Ordinance No. 07-17, on November 19, 2007, extending the term of the first moratorium’s effectiveness to 22 months and 15 days. The moratorium and the effectiveness of the ordinance will expire on August 30, 2009. In adopting the temporary prohibition, the City Council found that there would be an immediate threat to the public health, safety and welfare if any entitlements for the establishment or operation of MMDs were approved prior to:

1. Resolving whether federal law would be routinely enforced against MMDs;
2. Learning the results of pending lawsuits related to the State and federal authority;
3. Monitoring of such facilities to determine potential impacts; and
4. Resolving any zoning conflicts based on the fact that no zoning currently existed in the City for MMDs.

Ordinance No. 07-17 requires that “at least 10 days before the Ordinance expires, City staff shall present to the City Council for approval, and the City Council shall issue, a written report describing the measures taken to alleviate the condition which led to the adoption of this Ordinance.” Such a report, entitled “Report on Medical Marijuana Dispensary Moratorium,” is provided as Attachment 1. Please refer to Attachment 1 for a complete discussion of staff’s research on this topic and staff’s recommendations for alleviating the conditions which led to the moratorium. In short, both staff and the Council Standing Ordinance Committee are recommending adoption of an ordinance prohibiting MMDs within the City of Goleta. This proposed ordinance is provided as Attachment 2.

It should be noted that there is still one existing, legally established MMD operating in the City which would not be affected by the prohibition. However, the Ordinance does include a prohibition against transferring or relocating this dispensary.

FISCAL IMPACTS:

There are no fiscal impacts from this ordinance other than noticing costs and the staff time associated with drafting the ordinance.

Legal Review By:

Reviewed By:

Approved By:

Tim W. Giles
City Attorney

Michelle Greene
Administrative Services Director

Daniel Singer
City Manager

ATTACHMENTS:

1. Report on Medical Marijuana Dispensary Moratorium
 - A. Report presented to the California Chiefs of Police Association: "Medical Marijuana Dispensaries and Associated Issues, October to December 2008"
2. Proposed Ordinance 09-__ Prohibiting Medical Marijuana Dispensaries

ATTACHMENT 1

Report on Medical Marijuana Dispensary Moratorium

Report on Medical Marijuana Dispensary Moratorium

Ordinance No. 07-17 established a temporary moratorium on the establishment of medical marijuana dispensaries (MMDs) in Goleta. It directed staff to monitor the legal status of MMDs and develop an ordinance to address these uses. A written report was also to be presented to Council at least 10 days prior to the expiration of the Ordinance. This report is intended to fulfill the requirements of Ordinance No. 07-17.

Most communities define MMDs as any site, facility, location, use, cooperative or business, whether for profit or non-profit, whether permanent or mobile, which distributes, sells, exchanges, processes, delivers, gives away, or cultivates marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215 (Health & Safety Code § 11362.5 *et seq.*)

In preparation of this report, staff conducted research on the legal status of MMDs and the potential effects of these uses. The courts and other competent authorities have not resolved apparent conflicts between federal and State law, including internal California legal conflicts, regarding the establishment of MMDs. In addition, federal legislation and enforcement is still in flux. Although Drug Enforcement Administration (DEA) policy changed regarding enforcement related to California MMDs, several MMDs in the Los Angeles area were raided by DEA agents in February, and as recently as late March, another MMD was raided in San Francisco by federal authorities. DEA maintains these raids were in response to evidence that the MMDs were operating as fronts for unpermitted and unlawful activity. On this same premise, future raids on MMDs may continue where additional activities are occurring which are criminal in nature.

A number of sources, including the United States Department of Justice's California Medical Marijuana Information Report and the "White Paper on Marijuana Dispensaries" published by the California Police Chiefs Association's Task Force on Marijuana Dispensaries (April 22, 2009) have concluded that the establishment of MMDs can lead to an increase in crime. Among the crimes cited as typical examples are burglaries, robberies, sales of illegal drugs in the areas immediately surrounding such dispensaries, as well as other public nuisances such as loitering, smoking marijuana in public places, sales to minors and driving while under the influence of marijuana.

In addition, there are numerous anecdotal reports of increased criminal activity from other California cities that have permitted the establishment of MMDs. Dozens of examples are provided in the report "Medical Marijuana Dispensaries and Associated Issues, October to December 2008" presented to the California Chiefs of Police Association (Attachment 3). Locally, one MMD in Santa Barbara has reportedly been robbed four times (*Santa Barbara Independent*, September 14, 2006). In many cases, MMDs are the victims of the crimes, usually burglary or armed robbery, due to the large amounts of cash on site and the presence of large quantities of marijuana which are a valuable commodity when sold in a secondary market.

The overwhelming response to MMDs by cities and counties in California is adoption of a prohibition ordinance. There are currently 112 cities and 7 counties that ban MMDs; 29 cities and 2 counties with moratoria; and 31 cities and 8 counties with ordinances allowing, but regulating MMDs. Of those with ordinances allowing MMD, most restrict to

certain zoning districts with a wide range of development standards and other regulatory restrictions. The City of Santa Barbara currently has several MMDs operating within its jurisdiction. In addition to the example provided above, another one of them was recently the target of an armed robbery (*Daily Sound*, May 5, 2009). The Cities of Solvang and Carpinteria each have ordinances banning MMDs.

MMDs have led to many adverse secondary effects to those communities allowing them. MMDs are an extension of the rights conferred by Prop 215. MMDs are not necessary to accomplish the purposes of Prop 215 and were not a contemplated outgrowth of that legislation.

Attachment:

- A. Report presented to the California Chiefs of Police Association: "Medical Marijuana Dispensaries and Associated Issues, October to December 2008"

ATTACHMENT 1A

Report presented to the California Chiefs of Police Association: "Medical Marijuana Dispensaries and Associated Issues, October to December 2008"

Medical Marijuana Dispensaries and Associated Issues
Presented to the California Chiefs of Police Association
October to December 2008
Cmdr. M. Regan

As discussed in the past, the violence associated with the cultivation, possession, sale and use of marijuana is a continuing trend. Listed below are excerpts of articles illustrating the violence associated with this type of trade. Of interesting note is the article which highlights the use of marijuana as currency in the methamphetamine trade, marijuana grown in Northern California no doubt under the guise of Medical Marijuana. Please keep in mind that these articles represent open source information available via print and web media. These incidents represent only a small percentage of the actual crimes that occur as there is a significant amount of under reporting by those victims who do not want this topic to garner police and media scrutiny. The home invasion robberies are possibly the most alarming trend to include those cases of mistaken identity, when suspects select a victim residence and begin their assault only to find out they have targeted the wrong residence. The raw data in the form of the full articles have been saved in their entirety for review at a later date if desired.

Drugs blamed in Flag City slaying

Defense lawyer says pair were high on meth

By Scott Smith / Record Staff Writer / October 01, 2008 6:00 AM

STOCKTON - There's no denying David Bernel killed his girlfriend last year at a Flag City gas station..... The videos showed Bernel, 29, as he drew a weapon from his belt and gunned down Jennifer Bushnell, 29, with two shots. He then stood over her, firing twice more before driving away..... At the time of the killing, Bernel and Bushnell were driving Humboldt County marijuana to Southern California and returning north with methamphetamine.....

http://www.recordnet.com/apps/pbcs.dll/article?AID=/20081001/A_NEWS02/810010327/-1/A_NEWS06

Arrest made in double murder

Suspect in fatal Visalia shootings last month spotted near Merced

BY DAVID CASTELLON • dcastell@visalia.gannett.com • January 1, 2009

An intensive search of roads and highways in Northern and Central California resulted in the arrest of a suspect in the fatal December shootings of a man and a woman in a north Visalia neighborhood..... Florez was arrested on suspicion of murder while the men with him, Augustine Serrano, 27, and Alejandro Galvan, 26, both of Visalia, were arrested on suspicion of harboring a fugitive. In addition, all three men were arrested on suspicion of drug crimes. *Police said they found 7 pounds of marijuana and 7 ounces of hashish in the car.....* Homicide detectives Wednesday would not disclose whether they're looking for other suspects in the double homicide and shooting. Police also declined to assign a motive, saying only that Florez and Madrid knew each other and that it appears Madrid

was the intended target. Florez is a known Norteño gang member and Madrid had been one in the past, Phillips said.

<http://www.visaliatimesdelta.com/article/20090101/NEWS01/901010318/1002>

Two men arrested in killing of marijuana clinic guard

By Tami Abdollah, Los Angeles Times Staff Writer / October 2, 2008

Two men were in custody today in connection with the shooting death of a security guard killed in an apparent robbery attempt at a Miracle Mile medical marijuana clinic.....The men then fled on foot.....

<http://www.latimes.com/news/local/la-me-shooting3-2008oct03,0,1578633.story>

MIRACLE MILE MEETING

Chris H. Sieroty

The recent fatal shooting of a security guard at a medical marijuana facility on La Brea Ave. topped the items discussed at the 25th annual Miracle Mile Residential Association meeting in October at the El Rey Theatre.... Two people have been arrested in connection with shooting and robbery of the medical marijuana outlet..... *"It's an all-cash business. They were held up for their cash and stash. That was the target."* LaBonge said *if someone wants to open a liquor store, adult businesses or a massage parlor, there are regulations, but there needs to be better regulation of medical marijuana stores*..... Capt. Eric Davis, commander of the LAPD's Wilshire Division, described the incident as a botched robbery and assured the audience that detectives "were working the case." Davis reminded the audience that since the passage of Proposition 215 in 1996, each city in California is left to regulate medical marijuana businesses..... "There are about 100 medical marijuana shops in North Hollywood alone."

<http://www.larchmontchronicle.com/ArchiveDetail.asp?ArchiveID=902>

A link between a murder, a film, a poem and Wall Street

Article Launched: 10/15/2008 02:59:29 AM PDT

Recent reports of another no-surprise, oddball homicide in Mendocino County set me thinking about three cautionary tales linked by the theme of greed..... The discovery of the killing started when neighbors in Laytonville heard gunshots outside a nearby home, called sheriff's deputies and reported two bodies on the ground. Officers arrived to find, yes, two bodies. As they approached, they realized only one of the two men was dead. The other, apparently the killer, was dead all right -- dead drunk. Of course, he got a free ride in a sheriff's cruiser to County Jail, where he was booked and locked up, awaiting trial, it is fair to assume. A news account indicated the two men were growing marijuana near their home, and officers found money, pot and growing paraphernalia inside the house.....

http://www.thereporter.com/entertainment/ci_10724836

Cutten man shot in his home dies

Sean Garmire/The Times-Standard / 12/05/2008

A 27-year-old man who was shot several times inside his Cutten home by an unknown assailant Wednesday night, died from his wounds at a Eureka hospital hours after the incident. Investigators continue to seek the gunman, who reportedly forced his way into

the home.According to Sheriff's Office information, Benson and his girlfriend were inside the residence when they heard a knock at the door. The suspect, a white male, likely in his 20s, wearing a black sweatshirt and black stocking cap, forced his way into the residence armed with a handgun.According to Sheriff's Office spokeswoman Brenda Godsey, upon entering the residence, investigators found "a large amount of marijuana."

http://www.times-standard.com/localnews/ci_11145382

Murder-for-hire trial pushed back

By **JOHN C. OSBORN**, The Eureka Reporter

Published: Oct 29 2008, 10:57 PM · Updated: Oct 29 2008, 10:59 PM

..... As the story goes, Chad Larsen allegedly tried to find inmates in the Humboldt County jail who would be willing to kill the underage girl in an alleged statutory rape case against him. Officials intercepted the plans and went undercover to collect more evidence and prevent the crime. *Chad Larsen allegedly offered an inmate \$5,000, a used car, a partnership in an outdoor marijuana grow and free rent at this father's Ferndale ranch in exchange for the girl's death.* The plan, relayed to Carlton Wallace, who was an inmate at the time, reportedly involved feeding the girl tainted drugs and disposing of her corpse in a hole covered with cement at his father's ranch.

<http://eureka-reporter.com/article/081029-murder-for-hire-trial-pushed-back>

Man shot in robbery at suspected pot house

Sean Garmire/The Times-Standard / 11/22/2008

An alleged robbery at a suspected indoor pot growing operation in McKinleyville on Friday ended with one man shot, and another man in jail.At the time Alcutt was contacted, authorities learned an adult male was suffering a single gunshot wound at the Coach Way residence. The shooting victim was transported to a nearby hospital, where he was treated. According to Morey, detectives believe the man was shot with a handgun, but could not say whether that weapon had been found.The investigation into the robbery continues, the Sheriff's Office said.

http://www.times-standard.com/ci_11049847?source=most_viewed

Robber injured when victims fight back

Bay City News / Tuesday, December 23, 2008

SANTA ROSA, CA -- A man who allegedly attempted an armed robbery at a Santa Rosa apartment complex Monday night is in stable but critical condition today after residents struck him in the head with the butt of his shotgun, according to police.The suspect, carrying a shotgun, threatened the men and demanded marijuana and cash, police said. However, the suspect was injured when the men hit the suspect on the head with the butt of the gun as they attempted to wrestle the weapon away from the suspect. Officers responded to the apartment and the suspect, who police did not name, was transported to a nearby hospital. He remains in stable but critical condition, police said. An investigation into the attempted robbery is ongoing, and anyone with information is asked to contact Detective Turney at (707) 543-3590.

http://abclocal.go.com/kgo/story?section=news/local/north_bay&id=6571144&rss=rss-kgo-article-6571144

Home Invaded for Medical Marijuana

Reported by: Britt Carlson / 10/17

Medical marijuana appears to be the motive of an early morning home invasion in Anderson. Two men, say three Asian men forced their way into the house, and beat them up. Investigators say the suspects may have been armed with a hand gun and some type of long gun....The victims tell police the suspects broke in to steal their medical marijuana. Chief Dale Webb of the Anderson Police Department says, "We haven't had more home invasions. However, under Proposition 215 which allows the legal growing of marijuana for medical use, we are getting more complaints from several people where the marijuana has been stolen." One victim was taken to Mercy Medical in Redding with minor injuries, and was treated and released....

http://www.khsltv.com/content/topstories/story.aspx?content_id=c8d93f98-24de-4ea7-9027-a6c9aba65a7b

Armed robber snatches pot stash

By The Record / October 11, 2008

STOCKTON - One man was arrested on suspicion of armed robbery and two other people might find themselves in trouble for a home marijuana cultivation operation....a man armed with a shotgun entered their home and grabbed a backpack filled with marijuana, according to a Stockton police report. The robber then ran out of the house and fired the shotgun into the air.... Officers also found several marijuana plants at the East Worth Street address. A case regarding the marijuana cultivation will be forwarded to the San Joaquin County District Attorney's Office, according to the report.

http://www.recordnet.com/apps/pbcs.dll/article?AID=/20081011/A_NEWS/810110314/-1/A_NEWS

Four stopped in alleged armed robbery

Posted: Wednesday, Oct 15th, 2008 / BY: TARMO HANNULA

Four men were stopped at gunpoint Tuesday morning in Watsonville on suspicion of armed robbery after they allegedly stole marijuana plants from a home near Pinto Lake City Park..... The men pulled up to the victim's home in a Nissan sedan and entered the back yard armed with a handgun, a knife, a billy club and a baseball bat, Leonetti said. The four men, all of whom were wearing masks, attempted to steal several marijuana plants that law officials said were being legally grown as medical marijuana. At one point, the resident of the home confronted the suspects. One of the suspects pointed a handgun at the homeowner.... The four men uprooted numerous mature pot plants and dumped them into the Nissan's trunk, Leonetti said. As the suspects were attempting to flee, the victim reportedly tried to get into a vehicle to follow the suspects. One suspect threw a baseball bat at the victim, but missed. As the suspects tried to flee the scene in the Nissan, the victim reportedly stabbed the right front tire with a large sword, puncturing the tire..... They were immediately spotted by Watsonville police and sheriff's deputies. Police pulled the car over and shut down Green Valley Road in both directions....

http://www.register-pajaronian.com/V2_news_articles.php?heading=0&story_id=5926&page=72

Pot thefts by men in police uniforms spread to Yuba County

By GREG WELTER - Staff Writer / 10/15/2008

OREGON HOUSE — The theft of medical marijuana by two men impersonating law enforcement officers in northeastern Yuba County Sunday is remarkably similar to a pair of robberies recently in Butte County and one in Shasta. . . . In Sunday's incident, five people living in the 9000 block of Sweetwater Trail said two armed men robbed them about 9 p.m., taking four pounds of processed marijuana, two cell phones and 15 mature plants from an outdoor garden. The victims estimated the value of the pot at between \$30,000 and \$40,000. The alleged robbers tied up the victims before ransacking the home. One of the residents resisted and sustained a minor head injury. The marijuana was determined to have been grown legally under Proposition 215. In two similar alleged Butte County robberies, victims said the suspects wore uniforms with insignia which falsely identified them as being from the Butte County Sheriff's Office and the Drug Enforcement Agency. In the Oregon House robbery, Oakes said the men wore uniforms, but had no patches or insignia. She said the suspects made verbal representations and demands of the victims, but didn't show any identification. "Law enforcement is very concerned about these individuals that are carrying out these acts and the potential mistrust that citizens may have when confronted by real law enforcement officers serving search warrants," the Butte County Sheriff's Office stated in a press release.

http://www.chicoer.com/news/ci_10722625

Threat of violence grows as area marijuana gardens bloom

A growing number of violent or potentially violent incidents involving marijuana gardens are occurring in Nevada County and northeastern California. . . . *The fake DEA agents are a sign of an ever-increasing threat of a violent harvest for marijuana growers in the county. The four men are most likely the same people that have hit a reported 10 marijuana gardens now in northeastern California this harvest season, said Royal.* Last week, Nevada County Sheriff's officers learned of the group at a meeting in Butte County. . . . With drawn weapons, the fake agents entered a property on Purdon Road near Murphy Road with a medical marijuana grow about 8:20 a.m. Monday, Royal said. They forced a resident on the ground and as they were zip-tying his hands, another resident ran inside the home and closed the door. . . . On Oct. 1 this year, two men posing as FBI agents burst into a home on Banner Mountain just outside of Nevada City and stole about two to three and one-half pounds of marijuana from two men who had just trimmed plants and bagged it. On Sept. 5, two people off Dog Bar Road were pistol-whipped by three people who suspected they had stolen their marijuana. On Oct. 14, 2007, five people entered a home in the same area and beat eight people while demanding money and marijuana. A van at the scene had freshly cut marijuana in it when officers arrived. Several days later, two burst into a Cedar Ridge home and beat two men with a crude mace made out of a baseball bat. . . .

<http://www.theunion.com/article/20081022/NEWS/110229975/1054&title=Threat%20of%20violence%20grows%20as%20area%20marijuana%20gardens%20bloom>

Investigators: Fake federal agents invade home

The Associated Press / 10/26/2008

LOOMIS, Calif.—Placer County sheriff's investigators are searching for six men they say posed as federal agents and invaded a Loomis home to steal medical marijuana.

According to the sheriff's department, the men entered the unlocked home Saturday night and ordered the occupants to lie on the floor..... Authorities said the robbers bound the occupants with duct tape and stole between 10 and 20 pounds of marijuana before fleeing in a vehicle.....

http://www.mercurynews.com/news/ci_10822681?nclick_check=1

Alleged DEA Agents Indicted After Pot Thefts

November 7, 2008

BUTTE COUNTY, Calif. -- Five men accused of posing as drug agents were indicted Thursday on various federal charges, including conspiracy to possess with intent to distribute marijuana. The Butte County Sheriff's Office investigated reports of home invasion robberies, kidnappings and assaults by so-called DEA agents who seized medical marijuana. The impersonators targeted homes known to have medical marijuana gardens, the Butte County Sheriff's department said.....

<http://www.my58.com/news/17932977/detail.html>

Five Oroville residents face federal marijuana charges

Staff Reports / 11/08/2008

SACRAMENTO — Five Oroville residents have been indicted on federal charges following a string of drug-related crimes in Butte County.....The charges followed a investigation by the Butte County Sheriff's Office after several individuals reported they had been robbed by people posing as law enforcement officials in the past month. The thefts were all of marijuana, which was being grown by those possessing medical marijuana cards. The suspects allegedly told residents that they were law enforcement officials and were conducting a drug raid. They detained and handcuffed the individuals and stole the marijuana plants in the home..... Drug enforcement agents found over 400 plants spread over three different properties, the majority of which allegedly belonged to Braiser.....

http://www.chicoer.com/publicsafety/ci_10934165

Grass Valley man arrested on charges of impersonating a police officer

By Liz Kellar / Staff Writer

A convicted felon is facing charges of impersonating a police officer after Nevada County Sheriff's deputies found a gun and law enforcement gear at his home.....They also seized more than 2 pounds of marijuana, both packaged and ready to be processed, scales and \$2,000 in cash. It is unclear if Riggie is connected to any of the recent incidents in the county where men posing as law enforcement have stolen medical marijuana, Sheriff Keith Royal said. Those included an Oct. 1 incident where two men posing as FBI agents burst into a home on Banner Mountain just outside of Nevada City and stole about two to three and one-half pounds of marijuana and an Oct. 21 theft attempt in North San Juan when four men wearing DEA jackets, with drawn weapons, entered a property on Purdon Road near Murphy Road with a medical marijuana grow.....

<http://www.theunion.com/article/20081202/NEWS/812029990/1001/NONE&parentprofile=1053&title=Grass%20Valley%20man%20arrested%20on%20charges%20of%20impersonating%20a%20police%20officer>

Lake County marijuana robbery thwarted, officials say

Sonoma County deputies arrest 7 men, seize 7 illegal guns after anonymous tip

By [RANDI ROSSMANN](#) / and L.A. CARTER / December 2, 2008

Seven men with an illegal arsenal of guns apparently had plans for a home-invasion marijuana robbery in Lake County, Sonoma County sheriff's officials said Monday. . . . Deputies spotted the vehicles heading south on Highway 101 in Santa Rosa. The drivers led deputies on a short chase that ended in south Santa Rosa near the Myrtlewood Drive home of two of the men. *In the vehicles, deputies found one loaded pistol, four assault rifles, one loaded shotgun, a short-barreled shotgun with a pistol grip, six loaded assault-rifle magazines and two types of shotgun ammunition, sheriff's officials said. . . . The investigation indicated the men apparently planned to take marijuana from a residence in the rural county*, Lawrence said. A search of the Myrtlewood Drive home turned up about 5 pounds of marijuana and drug paraphernalia. . . . All of the men remain in jail without bail on federal immigration holds because they are believed to be in this country illegally, officials said.

http://www.pressdemocrat.com/article/20081202/NEWS/812020397/1350?Title=Lake_County_marijuana_robbery_thwarted_officials_say

'Most wanted' Jones Valley man arrested

By [Ryan Sabalow](#) / October 17, 2008

A Jones Valley man listed as one of California's 12 most wanted criminals in connection with a string of burglaries and a home invasion robbery turned himself in Thursday to authorities in San Luis Obispo County. . . . Biddle is one of five suspects originally arrested in October 2007 in connection with a home-invasion robbery after they allegedly stole plants from a house with a medical marijuana garden in Bella Vista. Collette said Biddle posted \$350,000 bail after the arrest and then fled. Two of the other suspects arrested with him in 2007 have since accepted plea bargains in the case and each was sentenced to 12 years in prison. . . .

<http://www.redding.com/news/2008/oct/17/most-wanted-jones-valley-man-arrested/>

Medical marijuana facility robbed in Mission Hills

By [Tami Abdollah](#) / 2:18 PM PST, November 29, 2008

Police searched today for two men who robbed a medical marijuana facility in Mission Hills, getting away with cash and drugs. Officers responded to reports of gunfire at 10 p.m. Friday at the dispensary in the 1500 block of Sepulveda Boulevard, Los Angeles Police Lt. Darryl Grayson said. The men, believed to be 20 to 25 years old and armed with handguns, "basically took over the place," Grayson said. No one was injured, but the men made off with \$200 to \$300 in cash and an unknown amount of medical marijuana, Grayson said. . . .

<http://www.latimes.com/news/local/la-me-robbery30-2008nov30.0.7710232.story>

Two arrested, one at-large after Garberville robbery

The Times-Standard / 10/11/2008

Two women are in jail and a third man is at large after authorities were alerted to a home invasion robbery in Garberville..... a man pointed a shotgun at them while they were holding their baby, and demanded their “weed” after they opened their front door.....According to Sheriff’s Office information, the suspects had mistakenly entered the wrong residence, and after they were told there was no marijuana, they stole the victims’ 2007 Honda Accord and left the area driving both vehicles.....

http://www.times-standard.com/localnews/ci_10696585

Robbery suspect found in closet

Saturday, December 6, 2008

..... Wrede, of Fort Bragg, was wanted in connection with a Nov. 13 robbery in which two armed men forced their way into a Hansen Lane home after dark and forced an occupant to surrender a large amount of marijuana intended for a cannabis club, authorities said.....

http://www.pressdemocrat.com/article/20081206/NEWS/812060389/1016/SPORTS0401?Title=FORT_BRAGG_Robbery_suspect_found_in_closet

Tulare man reports 50 pounds of pot stolen

A Tulare man told sheriff’s deputies that about 50 pounds of medical marijuana were stolen from his property on two separate occasions. The victim, Larry Kroon, said the marijuana, worth about \$10,000, was taken from his property on the 22500 block of Munson Road, the Tulare County Sheriff’s Department said.

<http://www.fresnobee.com/263/story/913703.html>

Both indoor and outdoor growing operations continue to come to the attention of law enforcement. With the continual yearly rise in seizures, one must assume that the amount of undetected grows continues to increase. Both types of grows represent a danger to law enforcement and the public we serve. Growers continue to arm themselves against robberies and other thefts and continue to be willing to use force against anyone who endangers their growing operation. While the danger to public safety is paramount, we must also consider the significant damage that occurs to public land and the homes that are converted into indoor grows. Both can be damaged beyond repair and present health concerns to wildlife and humans alike.

Illegal marijuana eradications continue to climb locally

Written by Elizabeth Larson / Wednesday, 01 October 2008

LAKE COUNTY – It could end up being another record year for illegal medical marijuana eradications in Lake County. The local seizures of illegally grown plants on public and private lands this year is fast approaching last year’s record total.....The Mendocino National Forest itself has been a particular target, with officials estimating that the illegal grows are causing extreme damage to natural resources and wildlife, as well as posing danger to humans who happen across them. So far this year, the amount of processed marijuana and firearms seized, as well as arrests, are down.....*However, this year saw the first reported homicide related to a marijuana grow, as Lake County News*

has reported. A Santa Rosa man's body was found in an illegal pot garden off Highway 175 near Middletown. Initial report indicated he may have been attempting to steal marijuana to settle a debt owed him by one of the growers..... That's despite getting a late start on eradication activities this year, said Garzoli. "Our whole operation hinges on the availability of helicopters," he explained. Garzoli said the helicopters normally used in finding marijuana were put into emergency service when the state was hit by hundreds of wildfires earlier this summer..... Garzoli estimates he'll have firm numbers on the season's eradications by mid-November. Indoor grows could add to a larger end-of-year total.....

<http://lakeconews.com/content/view/5791/764/>

Trespassing case leads to marijuana grow; suspects arrested at scene

Published: Oct 19 2008, 10:17 PM · Updated: Oct 19 2008, 10:17 PM

Two men were jailed Friday and another was cited after a trespassing report led Trinidad police to a residential marijuana-growing operation.....Contact was made with three subjects who appeared to have been attending to a marijuana cultivation inside the garage, the release stated. Approximately 100 plants about 1 foot in height were found inside the garage, according to the TPD. One of the suspects was a registered sex offender from Connecticut and was in violation, as he had not registered with the TPD upon taking up residence in Trinidad. A search warrant was secured and a search of the residence revealed that there were 105 plants, along with an additional 83 seedlings, being grown in a separate room in the garage, the release continued. No suspects on scene were in possession of a valid 215 prescription letter.....Boris Lunin, 26, of Eureka, was cited after he was observed by an officer on the scene attempting to break into the residence through a rear window after the police department secured the residence to obtain a search warrant, the TPD stated.....Evidence obtained during the search warrant revealed that the marijuana plants being grown were intended for sales and not personal use, according to the release.

<http://eurekareporter.com/article/081019-trespassing-case-leads-to-marijuana-grow>

More than 5,000 plants removed from SB Mountains

By [Stacia Glenn](#) on October 20, 2008

Authorities removed more than 5,000 marijuana plants from the mountains today. Hunters stumbled across the 8 to 10 acre marijuana farm in Onyx Summit.....About 5,300 mature and budding pot plants worth \$18.5 million were discovered, sheriff's officials said. There were signs that people were living on the grow site but no arrests have been made.

<http://www.insidesocal.com/news247/2008/10/marijuana-update-more-than-500.html>

Leggett man arrested in marijuana bust

Ukiah Daily Journal Staff / 11/16/2008 / The Daily Journal

An marijuana eradication operation in northern Mendocino County 30 days ago has yielded the arrest of a 50-year-old Leggett man last week.....All 12 of the gardens looked to have the same design.....Marijuana, guns, and cash was found on Grave's property, the Sheriff's Office stated. A previously convicted felon, Graves could not possess a firearm. *Authorities found 52 pounds of processed marijuana, 65 growing plants, about \$15,000*

cash, 22 firearms and 11 assault weapons. Guns found on Graves property included Uzi's and street sweeper shotguns. Authorities state that one of guns could have been fully automatic. Authorities also found marijuana packaging materials and scales.....
http://www.ukiahdailyjournal.com/ci_10997574

Marijuana seizure operation sweeps through El Dorado, Nevada counties

By [Staff Report](#) / Monday, December 22, 2008

Local, state and federal law enforcement agencies served 10 search warrants and five arrest warrants in El Dorado and Nevada counties last Tuesday to shut down a major marijuana-growing operation in Northern California. *"This illegal operation consisted of thousands of marijuana plants worth millions of dollars and protected by handguns, shotguns and rifles,"*.....In the course of the Dec. 16 crackdown, agents seized approximately 2,100 marijuana plants and 100 pounds of processed marijuana, plus indoor marijuana-growing equipment, such as lights and generators. *Agents also found approximately \$625,000 in U.S. currency and seized two handguns, three rifles and five shotguns.* Several of the weapons seized were loaded.....During the investigation into these properties, agents discovered large indoor marijuana cultivations in El Dorado County. Law enforcement agents detained several individuals.....
<http://www.ledger-dispatch.com/news/newsview.asp?c=251819>

Santa Rosa man arrested on pot, weapons charges

By GREG WELTER - Staff Writer

Article Launched: 10/15/2008 12:00:00 AM PDT

BUTTE CITY — A Santa Rosa man who said he was going back to the Bay Area after helping a friend tend a medical marijuana grow in Berry Creek, was arrested Sunday night by Glenn County sheriff's deputies.....Burns searched the vehicle and found a loaded Browning 9 mm pistol, an open bag containing marijuana, and a glass jar containing pot. Also found in the vehicle were hand tools, a chain saw and Forest Service maps. Davidson alleged he had been helping a friend tend a medical marijuana grow, but had no prescription to cover the pot found in his vehicle.....Jones said Davidson refused to give deputies the name of the person he claimed was growing medical marijuana.....
http://www.contracostatimes.com/california/ci_10722626?nclick_check=1

California: Marijuana Plants Burned

By [SOLOMON MOORE](#) / Published: November 20, 2008

A record number of marijuana plants were uprooted and burned in [California](#) this year, the authorities said. The Campaign Against Marijuana Planting, a local and federal task force, closed out the marijuana growing season by announcing that it had destroyed 2,905,232 plants, a slight increase over last year. The street value of the plants is estimated at \$11.6 billion. Outdoor crops are usually harvested in California in late September or early October. About 143 people were arrested in connection with the plant seizures, the task force said. The largest number of marijuana farms were found in the Central Valley and in Northern California.

[http://www.nytimes.com/2008/11/20/us/20brfs-MARIJUANAPLA_BRF.html?
_r=1&ref=us](http://www.nytimes.com/2008/11/20/us/20brfs-MARIJUANAPLA_BRF.html?_r=1&ref=us)

Authorities bust Fresno-area marijuana ring

The Associated Press / 12/02/2008 07:17:15 PM PST

FRESNO, Calif.—A federal grand jury has indicted 10 alleged members of a Central Valley-based drug ring on charges that they conspired to distribute marijuana to the Midwest.... The indictment unsealed Tuesday charges eight people with conspiring to distribute marijuana from November 2004 to January 2006. Cobar says the operation's alleged ringleader, Haamid Alie Darciel, faces conspiracy, aggravated identity theft and corruption-related charges. So do two others who allegedly helped him get the fake driver's license that authorities say he used to pick up drugs near the U.S.-Mexico border.
http://www.mercurynews.com/news/ci_11123296?nclick_check=1

California Breaks Record For Seized Pot Plants

Thursday, November 20, 2008 / Story by [kcra.com](http://www.kcra.com)

SACRAMENTO, Calif.: More than 5 million marijuana plants were seized in California during 2008, breaking the previous record for pot plant seizures in a single year, prosecutors said Wednesday. The total collaborative effort of several law enforcement agencies resulted in 5,249,881 plants seized, officials said. A total of 143 arrests were made in connection with the seizures. "Our forests and public lands cannot and will not be allowed to become safe havens for Mexican drug cartels operating massive marijuana cultivations," U.S. Attorney McGregor Scott said. "These criminal enterprises pose great risk to those simply seeking to enjoy these lands in the manner for which they were intended." It is the second consecutive year that the state has broken a record for marijuana plant seizures. During 2008, 53 people were arrested in connection with growing marijuana plants. The counties with the highest number of eradicated plants included Lake, Tulare, Shasta, Mendocino and Humboldt.

<http://www.officer.com/online/article.jsp?siteSection=1&id=44257>

Sheriff's office makes arrests in marijuana raids

Written by Lake County News Reports / Tuesday, 16 December 2008

LAKE COUNTY –Lt. Dave Garzoli of the Lake County Sheriff's Office said the operations concluded with 13 arrests and the seizure of over 400 marijuana plants, 210 pounds of processed marijuana, 33 firearms and the seizure of more than \$1 million in assets..... The arrests began with that of Travis McKinney, 41, of Bakersfield, arrested during a traffic stop on Westlake Drive on Oct. 30. Garzoli said McKinney was traveling home to Bakersfield after having just picked up approximately 90 pounds of marijuana.....investigators served a search warrant and located approximately 85 plants, 45 pounds of processed marijuana, 2 ounces of hash, two firearms and materials consistent with the sale of marijuana..... Garzoli said the first operation and McKinney's arrest were unrelated to the following raids. The following week, on Nov. 19, a search warrant was served..... The warrant was obtained following observations made by the sheriff's helicopter crew of a large marijuana grow in the yard the residence, Garzoli said. Upon serving the warrant, Garzoli said investigators found that the residence was not occupied as a residence but solely for the cultivation and processing of marijuana for sale. At this location investigators located and seized approximately 121 pounds of

processed marijuana and 95 plants under cultivation. . . . On Nov. 20, a search warrant was served. . . . investigators found that the outbuilding was being used for the processing and packaging marijuana for shipment. Garzoli said investigators located and seized approximately five pounds of processed marijuana and 50 plants under cultivation. . . . information was gathered at this scene indicating that in the months preceding this raid, the grow had produced and the suspects shipped in excess of 300 pounds of processed marijuana. . . . The next operation took place in the afternoon of Nov. 22. . . . At this location investigators located and seized approximately 180 marijuana plants being grown inside a mobile home that had been completely converted into an indoor grow, 5 pounds of processed marijuana and packaging materials, a large number of firearms and in excess of \$1 million in cash and bank accounts. . . . Then, on Dec. 6, Lake County Sheriff's investigators served a search warrant. . . . The purpose of this warrant was to locate a convicted sex offender. . . . investigators located approximately 4 pounds of packaged marijuana in his vehicle along with approximately 4.4 grams of Psilocybin ("Magic Mushrooms") mushrooms and a small quantity of hashish. . . . *The Lake County Sheriff's Office intends to prove in court that these are not medical marijuana cases but instead a complete abuse of the intent of the Compassionate Use Act of 1996*, said Garzoli. He said the agency is committed to pursuing these drug dealers and any who continue to use the Compassionate Use Act as a means profiting from their criminal enterprise.

<http://lakeconews.com/content/view/6662/764/>

Code enforcement officer arrested for marijuana says deputies disregarded medical cards

Written by Elizabeth Larson / Thursday, 16 October 2008

LUCERNE – A county code enforcement officer arrested over the weekend on several drug-related charges says he was wrongly arrested because he has medical marijuana cards, while sheriff's officials say his arrest was justified due to the amount of marijuana in his possession. Larry Morris Fabisch, 54, of Nice was arrested early Saturday morning and booked into the Lake County Jail on charges of *possessing more than 28.5 grams of marijuana, planting and cultivation, possession for sale and carrying loaded firearms in public. . . . Inside the SUV the deputy allegedly found 89 pounds of recently harvested marijuana plants. . . . Fabisch said he was trying to show the deputy. . . . his two medical marijuana cards, which he placed on the patrol car's hood. . . . Bauman said Fabisch was arrested due to the large amount of marijuana in his possession. "He had way more than anyone with a card is allowed to have,"* said Bauman. According to Fabisch, his medical marijuana recommendation allows him to have 25 plants or five pounds of processed marijuana. . . . Fabisch challenged his arrest, saying that Proposition 215 – the California Compassionate Use Act of 1996 – does not impose limits on the amount of medical marijuana a patient may have. Attempts to impose such limits, such as SB 420, have been ruled unconstitutional by California courts. . . .

<http://lakeconews.com/content/view/5977/764/>

Mexican marijuana cartels sully US forests, parks

By TRACIE CONE – 1 day ago

PORTERVILLE, Calif. (AP) — *National forests and parks — long popular with Mexican marijuana-growing cartels — have become home to some of the most polluted pockets of wilderness in America because of the toxic chemicals needed to eke lucrative harvests from rocky mountainsides*, federal officials said. . . . authorities say the 1,800-square-mile Sequoia National Forest is the hardest hit. Weed and bug sprays, some long banned in the U.S., have been smuggled to the marijuana farms. Plant growth hormones have been dumped into streams, and the water has then been diverted for miles in PVC pipes. Rat poison has been sprinkled over the landscape to keep animals away from tender plants. And many sites are strewn with the carcasses of deer and bears poached by workers during the five-month growing season that is now ending. "What's going on on public lands is a crisis at every level," said Forest Service agent Ron Pugh. "These are America's most precious resources, and they are being devastated by an unprecedented commercial enterprise conducted by armed foreign nationals. . . . In the meantime, the only cleanup is done by volunteers. . . . Last year, law enforcement agents uprooted nearly five million plants in California, nearly a half million in Kentucky and 276,000 in Washington state as the development of hybrid plants has expanded the range of climates marijuana can tolerate. . . ."The impact goes well beyond the acreage planted. They create huge networks of trail systems, and the chemicals that get into watersheds are potentially very far-reaching — all the way to drinking water for the downstream communities. . . .
http://ap.google.com/article/ALeqM5jK97BkWoE107d16p_cs4KqyBRTGAD93OFK800

Steve Carson's 'Outdoors' column: Few problems with deer season

By STEVE CARSON-Outdoors Columnist / 10/10/2008

. The DFG's largest concern at this time of year concerns conflicts between medical marijuana growers and wildlife. The growers are in competition with wildlife for dwindling resources including water. Deer are often killed because they like to eat the plants. Castillo related a recent case involved the neighbor of a large cooperative marijuana grow, who was reported to have decimated the local animal population. When a search warrant was obtained, it was found that the individual had the skulls and skins of three mountain lions and numerous deer. . . . *Castillo continued his report about the even more dangerous illegal marijuana grows by drug cartels on public land such as the Oroville Wildlife Area. Armed guards and booby traps are an extreme hazard for wildlife, hunters and wardens.* "We've never had a grasp on how large the problem appears to be, and the law is vague," said Castillo. . . .

http://www.chicoer.com/advertise/ci_10686014?IADID=Search-www.chicoer.com-www.chicoer.com

Sheriffs and rangers work to make open space safe for all

By Kristin Munson / for Saratoga News / 11/14/2008

In the hillsides high above Saratoga, three men guarded a garden of nearly 40,000 marijuana plants, representing more than \$116 million in illegal sales. Tipped off by suspicious neighbors, a team of eradication experts hiked to a remote swath of land nestled between private property and El Sereno Open Space Preserve to seize the pot growing there and arrest the farmers. *During the operation, which took place on July 10, shots were exchanged, leaving one grower dead and scattering the two others into the brush.* While law enforcement officials say it is safe for residents to continue hiking

and enjoying the preserves, the two men remain at large and the incident has left some mountain residents uneasy.....The situation is one that is increasingly played out as more and more Mexican drug groups use their connections in the United States to move operations across the border and into the back yards and outdoor playgrounds of America. Marijuana grows have been discovered in parklands across the country, including Yosemite National Park. In 2008, Santa Clara County law enforcement teams performed 11 raids over five days, eradicating 76,278 pot plants, arresting three suspects and confiscating one weapon, according to statistics provided by Campaign Against Marijuana Planting (CAMP), a coalition of federal, county and local narcotics officers. About \$11.6 billion in illegal marijuana plants were confiscated statewide, making California the No. 1 producer of commercially grown marijuana. The numbers do not reflect those marijuana gardens destroyed during the wildfires earlier this summer..... We had concerns regarding the safety of our rangers with the increasing occurrence of marijuana plantations in remote areas," said open space operations manager David Sanguinetti. "Our rangers focus on the resource protection of the property. We carry defensive equipment, but we do not take an offensive stance." Rangers do not confront potential marijuana growers and contact police authorities if they suspect a preserve has an illegal garden housed on the property.....During harvest season in the late summer, the growers process the marijuana at the campsite, stuff their packs with the plants and leave behind diverted streams and a camp polluted with rubber hoses and fertilizer. "They are basically poisoning the wild lands," said Rich Camps, leader of the South Bay Metro Task Force. "They are limiting the public access to public lands. We are dealing with criminal organizations that are taking over our lands. It's violating some of our national treasures. Marijuana is a commodity that criminal organizations are profiting from at our expense." The phenomenon of growing the drug on public lands has occurred for more than 20 years, he said. What is new is the growing trend of growers bringing weapons to sites. More and more of these groups are going armed to protect their grows from other organizations wanting to steal their profits.....

http://www.mercurynews.com/science/ci_10986714?nclick_check=1

Volunteers Clean Up Marijuana Site

Nov 22, 2008

Gilroy, Calif: Early this morning recruits from the Santa Clara County Sheriff's Department volunteered to clean up trash and other remains. Left behind two years ago from the marijuana garden at Mt. Moadoona County Park in Gilroy. It took a team of thirty, eight hours to clean up the remains of a make shift camp of an old marijuana site. With the shrinking state budget cleaning the aftermath takes a back seat. The trash accumulates after years and years of people living in the mountains, growing crops of marijuana.....The marijuana gardens has taken a toll on Mt. Madonna County Park. Mt. Madonna Park Ranger John Heenan says that the cultivators destroy the beautiful park. "They go in and they clear cut all the tress get rid of all the vegetation from a particular area and since all the vegetation is gone there is no roots in the soil. The soil then becomes loose and then it erodes and gets into the streams, it's a big problem." This year alone in Santa Clara County authorities have eradicated two hundred thousand marijuana plants, worth a half a billion dollars.

<http://www.kcba.com/Global/story.asp?S=9399448>

Marijuana worth \$39m discovered near Orosi; six arrests made

Staff reports • October 12, 2008

A Southern California link to a major marijuana-growing operation northeast of Orosi was revealed Friday as six arrests were made by Tulare County Sheriff's Department narcotics officers. . . . The site, which has already been cleared of some 9,139 illegal marijuana plants, was located on a 30-acre avocado orchard northeast of Orosi. . . . Officers discovered a large-scale processing station there, including drying fans, heaters and ventilation equipment to "aid in the drying process," deputies reported. Equipment designed to grow marijuana indoors was also discovered at the Orosi site. Officials of electricity provider Southern California Edison revealed that power was being diverted illegally to the site. The seized plants' estimated street value was estimated by police to be \$37.3 million. Previously dried marijuana amounting to around 500 pounds valued at \$2 million was also seized and destroyed. . . .

<http://www.visaliatimesdelta.com/apps/pbcs.dll/article?AID=/20081012/NEWS01/81012003>

Man arrested for alleged marijuana cultivation and possession

Published: Oct 16 2008,

Humboldt County Sheriff's deputies, working with the U.S. Forest Service, arrested Francisco Aparisio Chavez, 21, of Michoacán, Mexico on Wednesday after seizing marijuana allegedly in the process of being harvested on U.S. Forest Service property, a release from the Sheriff's Office stated. . . . deputies reportedly found 1,200 growing marijuana plants, 600 drying marijuana plants, and 3,000 marijuana plants that had been harvested. An additional 17 pounds of processed marijuana was also seized. Chavez was allegedly at the site within arm's reach of a loaded pistol-grip, pump-action shotgun, the release stated. Deputies reported finding a loaded assault rifle at the grow site. Chavez was transported to the Humboldt County jail, where he was booked on suspicion of cultivation of marijuana and possession of marijuana. He is not eligible for bail due to an Immigration and Customs Enforcement detainer.

<http://eureka-reporter.com/article/081016-man-arrested-for-alleged-pot-cultivation-and-possession>

Sheriff Says 360,000 Marijuana Plants Seized in 2008

Updated 4:27 PM PST, Mon, Nov 10, 2008

MONTEREY PARK, Calif. -- Authorities seized 360,000 marijuana plants -- which could yield 140 tons of pot -- found on public lands in Los Angeles County this year, Sheriff Lee Baca announced Monday. An additional 550 pounds of processed marijuana also was found at forest sites. The total haul represents a "major increase" over similar seizures last year, according to the sheriff's department, which did not supply figures for 2007. The pot farms are believed to be the work of criminals involved with Mexican drug cartels, according to authorities, who say such cultivation poses a "genuine threat" to hikers, mountain bikers and hunters if they should stumble onto one of these areas. Baca said that 15 firearms were also seized during eradication operations as well as tons of camp trash and chemicals. The pot farms, said Baca, pose significant threats to the environments. Growers haul gallons of herbicides, gasoline and other chemicals into

remote areas where they clear space to grow the marijuana. The result is that much native vegetation has been stripped away. Also, the fertilizers and insecticides make their way into streams, ponds and lakes. The pot farmers also leave mounds of human waste and trash behind.....

<http://www.nbclosangeles.com/news/local/Sheriff-Says-360000-Marijuana-Plants-Seized-in-2008.html>

Marijuana Eradicated Near Stanislaus River Canyon

BJ Hansen / MML News Reporter / Wednesday, October 08, 2008

Sonora, Ca -- 3,090 marijuana plants were eradicated Wednesday from the Paper Cabin Ridge area of the Stanislaus River Canyon.....The total number of marijuana plants eradicated in Tuolumne County since July 1st is 113,113. This year's plant count has already exceeded the 2007 total of 107,739.

<http://www.mymotherlode.com/News/article/kvml/1223508122>

Authorities arrest 2, seek a third man on marijuana charges

By Constance Dillon / Friday, November 28, 2008

Authorities arrested two men and were looking for a third after they discovered processed and live marijuana plants at two Trinity County properties. ... Tuesday's search on the two properties turned up 70 pounds of processed marijuana and 364 live plants from a greenhouse and an indoor growing area. Also seized were 13 firearms, including a .233 assault rifle and a Benelli 12- gauge, M-4 Super 90 combat shotgun, more than \$70,000 in cash and an unspecified number of vehicles. The newer model automobiles, off-road vehicles and utility trailers have an estimated value of \$110,000, Knill said. *Authorities believe that the Pickles were involved in exploiting California's medical marijuana act, selling the cultivated marijuana from Trinity County, north to Oregon, Washington and Alaska,* Knill said.

<http://www.redding.com/news/2008/nov/28/authorities-arrest-2-seek-third-man-marijuana-char/>

ADDRESSING ENVIRONMENTAL WOES OF POT GROWS

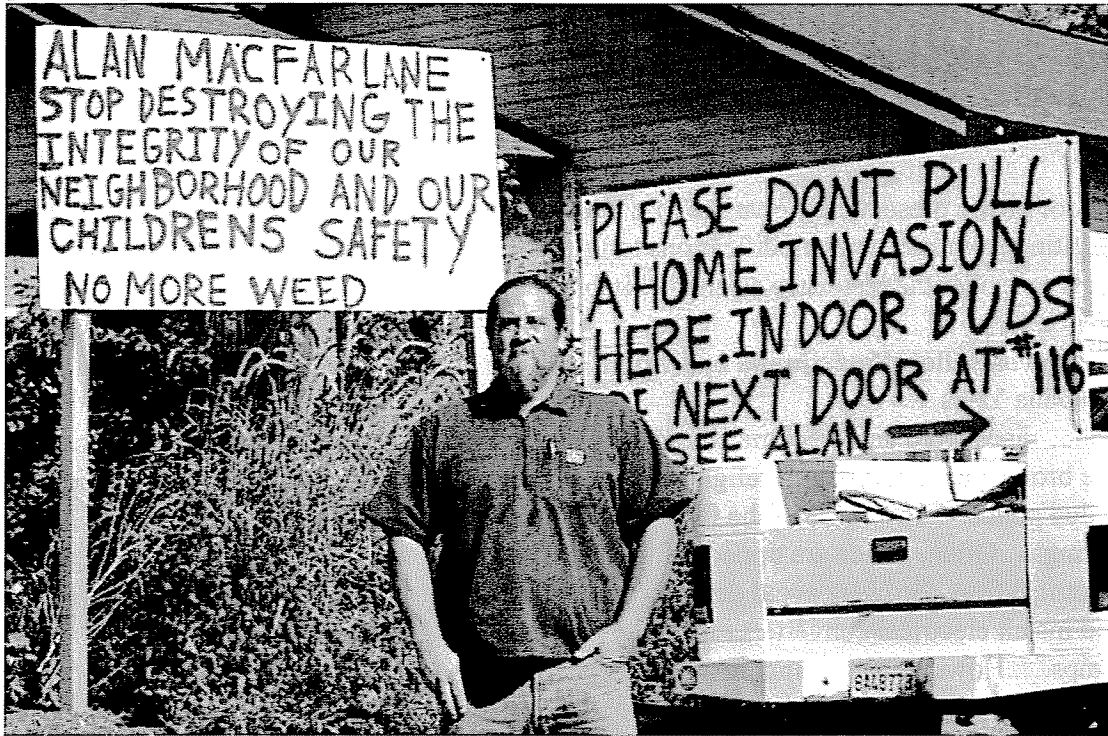
The Humboldt County Board of Supervisors was in the unenviable position this week of trying to determine how to regulate illicit businesses. At issue is the continuing degradation of rural Humboldt County through marijuana-related diesel spills and the improper disposal of waste oil.....The problem is that outdoor grows have moved indoors -- a situation that requires round-the-clock operation of diesel-powered generators. The primary concern is the potential for diesel spills and fires, but there are also issues of air and noise pollution. "The environmental problems of marijuana cultivation are pretty widespread," Hill said. The presentation was illustrated with several shots of indoor grows, leaking diesel tanks and dumping areas for the waste oil. *Some 70 to 80 percent of rural fires, concerned citizen Robert Sutherland said, are related to grows, a conclusion based upon conversations with rural fire chiefs*..... We've seen some real devastation from some of these operations," "Regulating an already illegal operation is pretty interesting," 3rd District Supervisor John Woolley said. Fifth District Supervisor Jill Geist concurred, summarizing the presentation as one seeking the supervisors' assistance in the "greening of an illegal industry." "This is a little uncomfortable for us,"

she said. "It's hard to figure out a regulatory framework in an illegal world," Woolley said. When the discussion was opened to the public, state Department of Fish and Game senior environmental scientist Bill Condon expressed concern about the effect grows have on nearby waterways. That comes in the form of illegally storing and discharging materials near streams and the illegal diversion of water to water the plants.
<http://www.mapinc.org/drugnews/v08/n1113/a06.html?1184>

PIT BULLS ATTACKING MENDOCINO LIVESTOCK / Sun, 30 Nov 2008

Pit bulls on the loose are wreaking havoc on livestock in rural Mendocino County and the problem seems to be getting worse, animal control officials said. *Law enforcement and agriculture officials suspect the spike in pit bull attacks on livestock and wildlife is a byproduct of the growth in marijuana production in the county. Marijuana growers are suspected of bringing many pit bulls to the area to guard the large number of pot gardens in the northern part of the county; pit bulls are commonly found along with marijuana gardens at rural residences in the area, officials said.* Medical marijuana activists say that's just a guess. It's all too common for people to move to the country with the misconception it's OK for their dogs to run free.
<http://www.mapinc.org/drugnews/v08/n1078/a05.html?1184>

Medical pot's side effects: Unhappy neighbors cite gunshots, threats as grove of plants tops 8 feet and odors circulate



Unhappy neighbors cite gunshots, threats as grove of plants tops 8 feet and odors circulate

By DEREK J. MOORE / THE PRESS DEMOCRAT / Monday, October 27, 2008

.....Jeremy Gardea and his family live next door to Alan MacFarlane, who grows medical marijuana at his Santa Rosa home. Gardea objects to the risk of his neighborhood being targeted by criminals, who he directs next door via sign. But after another fall harvest season in which his neighbor's marijuana plants grew well above the 8-foot fence that separates their Hull Street homes, the plumber and father of three's compassion finally went up in smoke. More than a feud between two neighbors, the conflict represents a dramatic showdown over the right of one homeowner under California law to grow marijuana versus the rights of other residents to not have their quality of life or safety threatened by that activity.....Alan MacFarlane's annual marijuana crop creates an unholy stench in the neighborhood off West Third Street near Dutton Avenue, causes noise disturbances related to motion alarms and raises the risk of criminal activity. That risk is underscored by the number of home-invasion robberies tied to marijuana gardens, including one this month in which three robbers wearing clothing to impersonate law enforcement officials burst into a Todd Road home, handcuffed two residents and fled with 30 marijuana plants....."I don't let my 11-year-old out in the back yard, especially during the harvest season, because the smell of the plants fills our house," said Christi Corradi, an art teacher for at-risk youth whose Garden Street back yard abuts MacFarlane's. Her neighbor, Stan Carter, said he filed a sheriff's report in summer 2007 after he and his wife were awakened by the sound of a gunshot and men running past their window. He said they later discovered a trail of marijuana in their back yard leading from MacFarlane's property. "I've got five grandchildren," Carter said. "I can't afford a loose cannon in the neighborhood." About 30 neighbors signed a certified letter given to MacFarlane earlier this month in which they demand that he address the nuisances allegedly created by growing marijuana, including the discharge of firearms, verbal threats, smell of marijuana and the noise of motion sensitive alarms.....
http://www.pressdemocrat.com/article/20081027/NEWS/810270310/-1/WEATHER?Title=Medical_pot_s_side_effects

Indoor grows present their own specific set of issues. The theft of electricity, fires resulting from improper modifications to the residence as well as the potential for the grow to render the residence as uninhabitable.

Fire reveals illegal marijuana operation

By Dana Yates

Police discovered an illegal marijuana growing operation in Millbrae yesterday after a fire broke out.....Millbrae Firefighters discovered pot plants throughout the home and called police. "The cause of the fire was electrical that came from illegal wiring.....Often, police are tipped off to illegal pot farms when firefighters respond to electrical fires. Growers avoid detection by stealing electricity straight from power poles and install electrical converters inside the house to help power numerous lamps.....However, more and more illegal growers are moving indoors — ruining rental properties, stealing electricity and producing more plants, Alcantara said. The growers commonly rent a house with no intention of anyone living there. They convert rooms to grow marijuana, often assigning different rooms to different parts of the operation — seedlings, mature plants, drying and packaging. Someone using a false name rents the homes, mostly in north county cities like South San Francisco and Daly City. Once

inside, the criminals often ruin the home by cutting holes in the ceilings for ventilation. In one case, a four-foot vent system was cut into the ceiling and through a second floor to the roof, Alcantara said

http://www.smdailyjournal.com/article_preview.php?id=100934

Wiring Sets Fire To Medical Pot Operation

Man Could Face Charges Because Lighting Not Up To Code

December 5, 2008

SACRAMENTO, Calif. -- A registered medical marijuana grow operation went up in smoke this morning after faulty electrical wiring touched off a fire. A Sacramento man is now facing potential charges not because of the plants, but for the way he was growing them. . . . Resident Stephan Dorman is registered to grow medicinal marijuana, but fire officials said he had illegally added lighting that was not up to electrical code. Those lights are what caused the fire, officials said. . . . Several families were displaced by the fire, along with Dorman. The damages are estimated at more than \$100,000. . . .

<http://www.my58.com/news/18213486/detail.html>

Carlsbad firefighters find pot under indoor blaze

The Associated Press / 10/20/2008

CARLSBAD, Calif.—Firefighters who put out a Carlsbad house fire say they found an indoor pot farm after the flames were out. Police Sgt. Greg White says firefighters found Sunday that equipment from the farm had sparked the fire and called police, who seized about 40 plants and arrested a 33-year-old resident of the home on suspicion of possessing and growing marijuana. A neighbor had called 911 when they had seen smoke coming from a window and a resident refused to open the door when they knocked. Fire officials say the resident had tried to put out the fire, which was confined to one bedroom.

http://www.mercurynews.com/breakingnews/ci_10766562?nclick_check=1

Police report finding 124 marijuana plants in apartment

By VICTOR A. PATTON / Sunday, Oct. 12, 2008

Merced police say they are seeking the arrest of a 29-year-old man after officers reported finding 124 marijuana plants growing in a one-bedroom apartment. There were also three small children living in the midst of the “sophisticated” indoor pot operation, police said. . . . Deliman said the officers arrived at the house and served a search warrant, smelling the plants’ pungent odor before even entering the residence. Police were at the home responding to an anonymous tip. . . . Deliman said the couples’ children, two girls ages 2 and 5 and a 3-year-old boy, were also inside. After searching the residence, Deliman said officers found 3 pounds of processed marijuana in addition to the plants, which were producing buds and ranged in height from 3 to 5 feet tall. The 124 plants were grown in the apartment’s single bedroom by using a variety of equipment such as grow lights, ballasts and an irrigation system. Deliman said the total value of the equipment was about \$10,000. The children slept on a single mattress with their parents in the apartment’s main room, police said. Investigators also found marijuana seeds in apartment’s bathroom. “These kids were living in that atmosphere. . . .

<http://www.mercedsunstar.com/167/story/495529.html>

Pot-growing operation discovered in home raid

CHULA VISTA: Narcotics enforcement officers seized hundreds of marijuana plants that were being grown inside a home, authorities announced this week. A search warrant was served Friday.....and 931 marijuana plants, many with their roots still attached, were found, Chula Vista police said. The entire first floor of the house was being used as an area to grow the plants, police said. A 36-year-old San Diego man was arrested while leaving the house. He faces marijuana cultivation charges. Police estimate the street value of the marijuana at \$450,000. -A.M.

<http://www.signonsandiego.com/news/metro/20081030-9999-1m30pubsafe.html>

Sheriff's detectives arrest Live Oak man for marijuana sales, seize loaded guns, almost \$100,000

By Jennifer Squires - Sentinel staff writer / 10/30/2008

LIVE OAK -- Sheriff's detectives arrested a 23-year-old man suspected of selling marijuana on Tuesday afternoon and seized loaded guns and almost \$100,000 of suspected drug sales profits..... There they reported finding two loaded handguns on a living room table, a loaded handgun on the kitchen counter and a loaded shotgun in a bedroom closet. They also found a bulletproof vest, a pair of handcuffs, scales, packaging material, approximately 3 pounds of marijuana packaged to sell in the house..... There was also \$29,592 cash in the house..... Wednesday, detectives seized another \$70,000 from Anderson bank accounts. Detectives suspect that the money was drug proceeds from selling marijuana. Carney said the investigation is ongoing.

http://www.mercurynews.com/centralcoast/ci_10855511

Drug and child endangerment arrest in Guadalupe

Reported by: [Emily Kiefer](#) / Monday, December 22, 2008

A 41-year-old Guadalupe man is facing drug and child endangerment charges after sheriff's detectives search his home. Investigators arrested Jesse DeLeon on Thursday. They said they found one ounce of meth and other drug items along with an indoor marijuana grow. The grow seemed to be covered under medical marijuana guidelines, but the odor was so strong that detectives removed a pair of 2-year-old children from the home as a precaution. DeLeon is being held at the Santa Maria Jail without bail.

<http://www.ksby.com/Global/story.asp?S=9569360>

Family arrested on marijuana charges

By ZACK CINEK The Daily Journal / 11/22/2008

Three family members were booked into jail Wednesday for suspected marijuana violations at their home in the Willits area. A total of four people were arrested for what was allegedly an indoor growing operation.... High Pacific Gas and Electric use and neighborhood complaints caused the Mendocino Major Crimes Task Force to serve a search warrant, Commander Bob Nishiyama said. Grows in the home occupied a garage, basement and bedroom. Law enforcement found an estimated \$1,500 in cash, three guns and about 20 pounds of processed marijuana..... The family came from Florida, Nishiyama said, and had been growing marijuana in Brooktrails for about a year-and-a-half. The marijuana they sold was going for about \$2,800 a pound. Signs of an outdoor

grow were also found. Children ages 16 and 17 were also in the home the day of the raid.....

http://www.ukiahdailyjournal.com/ci_11049091

Pot clubs, seized plants, new president -- marijuana's future is hazy

By Sam Stanton / Sunday, Dec. 07, 2008

Off the coast of Baja California, a Coast Guard cutter seized 137 bales of marijuana two weeks ago as they were being dumped by the crew of a speed boat. In San Francisco there are more registered pot clubs than middle schools, police stations or Taco Bells, according to the federal government. And in Sacramento, state and federal officials recently announced the eradication of 2.9 million marijuana plants being grown around California. They said it was a record haul. So, against that backdrop, how sharply does law enforcement focus on arresting marijuana users? "We don't," said Sacramento County Sheriff John McGinness. For years, personal marijuana use hasn't been a priority for local law enforcement. Authorities say someone caught with a joint may face a penalty equal to a traffic citation.The White House Office of National Drug Control Policy has worked to ridicule the growth of medical marijuana in California, noting in a recent press release that there are 24 registered pot clubs in San Francisco but only 14 middle schools, 14 police stations and 18 Taco Bell franchises. Authorities say medical marijuana is often the excuse from those caught using the drug.

<http://www.sacbee.com/capitolandcalifornia/story/1454724.html>

Marijuana grows fingered for equipment thefts

Fortuna police report rash of grow gear thefts

Sean Garmire/The Times-Standard / 12/30/2008

A number of unsolved construction equipment thefts have taken place around the Fortuna area, and authorities believe it is likely that equipment will be used to cultivate marijuana. The stolen equipment includes diesel generators, compact loaders and fertilizers.I think there's a nexus here to marijuana growing," Kitna said. "We take (reports of) generator thefts once in a while, but we've had a rash in the last two weeks." Early Monday morning detectives received a report that a high-end generator had been stolen from a construction site along Hilltop Drive. It was the second such theft of a generator -- which cost more than \$10,000 -- this month. FPD detective Aaron Starcher said another generator was taken from a Fortuna construction site in early December. Also this month, Kitna said, a Fortuna hydroponics store was burglarized and fertilizer was found missing. On Dec. 17, two Caterpillar brand compact loaders were stolen from a tractor dealer in Fortuna. Both have an approximate retail value of \$100,000 and weigh an estimated 10,000 pounds. Kitna said he suspects those tractors will be used to prepare a site for the cultivation of marijuana. "I don't think there's a big black market for those," he said. Mark Peterson, a deputy sheriff with the Drug Enforcement Unit, said during the course of raiding marijuana growing operations, agents routinely find stolen generators and other equipment. Peterson said during one raid in Deweyville this winter, authorities discovered three stolen generators were being used to power the growing operation. In another recent raid near Dinsmore, one stolen generator was seized from the site. Every year, Peterson estimated, his agency locates about 20 generators -- 25 percent of which have been reported stolen. Kitna said in light of the theft epidemic, he encourages

anyone who owns equipment that could be used for a marijuana growing operation to take extra precautions to safeguard their property. "It's a big hit for a normal guy trying to make a living," he said.

http://www.times-standard.com/ci_11334834?source=most_emailed

Police seize 1,500 pounds of Marijuana worth \$3 million

By FONTANA HERALD NEWS The Fontana Police Department seized 1,500 pounds of marijuana, which had a street value of more than \$3 million, while serving a search warrant on Dec. 29....Police, with the help of a police canine which is trained to find illicit drugs, located a secret hiding compartment on a 53-foot trailer which was parked on the property. The marijuana, which came from Mexico, was wrapped in plastic "bricks" which varied in size and weight, police said. Police arrested one suspect, who was a native of Mexico. The investigation is ongoing.

<http://www.fontanaheraldnews.com/articles/2009/01/01/news/03newspolice.txt>

Raids net assault weapons, 20 pounds of marijuana

By [Liz Kellar](#) / Staff Writer

Investigators allegedly found this illegally modified AR-15 assault rifle, shotgun and 20 pounds of marijuana buds inside a storage unit being rented....A tip that a Peardale-area man was dealing drugs out of his home resulted in law enforcement discovering a large stash of marijuana and guns, including an illegally modified assault rifle, the county sheriff said Wednesday....They found a truck running in the driveway and Sanders in the process of leaving the house, Royal said. Sanders was found to have prescription drugs without a prescription, and a briefcase in the bedroom was found to contain three recommendations for medical marijuana, only one of which was in Sanders' name, Royal said. Inside the house, investigators found a 12-gauge shotgun, six boxes of 12-gauge shotgun rounds and a magazine for an AR-15 rifle, Royal said. The searchers also discovered a trap door to the basement, where they found evidence of a prior indoor marijuana-growing operation, including marijuana leaves and other items on the floor....Inside the storage space, they found a 20-gauge shotgun, a .22-caliber revolver and a Colt AR-15 that had been modified illegally, Royal said. They also found 20 pounds of marijuana buds with an approximate value of \$60,000, as well as scales and other sales paraphernalia....

<http://www.theunion.com/article/20090101/NEWS/812319992/1001/NONE&parentprofile=1053&title=Raids%20net%20assault%20weapons.%2020%20pounds%20of%20marijuana>

10-lbs. of marijuana seized following fireworks explosion

Ukiah Daily Journal Staff / 11/20/2008

A man injured by a malfunction of a fireworks mortar had 10 pounds of marijuana seized when deputies responded to his fireworks explosion near Laytonville....the Sheriff's Office received a call about an explosion. When deputies arrived, they found Anderson bleeding from an injury to his hand....During the investigation, marijuana was also found. According to the Sheriff's Office, 12 pounds of marijuana was found at the North Road residence. Anderson showed law enforcement he had a medical recommendation

for marijuana. Of the 12 pounds, 10 was seized, leaving Anderson with the remainder of the marijuana.

http://www.ukiahdailyjournal.com/ci_11029914

350 marijuana plants seized; Albion man arrested

Ukiah Daily Journal Staff / 11/22/2008 / The Daily Journal

In a coastal case that began in August, Mendocino County sheriff's deputies on Wednesday seized more than 350 marijuana plants....Deputies obtained a search warrant....and three days later, 58 marijuana plants were seized by deputies at that location. In the ensuing investigation, law enforcement came to believe the Navarro Ridge grow belonged to Reynolds. Deputies then came to a location in the 1400 block of D Road, Albion, to serve a search warrant Wednesday. There deputies allegedly found 366 marijuana plants, 12.5 pounds of processed marijuana and .6 grams of cocaine. Reynolds was booked into Mendocino County Jail with a \$25,000 bail.

http://www.ukiahdailyjournal.com/ci_11049092

EPD makes marijuana possession arrest during traffic stop

The Times-Standard / 10/20/2008

A man was arrested for possession of marijuana for sale during a traffic stop after an officer smelled the marijuana odor coming from inside his car, the Eureka Police Department said in a statement released Sunday. Kim David Johnson, 48, of McKinleyville, was arrested Saturday, after EPD Officer Pam Wilcox saw him arguing with his female passenger as they were traveling eastbound on Fifth Street near H Street. During a search of Johnson's red Ford Ranger pickup truck, Wilcox found about 10 pounds of dried marijuana and a digital gram scale. Johnson was transported to the Humboldt County Correctional Facility where he was booked for transportation and possession of marijuana for sale. Ironically, Johnson stated he and his passenger were arguing about the marijuana when stopped by Wilcox

http://www.times-standard.com/localnews/ci_10766357

Fresno Police Make Major Drug Bust In Central Fresno

Nov 14, 2008

Fresno Police say they've busted a major drug operation in Central Fresno....When officers arrived to look into the call they were told the homeowner was not there....Once inside, they found over 150 bags of marijuana stored in a shower stall. "They were stacked high to the ceiling," Dyer said. The drugs have a street value of \$1 million, \$300,000 wholesale value. Dyer says the homeowner, 38-year-old Ferrel Granda, ran the operation and used his residence as a distribution point....The drugs in question were believed to have grown in a nearby National Forest. Dyer would not elaborate further on the location. More arrests could follow. *Dyer added that marijuana-related arrests are on the rise. He says medicinal marijuana-related laws have contributed to the spike.*

http://www.kmph.com/Global/story.asp?S=9350921&nav=menu612_1

The abuse of medical marijuana legislation continues as Dispensaries related crimes come to the attention of law enforcement.

Modesto men sentenced in medical pot case

The Associated Press / 11/21/2008

FRESNO, Calif.—Two men who ran a medical marijuana dispensary in Modesto are headed to prison after being convicted of running a criminal enterprise. A federal judge in Fresno on Friday sentenced 28-year-old Luke Scarmazzo to nearly 22 years and 28-year-old Ricardo Montes to 20 years for manufacturing marijuana and possessing it with intent to distribute. **Drug Enforcement Administration officials say records at the clinic, called the California Healthcare Collective, showed the pair made more than \$4.5 million in marijuana sales from October 2004 to June 2006.** Two jurors said last month they wanted the men to get a new trial after voting for conviction, then learning later that the punishment was so steep.

http://www.mercurynews.com/breakingnews/ci_11045949?nclick_check=1

Ex-owner of pot dispensaries to be sentenced

Daily News Wire Services / 12/01/2008

The former owner of a chain of nonprofit medical marijuana dispensaries is scheduled to be sentenced today.....Larry R. Kristich faces a maximum punishment of 20 years in federal prison and \$95 million in fines.....*He pleaded guilty in February to knowingly operating the Yellow House Dispensary, a marijuana shop housed in a bungalow on La Brea Avenue in West Hollywood. His chain also had dispensaries in San Francisco, San Diego, Ukiah, Oakland, San Leandro and Bakersfield, according to prosecutors.* The indictment alleged a conspiracy to distribute marijuana, money laundering and other crimes. California's Compassionate Use Act, Proposition 215, allows the sale on a nonprofit basis of marijuana for medical use. But it is trumped by federal law, which treats marijuana as a narcotic lacking therapeutic value. While scores of marijuana dispensaries remain in operation, federal officials have targeted operators suspected of such crimes as selling to minors and turning their establishments into profit centers. A U.S. Drug Enforcement Agency statement announcing the indictment last year said *sales of marijuana and THC-laced products at Kristich's stores totaled more than \$95 million and that Kristich used profits from marijuana sales to purchase expensive automobiles and real estate in Costa Rica. In one month alone, it said, more than \$1.7 million of marijuana products were sold at Yellow House, the dispensary in West Hollywood.....*

http://www.contracostatimes.com/california/ci_11112295

DEA raids medical-marijuana dispensary in Laguna Beach

By SALVADOR HERNANDEZ / The Orange County Register / October 8, 2008

LAGUNA BEACH Agents with the Drug Enforcement Administration raided a marijuana dispensary Tuesday, seized an unknown amount of marijuana and took into custody two people who were later released, authorities said. With the assistance of detectives from the Laguna Beach Police Department, DEA agents served the search warrant at 2007 South Coast Highway, taking into custody marijuana plants and several edible products believed to contain marijuana, said Special Agent Sarah Pullen of the DEA.....

<http://www.ocregister.com/articles/marijuana-laguna-beach-2184874-search-local>

Federal Agents Raid East Bay Pot Club

October 8, 2008

SAN LORENZO-- -- Federal drug agents Wednesday raided an East-Bay medical marijuana dispensary. The Drug Enforcement Agency seized items from the "We Are Hemp" cannabis club in San Lorenzo.....The agents made no arrests during the Wednesday raid and wouldn't give any details about the raid other than to say the investigation is "ongoing."

<http://www.ktvu.com/news/17668179/detail.html>

No more medical marijuana on the Central Coast

Kylie Mendonca

Several medical marijuana dispensaries in Santa Barbara closed their doors Sept. 19 in response to pressure by the federal Drug Enforcement Administration. Dispensaries are allowed in certain circumstances under California law to provide marijuana to patients with a doctor's recommendation, but the federal government considers them to be in conflict with federal laws restricting drug trafficking. According to a DEA representative, several letters were sent out to property owners in late July informing them of ongoing illegal activity on their properties—specifically, the selling of marijuana. They further threatened to seize the properties if the dispensaries were not closed by Sept. 19.....

<http://www.newtimeslo.com/news/1119/no-more-medical-marijuana-on-the-central-coast/>

S.F. leads way on patient-friendly pot clubs

C.W. Nevius, Chronicle Columnist / Tuesday, October 14, 2008

(10-13) 19:34 PDT.....Quietly, with little fanfare, San Francisco is on the way to becoming a model for medical marijuana clubs done the right way. Exploitive, profit-hungry drug clubs are being forced out and community-based, patient-friendly ones are becoming the norm. Neighbors have shut down dispensaries in school zones, and patient services have been increased..... "We went through 10 years of an unregulated cannabis environment," said Kevin Reed, president of Green Cross dispensary, which delivers medical marijuana to patients. "Now they are going to try something completely different, and to see it run correctly is a wonderful thing."When it became clear that some unscrupulous dealers were in to make a quick buck, legitimate pot club operators spoke up against them.....**Reed said that three to four years ago, the city had 42 clubs. Now it is down to 25**, and he thinks more will close soon, in part because of how hard it is to get a final operating permit. Dispensaries have until January to meet requirements to get a permit, which requires, among other things, that the clubs get separate approval from a number of city agencies and do background checks of employees..... God knows, the city has made plenty of mistakes along the way. At one point a pot club was housed in the ground floor of a Care Not Cash hotel that housed many recovering addicts. Those are the kind of missteps that had to be corrected. But Gochenaur thinks we're almost there. "We've come a long, huge way from 2005 when neighbors were lining the halls of City Hall to say they were concerned," she said. There are still some neighborhood complaints, but today local pot clubs are surprisingly dull and uncontroversial places. If you had predicted that three years ago, critics would have likely had just one question.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/10/14/BAS313G9VL.DTL>

Garden Grove bans medical marijuana dispensaries

The Associated Press / 10/15/2008

GARDEN GROVE, Calif.—Medical marijuana dispensaries won't be allowed in the northern Orange County city of Garden Grove. The City Council voted 4-1 Tuesday night to ban the pot stores. The ordinance takes effect in 30 days. Councilman Mark Rosen cast the lone dissenting vote, saying the ban is "mired in mid-20th-century thinking." He noted the Unit-D dispensary, which has a conditional-use permit, has been operating for seven months without problems.....

http://www.mercurynews.com/breakingnews/ci_10725835

Gardena bans medical marijuana dispensaries

10/30/2008

The Gardena City Council this week established a ban on medical marijuana dispensaries, approved changes in rent mediation rules, and authorized an entertainment permit for a karaoke restaurant. The council voted 4-0 on Tuesday to prohibit medical marijuana dispensaries in the city. A 2006 moratorium on the businesses expires next month.....

http://www.dailybreeze.com/ci_10848755

Seal Beach bans the sale of medical marijuana

The Associated Press / 11/11/2008

SEAL BEACH, Calif.—Seal Beach has voted to ban medical marijuana stores, although state law permits the sale of pot to people with a doctor's prescription. The City Council passed the ban Monday night. Eight other cities in Orange County also have moratoriums or bans on pot stores. Another city, Laguna Woods, recently passed a law permitting the dispensaries.....

http://www.mercurynews.com/news/ci_10957643?nclick_check=1

Oakley bans medical marijuana sales

by Jonathan Lockett / EAST COUNTY TIMES / 12/10/2008

OAKLEY — There is officially no place in east Contra Costa County for medical marijuana to be sold legally. Tuesday night, Oakley joined Pittsburg, Antioch and Brentwood in permanently prohibiting medical marijuana dispensaries after more than a year long moratorium on the businesses. The city council voted unanimously without deliberation or opposition from the public. City attorney Alison Barratt-Green said banning the establishments would avoid negative impacts on the city such as an increase in crime, and use of marijuana by minors and those without medical need.....

http://www.mercurynews.com/breakingnews/ci_11184035?nclick_check=1

Medical marijuana dispensary appeals business license revocation

Written by Elizabeth Larson / Thursday, 11 December 2008

CLEARLAKE – The operator of a local medical marijuana dispensary plans to appeal the revocation of her business license to the Clearlake City Council at its Thursday night meeting.....Byrd said 35 percent of her clients are terminally ill cancer patients. But since she opened city officials have alleged that Byrd got her license surreptitiously, without listing on her business license application her intention to sell medical

ATTACHMENT 2

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA
PROHIBITING MEDICINAL MARIJUANA DISPENSARIES**

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY OF GOLETA AMENDING DIVISIONS 2 AND 7 OF ARTICLE II AND ARTICLE III OF CHAPTER 35 (ZONING) OF THE GOLETA MUNICIPAL CODE TO ADD A PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES

WHEREAS, in 1970, Congress enacted the Controlled Substances Act, codified at 21 U.S.C. section 841, which makes it illegal to import, manufacture, distribute, possess or use marijuana in the United States; and,

WHEREAS, the State of California makes it illegal, pursuant to Health and Safety Code section 11357 *et seq.*, to possess, cultivate, sell or use marijuana in California; and,

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, entitled the Compassionate Use Act of 1996, codified as Health and Safety Code Section 11362.5, *et seq.*, which created a limited exception from state criminal liability under Health and Safety Code sections 11357 and 11358 for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and,

WHEREAS, California state legislature Health and Safety Code section 11362.7 *et seq.* (Medical Marijuana Program), clarifies the scope of the Compassionate Use Act and allows cities and counties to adopt and enforce rules and regulations consistent therewith (Health and Safety Code 11362.83); and,

WHEREAS, the Supreme Court of the United States ruled in *United States v. Oakland Cannabis Buyers' Cooperative*, 532 US 483 (2001) that, notwithstanding California law, the federal Controlled Substances Act continues to prohibit marijuana use, distribution, and possession, and that no medical necessity exception exists to these prohibitions; and,

WHEREAS, the Supreme Court of the United States ruled in *Gonzales v. Raich*, 545 U.S. 1 (2005), that pursuant to the commerce clause, the federal government has the power to prohibit the local cultivation and use of marijuana, even if such cultivation and use is for medical purposes and complies with California law; and,

WHEREAS, on November 19, 2007, the City adopted an interim moratorium ordinance prohibiting the establishment of medical marijuana dispensaries (Ordinance No. 07-17) to allow the City of Goleta time to study the potential impacts such facilities may have on the public health, safety, and welfare, as well as the

impacts that the inconsistent and conflicting authorities may have on the City's ability to regulate such facilities; and

WHEREAS, the establishment of MMDs has proven to lead to an increase in crime, such as burglaries, robberies, sales of illegal drugs in the areas immediately surrounding such dispensaries, as well as other public nuisances such as loitering, smoking marijuana in public places and driving while under the influence of marijuana, thereby endangering the public health, safety and welfare of the residents of Goleta; and

WHEREAS, the impacts of MMDs are documented in the "White Paper on Marijuana Dispensaries" published by the California Police Chiefs Association's Task Force on Marijuana Dispensaries (April 22, 2009), and the United States Department of Justice's California Medical Marijuana Information report; and

WHEREAS, continuing legal developments in the area of medical marijuana dispensaries justify the continued prohibition of such facilities while the courts and other competent authorities address the apparent conflict between federal and state law including internal California legal conflicts, as well as the community and statewide concerns regarding the establishment of medical marijuana dispensaries; and,

WHEREAS, the City finds that prohibiting MMDs is in the best interest of the public health, safety and welfare.

NOW THEREFORE, the City Council of the City of Goleta ordains as follows:

SECTION 1. Recitals.

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2: Amendment of DIVISION 2. DEFINITIONS of Article III – Inland Zoning Ordinance

Section 35-209 of Division 2 of Article III of the Goleta Municipal Code is hereby amended to add the following definitions:

A. **"MARIJUANA:** Marijuana shall have the same meaning as provided in Health and Safety Code Sections 11018, as that section now appears or may hereafter be amended or renumbered."

B. **"MEDICAL MARIJUANA DISPENSARY:** Any site, facility, location, use, cooperative or business, whether for profit or non-profit, whether permanent or

mobile, which to any extent distributes, sells, exchanges, processes, delivers, gives away, or cultivates marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215, Health & Safety Code § 11362.5 *et seq.* or any State regulations adopted in furtherance thereof."

C. "PERSON WITH AN IDENTIFICATION CARD: Person with a medical marijuana identification card shall have the meaning set forth in California Health and Safety Code Section 11362.7, as that section now appears or may hereafter be amended or renumbered."

D. "PRIMARY CAREGIVER: Primary caregiver shall have the meaning set forth in California Health and Safety Code Section 11362.7, as that section now appears or may hereafter be amended or renumbered."

E. "QUALIFIED PATIENT: Qualified patient shall have the meaning set forth in California Health and Safety Code Section 11362.7, as that section now appears or may hereafter be amended or renumbered."

SECTION 3: Amendment of DIVISION 7. GENERAL REGULATIONS of Article III – Inland Zoning Ordinance

DIVISION 7 of Article III of the Goleta Municipal Code is hereby amended to add the following:

"Sec. 35-292i. Medical Marijuana Dispensaries

Sec. 35-292i.1 Purpose and Intent.

The purpose of this ordinance is to prohibit the establishment and operation of any new medical marijuana dispensary within the City limits of the City of Goleta.

Sec. 35-292i.2 Applicability

The provisions of this Section shall apply to any site, facility, location, use, cooperative or business, whether for profit or non-profit, whether permanent or mobile, which to any extent distributes, sells, exchanges, processes, delivers, gives away, or cultivates marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215, Health & Safety Code § 11362.5 *et seq.* or any State regulations adopted in furtherance thereof.

Sec. 35-292i.3 Prohibitions and Exceptions.

A. It shall be unlawful to establish, operate or maintain, or to participate in the establishment, operation or maintenance of a medical marijuana dispensary anywhere within the City limits of the City of Goleta.

B. In accordance with the authority granted the City of Goleta under Government Code Section 65858(b), and pursuant to the findings stated herein, from and after the date of adoption of this ordinance, no use permit, variance, zoning clearance, business license or other applicable entitlement shall be accepted, approved or issued for the establishment or operation of a medical marijuana dispensary.

C. Medical marijuana dispensaries shall not be permitted as a component or exclusive use under the definition of a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility or facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

Sec. 35-292i.4 Penalties

Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment in the County jail for not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.”

SECTION 4: Amendment of DIVISION 2. DEFINITIONS of Article II – Coastal Zoning Ordinance

Section 35-58 of Division 2 of Article II of the Goleta Municipal Code is hereby amended to add the following definitions:

A. “MARIJUANA: Marijuana shall have the same meaning as provided in Health and Safety Code Sections 11018, as that section now appears or may hereafter be amended or renumbered.”

B. “MEDICAL MARIJUANA DISPENSARY: Any site, facility, location, use, cooperative or business, whether for profit or non-profit, whether permanent or mobile, which to any extent distributes, sells, exchanges, processes, delivers, gives

away, or cultivates marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215, Health & Safety Code § 11362.5 *et seq.* or any State regulations adopted in furtherance thereof."

C. "PERSON WITH AN IDENTIFICATION CARD: Person with a medical marijuana identification card shall have the meaning set forth in California Health and Safety Code Section 11362.7, as that section now appears or may hereafter be amended or renumbered."

D. "PRIMARY CAREGIVER: Primary caregiver shall have the meaning set forth in California Health and Safety Code Section 11362.7, as that section now appears or may hereafter be amended or renumbered."

E. "QUALIFIED PATIENT: Qualified patient shall have the meaning set forth in California Health and Safety Code Section 11362.7, as that section now appears or may hereafter be amended or renumbered."

SECTION 5: Amendment of DIVISION 7. GENERAL REGULATIONS of Article II – Coastal Zoning Ordinance

DIVISION 7 of Article II of the Goleta Municipal Code is hereby amended to add the following:

"Sec. 35-144G. Medical Marijuana Dispensaries

Sec. 35-144G.1 Purpose and Intent.

The purpose of this ordinance is to prohibit the establishment and operation of any new medical marijuana dispensary within the City limits of the City of Goleta.

Sec. 35-144G.2 Applicability

The provisions of this Section shall apply to any site, facility, location, use, cooperative or business, whether for profit or non-profit, whether permanent or mobile, which to any extent distributes, sells, exchanges, processes, delivers, gives away, or cultivates marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215, Health & Safety Code § 11362.5 *et seq.* or any State regulations adopted in furtherance thereof.

Sec. 35-144G.3 Prohibitions and Exceptions.

A. It shall be unlawful to establish, operate or maintain, or to participate in the establishment, operation or maintenance of a medical marijuana dispensary anywhere within the City limits of the City of Goleta.

B. In accordance with the authority granted the City of Goleta under Government Code Section 65858(b), and pursuant to the findings stated herein, from and after the date of adoption of this ordinance, no use permit, variance, zoning clearance, business license or other applicable entitlement shall be accepted, approved or issued for the establishment or operation of a medical marijuana dispensary.

C. Medical marijuana dispensaries shall not be permitted as a component or exclusive use under the definition of a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility or facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

Sec. 35-144G.4 Penalties

Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment in the County jail for not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.”

SECTION 6. Compliance With CEQA.

The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated municipal code review.

SECTION 7. Effective Date.

This Ordinance shall be in full force and effect on the thirty-first (31) day following the date of its final adoption.

SECTION 8. Abandonment of Legal Non-Conforming Use.

For any legal non-conforming use prohibited by this ordinance, any lapse in prohibited operations of more than 96 consecutive hours duration shall constitute an abandonment of the use and result in a forfeiture of any pre-existing status. Any subsequent use shall be prohibited under this ordinance.

SECTION 9. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 10. Publication.

The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published as required by law.

PASSED, APPROVED, AND ADOPTED this _____ day of June 2009.

ROGER S. ACEVES, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah Constantino, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 09-___ was introduced on June 2, 2009, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the ___ day of _____ 2009, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK