

Fact Sheet:

Medical Marijuana Cooperatives within the Town of Mammoth Lakes

What is a medical marijuana cooperative?

A medical marijuana cooperative is a not for profit site, facility or location where ten or more Qualified Patients and/or Persons with an Identification Card associate, meet or congregate in order to cooperatively, distribute, reimburse, dispense, transmit, process, deliver, exchange, or give away marijuana for medicinal purposes pursuant to Health and Safety Code Section 11362.5 et seq. and the Guidelines. A Medical Marijuana Cooperative must be organized as a Cooperative, as those terms are defined by the Guidelines, as amended from time to time. A “Medical Marijuana Cooperative ” shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 2 of Division 2 of the Health & Safety Code, a residential care facility for persons with chronic life-threatening illness licenses pursuant to Chapter 3.01 of Division 2 of the Health & Safety Code, a residential hospice, or home health agency licensed pursuant to Chapter 8 of the Health & Safety Code, as long any such use complies strictly with applicable law including, but not limited to, Health & Safety Code section 11362.5 et seq.

Are medical marijuana cooperatives permitted within the Town of Mammoth Lakes?

Yes. On June 8, 2010 the voters of Mammoth Lakes approved Measure M which allows two medical marijuana cooperatives within Town provided that they are at least 500 feet apart from each other. Municipal Code Section 5.38 includes detailed regulations for medical marijuana cooperatives.

How do I obtain a permit to operate a medical marijuana cooperative?

Step 1:

The first step in the process is to submit an application for a medical marijuana cooperative permit to the Town of Mammoth Lakes Police Department. The permitting process includes a background check of the applicant as well as a review of a number of items including the proposed business plan and security plan for the cooperative. The Police Department will conduct an investigation and will determine which applicant(s) are qualified based on the results of their investigation.

Applications may be picked up at the Mammoth Lakes Police Department during normal business hours. A fingerprint fee of \$57.00 will be required at the time the application is submitted. Every attempt will be made to process the criminal background check within 10 days, but in some cases this may not be possible due to delays with the California Department of Justice Criminal Background Section or reasons involving fingerprint submissions.

Step 2:

Upon completion of the Police Department process a use permit is required. The application for a use permit is available on the Town's website at <http://www.ci.mammoth-lakes.ca.us/documents/10/45/56/Planning%20Application.PDF>

The use permit process includes a public hearing before the Planning Commission who will review the applications, consider the Police Department's ranking, and will either approve or deny the use permit. The public hearing requires notification to be mailed to property owners within 300 feet of the proposed medical marijuana cooperative. A use permit may take two to four months to process.

What is the fee to apply?

The fee for the medical marijuana cooperative permit is \$1,152 plus the \$57 fingerprinting fee (\$1,209 total to the Police Department). The use permit fee is a cost accounted project and the Community Development Department requires a \$2,500 deposit.

How can I find out if cooperative applications have been submitted?

Contact the Mammoth Lakes Police Department during normal business hours at 760-934-2011.

Who can I contact regarding the use permit process?

Contact Jen Daugherty, Associate Planner at (760) 934-8989 ext. 260.

Do I need any other permits (besides a cooperative permit and a use permit) to open my medical marijuana cooperative?

Yes. The Town requires a business license for all new businesses in town as well as a permit for any new signs and any tenant improvements. Questions about the business license process can be directed to Shannon Freeman at (760) 934-8989 ext. 273. Questions about building or sign permits can be directed to the Community Development Department at (760) 934-8989.

What happens if my permit is denied? Will any of my fees be refunded?

Fees are non-refundable as they reflect staff time spent on processing the applications.

If the number of applications exceeds the number of medical marijuana cooperatives allowed, how will the Planning Commission determine which application to approve?

The Planning Commission will consider the Police Department's findings during the medical marijuana cooperative permit process and the required use permit findings to determine which applicant will receive a use permit.

The Planning Commission's decision will be based on the required findings for a use permit. The findings are:

Municipal Code Section 17.60.070

A. That the proposed use is consistent with all applicable sections of the general plan and Title 17 and is consistent with any applicable specific plan or master plan;

B. That the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and

C. The planning commission shall make such other findings as the commission deems necessary to support approval or denial of the proposed use.

Can the Planning Commission's decision be appealed?

Yes. The appeal process is outlined in Municipal Code Section 17.68.

Who can use a medical marijuana cooperative?

Only Qualified Patients can use a cooperative. A Qualified Patient is a person who possesses a doctor's recommendation or a California Department of Public Health medical marijuana identification card.

Where can a medical marijuana cooperative be located?

Please see the map on the Town's website at <http://www.ci.mammoth-lakes.ca.us/index.aspx?nid=476>.