

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

2013



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
July 26, 2006

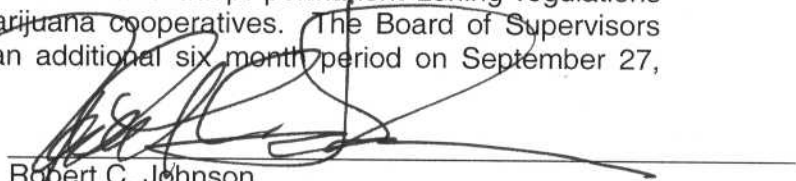
**SUBJECT:** Ordinance No. 348.4403 – CEQA Exempt – Applicant: Riverside County – Engineer / Representative: None - All Supervisorial District - All Zoning Districts - All Area Plans: Commercial Office and Commercial Retail Land Use Designations – Location: Various - Zoning: Commercial Office (C-O) Zone - **REQUEST:** Ordinance No. 348.4403 would amend Ordinance No. 348 to allow medical marijuana cooperatives in the C-O Zone (Commercial-Office) with a conditional use permit. Ordinance No. 348.4403 would establish minimum development standards for medical marijuana cooperatives within unincorporated Riverside County. These standards are designed to provide appropriate development of medical marijuana cooperatives pursuant to the Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5) and Senate Bill 420 (2003) (Health and Safety Code Sections 11362.7-11632.9).

**RECOMMENDED MOTION:**

**REFER** proposed Ordinance No. 348.4403, regulating medical marijuana cooperatives, back to the Planning Commission for a new public hearing and recommendation.

**BACKGROUND:**

On August 23, 2005, the Board of Supervisors adopted an interim zoning ordinance which prohibited the establishment of medical marijuana dispensaries for an initial forty-five day period. (Because State Health and Safety Code does not refer to medical marijuana dispensaries per se, the proposed ordinance amendment uses the terminology found in the Code, namely, medical marijuana cooperatives). The purpose of this interim zoning ordinance was to give the County adequate time to formulate and adopt permanent zoning regulations addressing the establishment of medical marijuana cooperatives. The Board of Supervisors extended the interim zoning ordinance for an additional six month period on September 27,

  
Robert C. Johnson  
Planning Director

initials

REVIEWED BY EXECUTIVE OFFICE

DATE 5/17/06 amy Departmental Concurrence

Policy  Policy   
Consent  Consent   
Dept't Recomm.: Per Exec. Ofc.:

Prev. Agn. Ref.

District:

Agenda Number:

3.72

2005.

On March 28, 2006, the Planning Department returned to the Board of Supervisors and requested a final extension of the interim ordinance, as provided by law, for an additional sixteen months. However, the Board of Supervisors determined that an amendment to Ordinance No. 348 allowing medical marijuana cooperatives was needed more quickly, and so the Board only extended the interim ordinance for an additional six month period. As a result, the interim ordinance will expire on October 4, 2006. Should the interim ordinance expire before an ordinance is in place, the County would have limited land use control over the establishment of medical marijuana cooperatives within the County. As a result, the Board directed the Planning Department to return within this six month period with a draft amendment to Ordinance No. 348.

A public hearing was held before the Riverside County Planning Commission on July 26, 2006 to consider the draft ordinance amendment. After taking testimony from a single speaker in favor of the proposed amendment, the Planning Commission tentatively approved Ordinance No. 348.4403 by a unanimous vote with all Commissioners present.

Following tentative adoption of the proposed ordinance, advocates for medical marijuana and medical marijuana patients complained that they had not been consulted adequately during the development of the ordinance amendment and had not been notified of the Planning Commission hearing so that they could properly voice their concerns regarding the proposed ordinance.

In response to those complaints, County staff held two follow-up meetings with representatives of these groups on August 7 and 11<sup>th</sup>. At those meetings, the representatives asked that the ordinance be returned to the Planning Commission to address their concerns. They identified a number of provisions within the draft amendment that they wanted changed. Principle among those changes were the following: 1) allow medical marijuana to be grown on-site; 2) use appropriate terminology within the text of the amendment (e.g., medical marijuana cooperative is too restrictive); 3) do not require qualified patients and caregivers to be residents of the County to use medical marijuana cooperatives located here; 4) do not require qualified patients and primary caregivers to obtain an identification card from the Department of Public Health before they can use the services of a marijuana cooperative; 5) allow medical marijuana cooperative to provide marijuana paraphernalia; 6) allow consumption of medical marijuana on the premises of medical marijuana cooperatives; and 7) do not require a conditional use permit to establish a medical marijuana cooperative, but rather use a less restrictive and expensive permitting procedure.

To allow for full public participation and to address the concerns raised by medical marijuana advocates and patients, staff recommends that the proposed ordinance amendment, regulating medical marijuana cooperatives, be referred back to the Planning Commission for a new public hearing and recommendation. In the event that the Board of Supervisors refers this item back to the Planning Commission, staff would schedule the ordinance amendment for the Planning Commission hearing on September 13, 2006 in La Quinta, California.



1 from), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of  
2 germination.

3 (3) "MEDICAL MARIJUANA COOPERATIVE". Any not for profit affiliation, association,  
4 or collective of qualified patients or primary caregivers that facilitates the lawful  
5 distribution of medical marijuana. A medical marijuana cooperative shall not be  
6 considered for profit if it receives compensation for its actual expenses, including  
7 reasonable compensation for services provided or for out-of-pocket expenses incurred in  
8 providing those services.

10 (4) "MEDICAL MARIJUANA IDENTIFICATION CARD". A document issued by the  
11 Riverside County Department of Public Health in conjunction with the California  
12 Department of Health Services (CDHS) which identifies a person authorized to engage in  
13 the medical use of marijuana and the person's designated primary caregiver, if any.

15 (5) "PREMISES". The building in which the medical marijuana cooperative is housed, as  
16 well as any accessory structures or parking area.

17 (6) "PRIMARY CAREGIVER". Any individual over eighteen years of age, designated by a  
18 qualified patient, who has consistently assumed the responsibility for the housing, health or  
19 safety of the qualified patient, or as the term "PRIMARY CAREGIVER" is defined in  
20 Section 11362.7 of the California Health and Safety Code, as it is amended.

22 (7) "QUALIFIED PATIENT". A person who obtains a written recommendation to use  
23 marijuana for personal medical purposes from a physician licensed to practice medicine in  
24 the state of California.

25 (8) "SCHOOL". Any child or day care facility, or any institution of learning for minors,  
26 whether public or private, offering instruction in those courses of study required by the  
27 California Education Code and maintained pursuant to standards set by the State Board of  
28

1 Education. School includes a nursery school, kindergarten, elementary school, middle or  
2 junior high school, senior high school, or any special institution of education, but it does  
3 not include a vocational or professional institution of higher education, including a  
4 community or junior college, college or university.

- 5  
6 (9) "YOUTH-ORIENTED ESTABLISHMENT". An establishment that caters to or provides  
7 services primarily intended for minors, or an establishment that minors regularly patronize,  
8 or where they congregate or assemble.

9 c. APPROPRIATE LOCATION.

- 10 (1) Medical marijuana cooperatives are permitted in the C-O Zone (Commercial – Office)  
11 provided a conditional use permit is approved in accordance with this ordinance.  
12  
13 (2) A medical marijuana cooperative shall not be located within one thousand (1,000) feet of  
14 any residence.  
15  
16 (3) A medical marijuana cooperative shall not be located within one thousand (1,000) feet of  
17 any other medical marijuana cooperative.  
18  
19 (4) Medical marijuana cooperatives shall not be located within one thousand (1,000) feet of  
20 any school, library, public park or playground, or youth-oriented establishment.  
21  
22 (5) For the purposes of this subsection all distances shall be measured in a straight line,  
23 without regard to intervening structures or objects, from the nearest point of the premises  
24 where said medical marijuana cooperative is located to the nearest existing residence, to  
25 the nearest point of the premises of any other medical marijuana cooperative or to the  
26 nearest property line of any lot upon which is located any school, library, public park or  
27 playground, or youth-oriented establishment.

28 d. APPLICATION REQUIREMENTS. In addition to the application requirements of a conditional  
use permit, all of the following shall be submitted with a medical marijuana cooperative

1 application:

2 (1) A lighting plan; and

3 (2) A security plan.

4 e. PROCESSING REQUIREMENTS. A public hearing shall be held on an application for a medical  
5 marijuana cooperative in accordance with the provisions of Section 18.26 of this ordinance and all  
6 of the procedural requirements and rights of appeal as set forth therein shall apply. In addition to  
7 the notice of hearing provided under Section 18.26 of this ordinance, notice of hearing shall be  
8 given by mailing to all owners of real property which is located within one half mile of the  
9 exterior boundaries of the proposed medical marijuana cooperative, as such owners are shown on  
10 the last equalized assessment roll and any update. Notice of hearing shall also be given to any  
11 school, library, public park or playground, or youth-oriented establishment which is located within  
12 one mile of the exterior boundaries of the proposed medical marijuana cooperative. The Planning  
13 Director may require that additional notice be given, in a manner the Director deems necessary or  
14 desirable, to other persons or public entities.

15 f. DEVELOPMENT STANDARDS.

16 (1) Physical Standards.

17 a) A single sign shall be posted at each entrance. The sign shall not be more than  
18 four (4) square feet in area and upon which in letters not less than two (2) inches in  
19 height appear the following words or information:

- 20 1. Name of the facility.
- 21 2. "No Trespassing or Loitering".
- 22 3. "Use of medical marijuana shall be limited to qualified patients only. Sale,  
23 barter or distribution to non-qualifying individuals is a crime".
- 24 4. "Use of medical marijuana may impair a person's ability to operate motor  
25  
26  
27  
28

1 vehicles or machinery”.

2 5. “Patients may be subject to federal laws regarding the possession or use of  
3 marijuana”.

4 6. “No medical marijuana shall be smoked, ingested or otherwise consumed  
5 on the premises of the cooperative or within 100 feet thereof”.

- 6
- 7 b) Where visibility is limited, the installation of convex mirror(s) shall be required at  
8 building corners or other locations to improve visibility and safety for the public  
9 and employees.
- 10 c) Address numbering shall be visible from the street to any approaching emergency  
11 vehicle.
- 12 d) The building in which the medical marijuana cooperative is located shall comply  
13 with all applicable local, State, and Federal rules, regulations, and laws, including  
14 but not limited to, building codes, and the Americans with Disabilities Act, as  
15 certified by the County Director of Building & Safety.
- 16 e) Landscaping shall conform to the standards established for the zone, except that, if  
17 the medical marijuana cooperative is the sole use on a lot, no planting shall exceed  
18 thirty (30) inches in height, except trees with foliage not less than six (6) feet above  
19 the ground.
- 20 f) The entire exterior grounds, including the parking lot, shall be lighted in  
21 accordance with standards promulgated by the Planning Director.
- 22 g) No exterior door or window on the premises shall be propped or kept open at any  
23 time while the business is open, and any exterior windows shall be covered with  
24 opaque covering at all times.
- 25 h) Permanent barriers shall be installed and maintained to screen the interior of the  
26  
27  
28

1 premises from public view for each door used as an entrance/exit to the medical  
2 marijuana cooperative.

- 3 i) Signage shall conform to the standards established for the zone except that such  
4 signage shall be limited to the business name, the street address, and the notice  
5 required by subsection (a) of this section.  
6  
7 j) All indoor areas of the medical marijuana cooperative within which qualified  
8 patients and primary caregivers are permitted, except rest rooms, shall be open to  
9 view at all times.  
10  
11 k) Except as otherwise required by law or provided herein, all areas of the medical  
12 marijuana cooperative accessible to qualified patients and primary caregivers shall  
13 be illuminated in accordance with standards promulgated by the Planning Director.

14 (2) Operational Standards.

- 15 a) No other use shall be allowed in conjunction with a medical marijuana cooperative.  
16  
17 b) Any person convicted of a felony or misdemeanor may not own, operate or be  
18 employed by a medical marijuana cooperative.  
19  
20 c) Medical marijuana shall only be dispensed to qualified patients or primary  
21 caregivers who possess a valid medical marijuana identification card issued by the  
22 Riverside County Department of Public Health pursuant to State law.  
23  
24 d) A medical marijuana cooperative shall only provide marijuana to a qualified patient  
25 or primary caregiver consistent with the patient's medical prescription.  
26  
27 e) Any qualified patient under 18 years of age who is not emancipated must be  
28 accompanied by a parent or legal guardian.  
f) No medical prescriptions or recommendations for medical marijuana use shall be  
issued on-site.

- 1 g) No marijuana shall be smoked, ingested or otherwise consumed on the premises of  
2 the medical marijuana cooperative or within 100 feet thereof.
- 3 h) Phone numbers where the owner/operator of the medical marijuana cooperative  
4 may be contacted in case of emergency shall be provided to the Riverside County  
5 Sheriff's Department and any property owners within 100 feet of the premises of  
6 the medical marijuana cooperative.
- 7 i) Medical marijuana cooperatives shall notify patrons in writing of the following:
- 8 1. Use of medical marijuana shall be limited to qualifying patients only. Sale,  
9 barter or distribution to non qualifying individuals is a crime.
- 10 2. Use of medical marijuana may impair a person's ability to operate motor  
11 vehicles or machinery.
- 12 3. No marijuana shall be smoked, ingested or otherwise consumed on the  
13 premises of the medical marijuana cooperative or within 100 feet thereof.
- 14 4. Patients may be subject to federal laws regarding the possession or use of  
15 marijuana.
- 16 j) Medical marijuana shall be stored to prevent unauthorized access. Containers shall  
17 be sealed so that odors of the raw product shall not be discernible outside the  
18 establishment.
- 19 k) Medical marijuana shall be dispensed in childproof containers. The containers  
20 shall be labeled as follows:
- 21 1. "Use of medical marijuana shall be limited to qualified patients only. Sale,  
22 barter or distribution to non-qualifying individuals is a crime".
- 23 2. "Use of medical marijuana may impair a person's ability to operate motor  
24 vehicles or machinery".
- 25  
26  
27  
28

1 3. "Patients may be subject to federal laws regarding the possession or use of  
2 marijuana".

3 4. "No medical marijuana shall be smoked, ingested or otherwise consumed  
4 on the premises of the cooperative or within 100 feet thereof".

5  
6 l) Medical marijuana cooperatives shall not provide marijuana in the form of food or  
7 other comestibles.

8 m) No marijuana shall be grown or cultivated on the premises of a medical marijuana  
9 cooperative.

10 n) Hours of operations of a medical marijuana cooperative shall be restricted to the  
11 hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m.  
12 on Saturday.

13 o) No medical marijuana cooperative shall hold or maintain a license from the State  
14 Department of Alcoholic Beverage Control to sell alcoholic beverages, or to  
15 operate a business that sells alcoholic beverages.

16 p) No medical marijuana cooperative shall conduct or engage in the sale of any drug  
17 paraphernalia.

18 q) A medical marijuana cooperative shall not sell marijuana for profit, including  
19 internet-sales.

20 r) At least one security guard shall be on duty outside the premises, patrolling the  
21 grounds and parking areas, at all times while the business is open. If the occupancy  
22 limit of the premises is greater than fifty (50) persons, an additional security guard  
23 shall be on duty inside the premises. The security guard(s) shall be charged with  
24 preventing violations of law, with enforcing compliance by patrons with the  
25 requirements of this ordinance, and with notifying the Riverside County Sheriff of  
26  
27  
28

1 any violations of law observed. Security guard(s) required by this subsection shall  
2 be uniformed in such a manner so as to be readily identifiable as a security guard  
3 by the public and shall be duly licensed as a security guard as required by  
4 applicable provisions of state or local law. No security guard required pursuant to  
5 this subsection shall act as a door person, or admittance person while acting as a  
6 security guard hereunder.  
7

8 s) No person obviously intoxicated shall be permitted within the premises at any time.

9 g. **ADDITIONAL DEVELOPMENT REQUIREMENTS.**

10 Additional development requirements may be imposed as conditions of approval to insure that the  
11 operation of medical marijuana cooperatives are consistent with protection of the health, safety  
12 and welfare of the public, qualified patients and primary caregivers, and will not adversely affect  
13 surrounding uses.  
14

15 h. **INDEMNIFICATION.**

16 The owners and/or operators of the medical marijuana cooperatives shall indemnify the County of  
17 Riverside for any claims, damages or injuries brought by adjacent or nearby property owners due  
18 to the operations, and for any claims brought by any of their clients for problems that may arise  
19 out of the distribution of medical marijuana.  
20

21 i. **PERMIT DURATION.**

22 Any conditional use permit for a medical marijuana cooperative shall be valid for a period of no  
23 more than two years.

24 j. **LIABILITY.**

25 The provisions of this Section shall not be construed to protect medical marijuana cooperative  
26 owners and operators, or their qualified patients or primary caregivers from prosecution pursuant  
27 to any other laws that may prohibit the cultivation, sale, use, distribution, transportation or  
28

1 possession of controlled substances. Moreover, cultivation, sale, use, distribution, transportation or  
2 possession of marijuana currently remain violations of federal law and this Section is not intended  
3 to, nor could it, protect the permittees and its clients from federal arrest or prosecution under those  
4 federal laws. Permittees must assume any and all risk or any and all liability that may arise or  
5 result under state and federal criminal laws from operations of a medical marijuana cooperative.  
6 Further, to the fullest extent permitted by law, any actions taken under the provisions of this  
7 Section by any public officer or employee of the County of Riverside shall not become a personal  
8 liability of such person or the liability of the County of Riverside. The permittees shall agree to  
9 forgo seeking to hold the County of Riverside liable for any injuries, damages, etc., that result  
10 from any arrest or prosecution of medical marijuana cooperative owners, employees, or clients for  
11 violation of state or federal laws.  
12

13  
14 Section 2. A new subsection b. (8) is added to Section 9.71 of Ordinance No. 348 to read as follows:

15 b. (8) Medical marijuana cooperatives, developed pursuant to Section 18.50 of this  
16 ordinance.”

17 Section 3. This ordinance shall take effect thirty (30) days after its adoption.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28