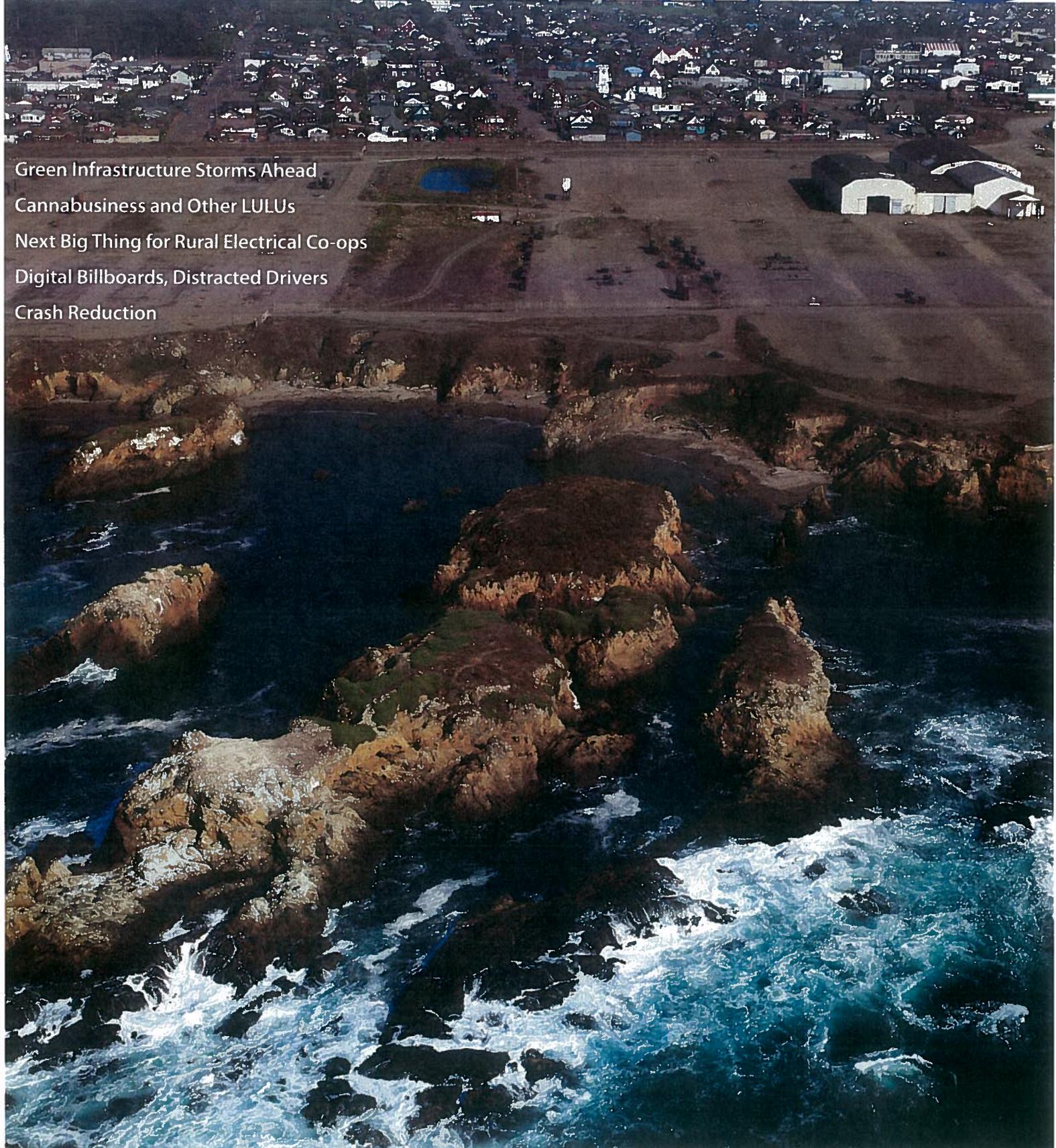
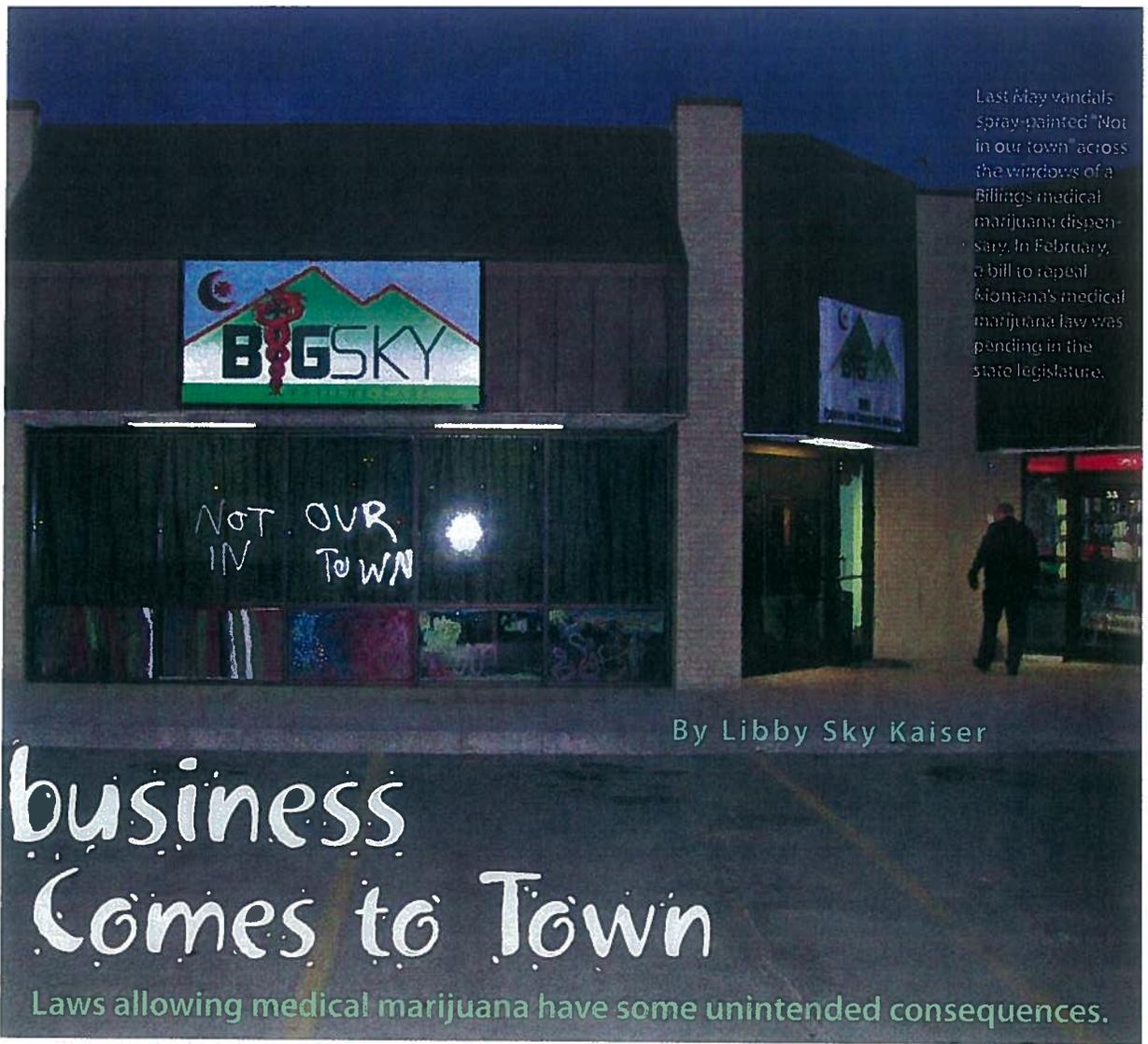


PLANNING

Green Infrastructure Storms Ahead
Cannabusiness and Other LULUs
Next Big Thing for Rural Electrical Co-ops
Digital Billboards, Distracted Drivers
Crash Reduction





Last May vandals spray-painted "Not in our town" across the windows of a Billings medical marijuana dispensary. In February, a bill to repeal Montana's medical marijuana law was pending in the state legislature.

By Libby Sky Kaiser

Cannabusiness Comes to Town

Laws allowing medical marijuana have some unintended consequences.

T

he war on marijuana may be slowly receding, but the NIMBY war on medical marijuana businesses is just heating up. Fifteen states and Washington, D.C., have passed medical marijuana laws decriminalizing the use of cannabis by seriously ill individuals. As a result, cities in California, Colorado, and Montana, in particular, are experiencing explosive growth in medical marijuana culture, manufacturing, and dispensaries. Much of this growth has occurred in the absence of local regulations dictating how and where cannabusinesses can operate.

While some city officials and residents welcome the new industry and its attendant taxes, others say it is akin to porn shops and liquor stores, according to Colorado Springs city council member Sean Paige. Some people don't want them anywhere in their community, as evidenced by countless local bans

against marijuana-related uses; some just don't want them near their homes, schools, churches, parks, day care centers, or drug treatment facilities.

"Concerns arise when it's so blatantly in their face and in their local strip mall, and that's something that requires a psychological as well as a regulatory adjustment," Paige says.

Not in our town

Until last year, local officials in Billings, Montana, had received a "surprising" lack of complaints regarding the city's 80 or so dispensaries, says planning director Candis Beaudry, AICP. But last April, when David Couch opened Yellowstone Patient Care in a strip mall within 1,000 feet of a grade school, there was an outcry against the lack of local control over dispensaries. "That was the business that lit the fuse," Beaudry says.

Just weeks later, two assailants tossed a Molotov cocktail through Yellowstone Patient Care's glass door, igniting a small fire in the entryway. The vandals also spray-painted "Not in Our Town" across the storefront. Another pot shop was vandalized the next morning, and that night, May 10, the Billings city council set a moratorium on medical marijuana businesses.

The city has also delayed passing a draft zoning ordinance that could control how and where dispensaries operate, as it waits for the state to clarify its medical marijuana law, passed in 2004. Couch is frustrated by the city's inaction. "Don't say, 'Not in our town,'" says Couch, whose patients range from an 11-year-old with autism and seizures to a 92-year-old with arthritis and insomnia. "Say, 'If you're going to do it in our town, you have to do it right.'"

Agreed, says Jane Usher, a public attorney.

Billings Police Department

ney and a former head of the city planning commission who helped Los Angeles draft a medical marijuana ordinance. But, she adds, developing a local regulatory framework for the sale, cultivation, and processing of a new, barely legal medicine is easier said than done.

Cannabis is still illegal under federal law. Doctors can't prescribe it and pharmacies can't dispense it. Nevertheless, physicians have recommended marijuana to hundreds of thousands of people. Colorado alone has 115,000 medical marijuana patients. While state medical marijuana laws allow patients, or their designated caregivers, to possess

and grow a limited amount of dried weed or plants, many of the laws fail to address how someone can legally obtain the medicine if they don't want to, or can't, grow and process it themselves.

Under former President George W. Bush, the growth of the industry was kept in check by the Drug Enforcement Agency, which frequently raided dispensaries, shutting down dozens. The Obama administration has taken a different approach. In March 2009, the U.S. Attorney General's office announced that the DEA would no longer raid dispensaries in states that allow

medical marijuana. With the feds out of the way, the industry boomed.

The wild, wild West

Local governments have struggled to tighten the reins. While they considered their options, cannabusiness pushed onward. "As medical marijuana is approved state by state, the early adopters simply come in and set up shop before the municipality has had a chance to decide what its regulatory framework should be," Usher says. Nowhere has this been more evident than Los Angeles.



Medical marijuana laws are in effect in 15 states and Washington, D.C. For details, see <http://medicalmarijuana.procon.org>.

1996	1998		1999	2000			
CALIFORNIA Proposition 215 Fee: \$66 Amount allowed: 8 ounces usable 18 plants	ALASKA Ballot Measure 8 Fee: \$25 Amount allowed: 1 ounce usable 6 plants	OREGON Ballot Measure 67 Fee: \$100 Amount allowed: 24 ounces usable 24 plants	WASHINGTON Initiative 692 Fee unknown Amount allowed: 2 ounces dried plants undetermined	MAINE Ballot Question 2 Fee \$100 Amount allowed: 2.5 ounces usable 6 plants	COLORADO Ballot Ammendment 20 Fee \$90 Amount allowed: 2 ounces usable 6 plants	HAWAII Senate Bill 862 Fee \$25 Amount allowed: 3 ounces usable 7 plants	NEVADA Ballot Question 9 Fee \$150 Amount allowed: 1 ounce usable 7 plants

In July 2005, nine years after California passed the country's first medical marijuana law, only five dispensaries were operating in Los Angeles. By 2009, despite a moratorium enacted in 2007, nearly 1,000 were operating, far more than the city's 250 to 300 licensed pharmacies, Usher says.

"We were a bit of a laughingstock. The running joke was that we have more dispensaries than Starbucks," she adds.

Before long, the joke hit Denver, now home to about 140 dispensaries. About 14 of the pot shops line a one-mile section of South Broadway, often referred to as Broadsterdam.

Even conservative Colorado Springs has about 80 dispensaries. "This is cannabis capitalism run amuck," said Denver city council member Charlie Brown at an informational meeting about dispensaries in late 2009. "It's the fastest growing business in our city."

Trying to take control

In January 2010, both the Los Angeles and Denver city councils approved adding medical marijuana ordinances to the public health sections of their municipal codes. The ordinances, which define the requirements for obtaining a dispensary license, include many provisions

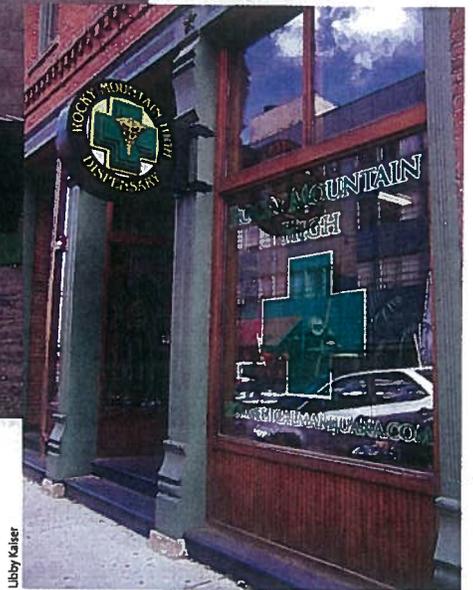
common to other communities' medical marijuana ordinances. Licensing conditions include security cameras and alarms, limit hours of operation, and prohibit on-site consumption. Further, dispensaries are forbidden from setting up within 1,000 feet of schools, day care centers, and other dispensaries.

Denver dispensaries may not locate in residential districts, and Los Angeles says dispensaries can't abut, be across a street or alley from, or share a corner with a residential lot.

"You really have to look at this industry and all its pieces at once, both spatially and



Below: A medical marijuana dispensary in Denver's swanky LoDo neighborhood displays the increasingly familiar green cross.



Students at Oaksterdam University in Oakland learn the ins and outs of the medical marijuana industry, including how to grow plants indoors. Insert: Oaksterdam Glassworks.

The Little Green Pharmacy in Denver (above) is one of 14 medical marijuana dispensaries clustered along a one-mile stretch of Broadway, alternately called Broadsterdam, Reefer Row, and the Green Mile.

2004

2006

2007

2008

2010



MONTANA
Initiative 148
Fee \$25

VERMONT
Senate Bill 76
Fee \$50

RHODE ISLAND
Senate Bill 0710
Fee \$75

NEW MEXICO
Senate Bill 523
Fee \$0

MICHIGAN
Proposal 1
Fee \$100

ARIZONA
Proposition 203
Fee unknown

District of Columbia
Amendment Act B18-622
Fee unknown

NEW JERSEY
Senate Bill 119
Fee unknown

Amount allowed:
1 ounce usable
6 plants

Amount allowed:
2 ounces usable
9 plants

Amount allowed:
2.5 ounces usable
12 plants

Amount allowed:
6 ounces usable
16 plants

Amount allowed:
2.5 ounces usable
12 plants

Amount allowed:
2.5 ounces usable
12 plants

Amount allowed:
2 ounces dried
plants to be determined

Amount allowed:
2 ounces usable
plants to be determined

Source: ProCon.org, <http://medicalmarijuana.procon.org/newsource.php?sourceid=000881>