

IN THIS ISSUE:

Page 2: This Month in *Western City Magazine*

COURT OF APPEAL DECISION ADDS TO UNSETTLED MEDICAL MARIJUANA LAW

On Feb. 29, the Fourth District of the California Court of Appeal issued a published opinion in *City of Lake Forest v. Evergreen Holistic Collective*, striking down the city of Lake Forest's ban on medical marijuana dispensaries. The city had secured an injunction against the Evergreen medical marijuana dispensary, claiming the operation was a public nuisance since it was not permitted under the city's zoning code. The appellate court reversed the injunction granted by the trial court, finding the city's dispensary ban was pre-empted by state law.

For more, see Page 2.



ANTI-EMINENT DOMAIN BILL H.R. 1433 PASSES IN HOUSE

On Tuesday, the House of Representatives passed H.R. 1433, the Private Property Rights Protection Act of 2011. This bill would prohibit governments that receive federal economic development funds from using eminent domain to acquire property. The bill would exempt specific public projects such as the construction of roads, hospital facilities, airports or military, public transportation systems or infrastructure, or in order to remove threats to public health and safety. *For more, see Page 2.*



NLC TO HOLD REGIONAL SEMINAR ON ECONOMIC DEVELOPMENT

On May 17-19, the National League of Cities (NLC) is hosting a regional seminar in Manhattan Beach on "Formulating Effective Economic Development Policy." Mayors and Council Members who participate will be eligible to receive credit toward the Mayors and Council Members Academy leadership levels

(<http://www.cacities.org/member/departments/council/index.jsp?displaytype=11&story=28335>).

For more, see Page 2.

'Medical Marijuana' Continued from Page 1...

A medical marijuana dispensary was considered a nuisance in the city because dispensary operation is not listed as a permitted use in any zone. However, the court held that because the state medical marijuana laws authorize dispensaries at sites where medical marijuana is collectively or cooperatively cultivated, such dispensaries do not constitute a public nuisance and therefore the city's ban of all dispensaries contradicted state law.

This is yet another appellate decision in the unsettled area of law dealing with the authority of California cities to regulate the distribution of medical marijuana. The California Supreme Court recently granted review in four other appellate cases involving medical marijuana. In two of the cases (*City of Riverside v. Inland Patient's Health & Wellness Center, Inc.* and *People v. G3 Holistic*), city dispensary bans were upheld as lawful. But in *Pack v. the City of Long Beach*, the court struck down the city's ordinance regulating dispensaries through a permit process, finding it was pre-empted by federal law. The fourth case (*Traudt v. City of Dana Point*) held that a patient lacked standing to claim infringement of a right belonging to a medical marijuana collective as a whole. The League, with the assistance of the City Attorneys' Department Medical Marijuana Committee, will continue to monitor the evolving case law and cities should continue to consult with their city attorneys for ongoing advice and guidance in this area.

'H.R. 1433' Continued from Page 1...

Ordinarily the bill would be referred to the Senate for a vote, but the Senate is unlikely to act on stand-alone eminent domain legislation this year. However, Senate leadership has decided to allow unrelated amendments to be included in the Transportation Reauthorization bill. A draft amendment that would align with H.R. 1433 has been proposed, and the League is watching the amendment closely. The National League of Cities is actively urging Congress to exclude unrelated amendments. At this point, the Senate has not agreed to take up the amendment, but cities will be alerted if that status changes.

H.R. 1433 is cosponsored by Congressman James Sensenbrenner (R-WI) and Congresswoman Maxine Waters (D-CA).

'NLC' Continued from Page 1...

The NLC seminar will focus on strategies to help local leaders build better partnerships with their business community and economic development stakeholders, leveraging new technology for marketing and rethinking the tools and processes for supporting small and large business with these sessions:

- Marketing Your City
- A Business-Friendly City
- Economic Development Policy and Community Strategy

Full event information, including how to register, agenda, speakers and detailed session information has been posted on NLC's website at <http://www.nlc.org/build-skills-networks/education-training/lti/2012-seminar-manhattan-beach>.

The League has been actively participating in exploring new economic development tools, including testifying at last week's joint Senate hearing and forming a new task force. For more please see the Feb. 22 *CA Cities Advocate* story titled "Senate Committees Hear Options for Economic Development on Same Day as League's Economic Development Task Force Starts Meeting" at <http://www.cacities.org/index.jsp?zone=locc&previewStory=28803>.

This Month in *Western City Magazine*

- "Trailblazing a Sustainable Path" (<http://www.westerncity.com/Western-City/March-2012/Trailblazing-a-Sustainable-Path>) — Metropolitan planning organizations throughout California are working to comply with SB 375, which requires metropolitan planning organizations to include a Sustainable Communities Strategy in their Regional

Transportation Plan as part of the statewide effort to combat climate change. In October 2011 the San Diego Association of Governments (SANDAG), one of the four largest metropolitan planning organizations in California, became the first to adopt a transportation plan with a sustainability component. SANDAG's 40-year blueprint, the 2050 Regional Transportation Plan, was the result of more than two years of careful work and extensive public input. As a trailblazer, SANDAG bore the brunt of public scrutiny, but ultimately succeeded in producing a viable plan that meets the carbon-emissions reduction targets set for the region by the California Air Resources Board. Three major reasons account for SANDAG's success.

- “Resources for Involving the Public in Land-Use Planning Decisions” (<http://www.westerncity.com/Western-City/March-2012/Resources-for-Involving-the-Public-in-Land-Use-Planning-Decisions>) — Land-use planning can present difficult and divisive issues for communities. A local agency's land-use planning decisions literally affect people where they live. Engaging a broad spectrum of the community in these decisions can have a number of benefits. To enable local agencies to help residents understand the land-use planning process in a cost-effective way, the Institute for Local Government has developed a number of useful resources.
- “Operation Mulch-a-Lot Chips Away at Blight and Green Waste” (<http://www.westerncity.com/Western-City/March-2012/Operation-Mulch-a-Lot-Long-Beach-Chips-Away-at-Blight-and-Green-Waste>) — Vacant and abandoned lots in a community can attract crime, create health hazards or lead to depressed property values. City-owned lots are one area where local government can directly reduce neighborhood blight at a minimal cost. The city of Long Beach has a fairly simple, creative and easily replicated use for vacant city lots that also offers added benefits for sustainability, job training, community collaboration and access to healthy foods.