

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

521B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 18, 2006

SUBJECT: Ordinance No. 348.4403 – CEQA Exempt – Applicant: Riverside County – Engineer / Representative: None - All Supervisorial Districts - All Zoning Districts - All Area Plans: Commercial Office, Commercial Retail, and Heavy Industrial Land Use Designations – Location: Various - Zoning: Commercial - Office (C-O) Zone and Manufacturing – Heavy (M-H) Zone - **REQUEST:** Ordinance No. 348.4403 would amend Ordinance No. 348 to allow medical marijuana cooperatives in the M-H Zone with a conditional use permit and medical marijuana dispensaries in the C-O Zone with a conditional use permit. Ordinance No. 348.4403 would establish minimum development standards for medical marijuana cooperatives and medical marijuana dispensaries within unincorporated Riverside County. These standards are designed to provide appropriate development of medical marijuana cooperatives and medical marijuana dispensaries 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:

The Planning Department recommended Approval; and
THE PLANNING COMMISSION BY A VOTE OF 4-0 (COMMISSONER PETTY ABSENT)
RECOMMENDS TO THE BOARD OF SUPERVISORS:

APPROVAL of ORDINANCE AMENDMENT NO. 348.4403, as recommended by the Planning Commission, including the additional staff proposed change concerning the requirement of a conditional use permit for a medical marijuana cooperative to cultivate more than thirty-six (36) marijuana plants of any size, in the M-H zone.

Robert C. Johnson
Planning Director

initials

REVIEWED BY EXECUTIVE OFFICE

DATE 9/19/06

Departmental Concurrence

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

2006 SEP 30 AM 11:58
RESTRICTED BY ACCESS CONTROL

Prev. Agn. Ref.

District:

Agenda Number:

16.8

BACKGROUND:

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 amendment, advocates for medical marijuana and medical marijuana patients complained that they had not been given an adequate opportunity to review and comment on the proposed ordinance amendment. In response, County staff held three follow-up meetings with members of these groups on August 7th, August 11th and September 6, 2006. At those meetings, County staff was asked to refer this item back to the Planning Commission to allow for full public review.

On August 29, 2006, in response to the above concerns and to insure that medical marijuana advocates and patients were able to air their concerns, the Board of Supervisors referred the ordinance amendment back to the Planning Commission for a new public hearing and recommendation. The Planning Commission reconsidered the ordinance amendment on September 13, 2006.

Based on the information received from the medical marijuana advocates and patients at the September 13, 2006 public hearing, the Planning Commission is recommending the following:

1. Allow both medical marijuana cooperatives and medical marijuana dispensaries;
2. Require medical marijuana cooperatives and medical marijuana dispensaries to be not for profit entities;
3. Allow only medical marijuana cooperatives (not dispensaries) to cultivate marijuana, but limit the number of marijuana plants to ninety-six (96) mature plants and one hundred and ninety-two (192) immature plants;
4. Allow medical marijuana cooperatives with seven or more qualified patients or caregivers in the M-H zone with a conditional use permit. Medical marijuana cooperatives with six or less qualified patients or caregivers do not require a permit.
5. Allow medical marijuana dispensaries in the C-O zone with a conditional use permit. This would also include medical marijuana cooperatives of four or more qualified patients or primary caregivers who seek to facilitate the lawful distribution of medical marijuana.
6. To participate in a medical marijuana cooperative or medical marijuana dispensary, qualified patients and primary caregivers must possess a valid medical marijuana identification card issued by the Riverside County Department of Public Health. The cooperatives and dispensaries shall maintain a current register of all qualified patients, persons with identification cards, and primary caregivers to whom they provide or distribute medical marijuana. This registration shall be done in a manner to protect the confidentiality of the cardholders in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

7. Medical marijuana cooperatives and medical marijuana dispensaries shall make all records of marijuana product acquisition, sale or disposition available for inspection by authorized officers of the law. These records shall be preserved for at least seven years.
8. Prohibit smoking marijuana on the premises or within 100 feet thereof, but allow on-site consumption of medical marijuana in an edible form and the use of vaporizers on-site. However, do not allow the production of beverages or edible products on the premises of a medical marijuana cooperative or dispensary.
9. Any person convicted of a felony may not own, operate or be employed by a medical marijuana cooperative or medical marijuana dispensary;
10. Prohibit the sale of drug paraphernalia at medical marijuana cooperatives or medical marijuana dispensaries;
11. Medical marijuana dispensaries shall be prohibited from selling marijuana for profit, including sales via the internet.
12. A medical marijuana dispensary may possess no more than eight (8) ounces of dried cannabis per qualified patient or primary caregiver. Only with a physician's recommendation, larger amounts may be allowed.

ADDITIONAL PROPOSED CHANGE BY STAFF:

The cultivation by a medical marijuana cooperative of more than thirty-six (36) marijuana plants of any size shall require a conditional use permit and be permitted only in the M-H zone.

1 **ORDINANCE NO. 348.4403**

2 **AN ORDINANCE OF THE COUNTY OF RIVERSIDE**

3 **AMENDING ORDINANCE NO. 348**

4 **RELATED TO ZONING**

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8 The Board of Supervisors of the County of Riverside Ordains as Follows:

9 Section 1. A new Section 18.50 is added to Ordinance No. 348 to read as follows:

10 **“SECTION 18.50. MEDICAL MARIJUANA COOPERATIVES AND DISPENSARIES.**

- 11 a. INTENT. The Board of Supervisors has enacted the following provisions to provide minimum
12 development standards for medical marijuana cooperatives and dispensaries in the unincorporated
13 areas of Riverside County. These standards are designed to provide for the appropriate
14 development of medical marijuana cooperatives and dispensaries in accordance with the
15 Compassionate Use Act of 1996 and the Medical Marijuana Program (California Health and
16 Safety Code Sections 11362.5 et. seq.).

17
18 In adopting this section, the Board of Supervisors is not intending to permit conduct that is
19 otherwise prohibited by State or Federal law. The County intends to regulate the cultivation,
20 distribution, and consumption of medical marijuana only to the extent they are otherwise permitted
21 under State law. The County does not intend to provide any broader uses than are permitted under
22 State law. If the Compassionate Use Act of 1996 or implementing statutes are declared unlawful
23 in violation of Federal law, nothing in this section shall be deemed to permit the use, cultivation,
24 or distribution of marijuana for medical or any other purpose. Similarly, nothing in this section
25 shall be deemed to prevent Federal prosecution of violations of the Controlled Substances Act
26 within the County of Riverside.
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1 b. DEFINITIONS. The following terms shall have the following meanings for the purposes of this
2 section:

3 (1) "DRUG PARAPHERNALIA". Same definition as in Section 11014.5 of the California
4 Health and Safety Code, as it may be amended.

5 (2) "MARIJUANA". All parts of the plant Cannabis sativa L., whether growing or not; the
6 seeds thereof; the resin extracted from any part of the plant; and every compound,
7 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.
8 Marijuana does not include the mature stalks of the plant, fiber produced from the stalks,
9 oil or cake made from the seeds of the plant, any other compound, manufacture, salt,
10 derivative, mixture, or preparation of the mature stalks (except the resin extracted there
11 from), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of
12 germination.

13 (3) "MEDICAL MARIJUANA COOPERATIVE". Any not for profit affiliation, association,
14 or collective of seven or more qualified patients or primary caregivers who possess a valid
15 medical marijuana identification card issued by the Riverside County Department of Public
16 Health that facilitates the lawful cultivation of medical marijuana. It may cultivate no
17 more that six (6) mature marijuana plants and twelve (12) immature marijuana plants for
18 each qualified patient or primary caregiver. The medical marijuana cooperative shall only
19 cultivate medical marijuana for its members. The member shall be a qualified patient or
20 primary caregiver and each shall possess a medical marijuana identification card issued by
21 the Riverside County Department of Public Health.

22 (4) "MEDICAL MARIJUANA DISPENSARY". Any not for profit affiliation, association, or
23 collective of four or more qualified patients or primary caregivers who possess a valid
24 medical marijuana identification card issued by the Riverside County Department of Public
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1 Health, including medical marijuana cooperatives, that facilitates the lawful distribution of
2 medical marijuana.

- 3 (5) "MEDICAL MARIJUANA IDENTIFICATION CARD". A document issued by the
4 Riverside County Department of Public Health in conjunction with the California
5 Department of Health Services
- 6 (6) "NOT FOR PROFIT" shall mean that no part of the earnings of the medical marijuana
7 dispensary or medical marijuana cooperative inures to the benefit of any individual(s),
8 partners, companies, associations, or similar entities.
- 9 (7) "PREMISES". The building in which the medical marijuana cooperative or medical
10 marijuana dispensary is housed, as well as any accessory structures or parking area.
- 11 (8) "PRIMARY CAREGIVER". Primary caregiver shall have the same definition as
12 California Health and Safety Code Section 11362.7, and as it may be amended.
- 13 (9) "QUALIFIED PATIENT". Qualified patient shall have the same definition as California
14 Health and Safety Code Section 11362.7, and as may be amended.
- 15 (10) "SCHOOL". Any child or day care facility, or any institution of learning for minors,
16 whether public or private, offering instruction in those courses of study required by the
17 California Education Code and maintained pursuant to standards set by the State Board of
18 Education. School includes a nursery school, kindergarten, elementary school, middle or
19 junior high school, senior high school, or any special institution of education, but it does
20 not include a vocational or professional institution of higher education, including a
21 community or junior college, college or university.
- 22 (11) "VAPORIZER". A medication delivery device used to convert medical marijuana to a gas
23 or vapor without burning it, which may then be inhaled by a qualified patient.
- 24 (12) "YOUTH-ORIENTED ESTABLISHMENT". Any establishment that caters to or provides
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1 services primarily intended for minors, including but not limited to an establishment or a
2 place that minors regularly patronize, or where they congregate or assemble.

3 c. APPROPRIATE LOCATION.

- 4 (1) Medical marijuana cooperatives are permitted in the M-H Zone (Manufacturing – Heavy
5 Zone) provided a conditional use permit is approved in accordance with this ordinance.
6
7 (2) Medical marijuana dispensaries are permitted in the C-O Zone (Commercial – Office
8 Zone) provided a conditional use permit is approved in accordance with this ordinance.
9
10 (3) A medical marijuana cooperative or a medical marijuana dispensary shall not be located
11 within one thousand (1,000) feet of any residence.
12
13 (4) A medical marijuana cooperative or a medical marijuana dispensary shall not be located
14 within one thousand (1,000) feet of any other medical marijuana cooperative or medical
15 marijuana dispensary.
16
17 (5) Medical marijuana cooperatives and medical marijuana dispensaries shall not be located
18 within one thousand (1,000) feet of any school, library, public park or playground, or
19 youth-oriented establishment.
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21 (6) For the purposes of this subsection all distances shall be measured in a straight line,
22 without regard to intervening structures or objects, from the nearest point of the premises
23 where said medical marijuana cooperative or medical marijuana dispensary is located to
24 the nearest existing residence, to the nearest point of the premises of any other medical
25 marijuana cooperative or medical marijuana dispensary, or to the nearest property line of
26 any lot upon which is located any school, library, public park or playground, or youth-
27 oriented establishment.
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- 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 or a

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

16 f. DEVELOPMENT STANDARDS.

17 (1) Physical Standards.

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

- 21 1. Name of the facility.
- 22 2. "No Trespassing or Loitering".
- 23 3. "Use of medical marijuana shall be limited to qualified patients only. The
24 sale, resale, barter or distribution of medical marijuana to non-qualifying
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1 individuals is a crime”.

2 4. “Use of medical marijuana may impair a person’s ability to operate motor
3 vehicles or machinery”.

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

6 6. “No medical marijuana shall be smoked on the premises of the medical
7 marijuana cooperative, medical marijuana dispensary, or within 100 feet
8 thereof”.

9
10 b) Where visibility is limited, the installation of convex mirror(s) shall be required at
11 building corners or other locations to improve visibility and safety for the public
12 and employees.

13 c) Address numbering shall be visible from the street to any approaching emergency
14 vehicle.

15 d) The building in which the medical marijuana cooperative or medical marijuana
16 dispensary is located shall comply with all applicable local, State, and Federal
17 rules, regulations, and laws, including but not limited to, building codes, and the
18 Americans with Disabilities Act, as certified by the County Director of Building &
19 Safety.

20 e) Landscaping shall conform to the standards established for the zone, except that, if
21 the medical marijuana cooperative or medical marijuana dispensary is the sole use
22 on a lot, no planting shall exceed thirty (30) inches in height, except trees with
23 foliage not less than six (6) feet above the ground.

24 f) The entire exterior grounds, including the parking lot, shall be lighted in
25 accordance with the conditions of approval for the conditional use permit to
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1 provide for safety and security.

- 2 g) No exterior door or window on the premises shall be propped or kept open at any
3 time while the business is open, and any exterior windows shall be covered with
4 opaque covering or tint which provides one way visibility from the interior of the
5 building.
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7 h) Permanent barriers shall be installed and maintained to screen the interior of the
8 premises from public view for each door used as an entrance/exit to the medical
9 marijuana cooperative or medical marijuana dispensary.
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11 i) Signage shall conform to the standards established for the zone, except that such
12 signage shall be limited to the business name, the street address, or if located by an
13 entrance/exit, the notice shall meet the requirements of subsection (a) of this
14 section.
15
16 j) All indoor areas of the medical marijuana cooperative or medical marijuana
17 dispensary within which qualified patients and primary caregivers are permitted,
18 except rest rooms, shall be open to view at all times.
19
20 k) Except as otherwise required by law or provided herein, all areas of the medical
21 marijuana cooperative or medical marijuana dispensary accessible to qualified
22 patients and primary caregivers shall be illuminated for safety.

23 (2) Operational Standards.

- 24 a) No other use shall be allowed in conjunction with a medical marijuana cooperative
25 or medical marijuana dispensary.
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27 b) Any person convicted of a felony may not own, operate or be employed by a
28 medical marijuana cooperative or medical marijuana dispensary.
c) A medical marijuana cooperative or medical marijuana dispensary shall only

1 provide marijuana to a qualified patient or primary caregiver who possesses a valid
2 medical marijuana identification card issued by the Riverside County Department
3 of Public Health consistent with a licensed physician's written recommendations or
4 written approvals for that patient.

- 5
- 6 d) Any qualified patient under 18 years of age who is not emancipated must be
7 accompanied by a parent or legal guardian.
- 8 e) No recommendations or approvals by a licensed physician for the medical use of
9 marijuana shall be issued on the premises of a medical marijuana cooperative or
10 medical marijuana dispensary.
- 11 f) No marijuana shall be smoked on the premises of the medical marijuana
12 cooperative or medical marijuana dispensary, or within 100 feet thereof.
- 13
- 14 g) Contact information, including phone number, where the owner/operator of the
15 medical marijuana cooperative or medical marijuana dispensary may be contacted
16 in case of emergency shall be provided to the Riverside County Sheriff's
17 Department and any property owners within 100 feet of the premises of the medical
18 marijuana cooperative or medical marijuana dispensary.
- 19
- 20 h) Medical marijuana cooperatives and medical marijuana dispensaries shall notify
21 patrons in writing of the following:
- 22 1. Use of medical marijuana shall be limited to qualified patients only. The
23 sale, resale, barter or distribution of medical marijuana to non qualifying
24 individuals is a crime.
 - 25 2. Use of medical marijuana may impair a person's ability to operate motor
26 vehicles or machinery.
 - 27 3. No marijuana shall be smoked on the premises of the medical marijuana
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1 cooperative or medical marijuana dispensary or within 100 feet thereof.

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

4 i) Marijuana shall be cultivated and stored to prevent unauthorized access. The odors
5 of the raw product shall not be discernible outside the establishment.

6 j) Medical marijuana shall be provided in childproof containers to qualified patients
7 and primary caregivers who possess a valid medical marijuana identification card
8 issued by the Riverside County Department of Public Health. In cases where the
9 patient's medical condition prevents the use of childproof containers, the patient
10 shall sign a waiver form provided by the medical marijuana cooperative or medical
11 marijuana dispensary to be exempt from this requirement. The containers shall be
12 labeled as follows:
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14 1. "Use of medical marijuana shall be limited to qualified patients only. The
15 sale, resale, barter or distribution of medical marijuana to non-qualifying
16 individuals is a crime".

17 2. "Use of medical marijuana may impair a person's ability to operate motor
18 vehicles or machinery".

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

21 4. "No medical marijuana shall be smoked on the premises of the medical
22 marijuana cooperative or medical marijuana dispensary or within 100 feet
23 thereof".

24 k) Medical marijuana cooperatives and medical marijuana dispensaries may provide
25 medical marijuana in an edible form, provided that the edibles meet all applicable
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1 State requirements, including but not limited to the medical marijuana cooperative
2 or medical marijuana dispensary obtaining all necessary approvals from the State
3 Department of Health Services. In addition, any beverage or edible product
4 provided at the facility which contains marijuana shall be so identified, as part of
5 the packaging, with a prominent and clearly legible warning advising that the
6 product contains marijuana and that it is to be consumed only with a physician's
7 recommendation.
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- 9 l) Medical marijuana cooperatives and medical marijuana dispensaries may provide
10 vaporizers for inhaling medical marijuana. Vaporizers may only be provided to
11 qualified patients or primary caregivers in accordance with California Health and
12 Safety Code Sections 11364.5 et. seq. and as they are amended.
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14 m) No medical marijuana cooperative or medical marijuana dispensary shall hold or
15 maintain a license from the State Department of Alcoholic Beverage Control to sell
16 alcoholic beverages, or to operate a business that sells alcoholic beverages.
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18 n) No medical marijuana cooperative or medical marijuana dispensary shall conduct
19 or engage in the sale of any drug paraphernalia.
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21 o) No person obviously intoxicated shall be permitted within the premises of a
22 medical marijuana cooperative or medical marijuana dispensary at any time.
23
24 p) The medical marijuana dispensary and medical marijuana cooperative shall make
25 available at all times during business hours all records of marijuana product
26 acquisition, sale or disposition for inspection by authorized officers of the law, and
27 these records shall be preserved for at least seven years.
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q). A medical marijuana dispensary and medical marijuana cooperative shall maintain
a current register of all qualified patients, persons with identification cards, and

1 primary caregivers to whom it provides or distributes medical marijuana. Once
2 documented, the qualified patients, persons with identification cards and caregivers
3 shall be “registered” patrons of the dispensary or cooperative. The dispensary or
4 cooperative register shall be subject to periodic inspection to ensure compliance
5 with this ordinance and State law. The dispensary and/or cooperative shall further
6 maintain records of all patients and primary caregivers using the identification card
7 number when issued by Riverside County pursuant to California Health and Safety
8 Code Section 11362.7 et seq., and the Health Insurance Portability and
9 Accountability Act (HIPAA) of 1996, so as to protect the confidentiality of the
10 cardholders.
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- 12 r) No beverage or edible product containing marijuana shall be produced on the
13 premises of a medical marijuana cooperative or a medical marijuana dispensary.
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15 (3) Additional Operational Standards for Medical Marijuana Dispensaries.

- 16 a) No marijuana shall be grown or cultivated on the premises of a medical marijuana
17 dispensary.
18 b) Hours of operations of a medical marijuana dispensary shall be restricted to the
19 hours of 8:00 a.m. to 8:00 p.m., Monday through Sunday.
20 c) A medical marijuana dispensary shall not sell marijuana for profit, including sales
21 via the internet.
22 d) At least one security guard shall be on duty outside the premises of the medical
23 marijuana dispensary, patrolling the grounds and parking areas, at all times while
24 the business is open. If the occupancy limit of such premises is greater than fifty
25 (50) persons, an additional security guard shall be on duty inside the premises. The
26 security guard(s) shall be charged with preventing violations of law, with enforcing
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1 compliance by patrons with the requirements of this ordinance, and with notifying
2 the Riverside County Sheriff of any violations of law observed. Security guard(s)
3 required by this subsection shall be uniformed in such a manner so as to be readily
4 identifiable as a security guard by the public and shall be duly licensed as a security
5 guard as required by applicable provisions of state or local law. No security guard
6 required pursuant to this subsection shall act as a door person, or admittance person
7 while acting as a security guard hereunder.
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9 e) A medical marijuana dispensary may possess no more than eight (8) ounces of
10 dried cannabis per qualified patient or primary caregiver, who possesses a valid
11 medical marijuana identification card issued by Riverside County Department of
12 Public Health. However, if a qualified patient or primary caregiver has a doctor's
13 recommendation that this quality does not meet the qualified patient's medical
14 needs; the dispensary may possess an amount of medical marijuana consistent with
15 the patient's needs and applicable law.
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17 (4) Additional Operational Standards for Medical Marijuana Cooperatives.

18 The medical marijuana cooperative cultivation of more than ninety-six (96) mature
19 marijuana plants or one hundred and ninety-two (192) immature marijuana plants is
20 prohibited.
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22 g. ADDITIONAL DEVELOPMENT REQUIREMENTS.

23 Additional development requirements may be imposed as conditions of approval to insure that the
24 operation of medical marijuana cooperatives or medical marijuana dispensary are consistent with
25 the protection of the health, safety and welfare of the public, qualified patients and primary
26 caregivers, and will not adversely affect surrounding uses.
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1 h. INDEMNIFICATION.

2 The owners and/or operators of the medical marijuana cooperatives or medical marijuana
3 dispensary shall indemnify the County of Riverside for any claims, damages or injuries brought by
4 adjacent or nearby property owners due to the operations, and for any claims brought by any of
5 their clients for problems that may arise out of the distribution of medical marijuana.
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7 i. LIABILITY.

8 The provisions of this Section shall not be construed to protect medical marijuana cooperative or
9 medical marijuana dispensary owners and operators, or their qualified patients or primary
10 caregivers from prosecution pursuant to any other laws that may prohibit the cultivation, sale, use,
11 distribution, transportation or possession of controlled substances. Moreover, cultivation, sale, use,
12 distribution, transportation or possession of marijuana currently remain violations of federal law
13 and this Section is not intended to, nor could it, protect the permittees and its clients from federal
14 arrest or prosecution under those federal laws. Permittees must assume any and all risk or any and
15 all liability that may arise or result under state and federal criminal laws from operations of a
16 medical marijuana cooperative or medical marijuana dispensary. Further, to the fullest extent
17 permitted by law, any actions taken under the provisions of this Section by any public officer or
18 employee of the County of Riverside shall not become a personal liability of such person or the
19 liability of the County of Riverside. The permittees shall agree to forgo seeking to hold the
20 County of Riverside liable for any injuries, damages, etc., that result from any arrest or
21 prosecution of medical marijuana cooperative or medical marijuana dispensary owners,
22 employees, or clients for violation of state or federal laws.
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25 Section 2. A new subsection b. (8) is added to Section 9.71 of Ordinance No. 348 to read as follows:

26 b. (8) Medical marijuana dispensaries developed pursuant to Section 18.50 of this
27 ordinance.”
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Section 3. A new subsection c. (18) is added to Section 12.2 of Ordinance No. 348 to read as follows:
c. (18) Medical marijuana cooperatives, developed pursuant to Section 18.50 of this ordinance.”

Section 4. This ordinance shall take effect thirty (30) days after its adoption.

Draft Ordinance with PC Changes 09/15/06

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Tony Carstens · Agency Director

Planning Department

Robert C. Johnson · Planning Director

NOTICE OF EXEMPTION

September 15, 2006

PROJECT CASE NO./TITLE: Ordinance No. 348.4403

PROJECT SPONSOR: County of Riverside

PROJECT LOCATION: The proposed project would affect those areas of the unincorporated County which are located within the C-O Zone, Commercial - Office, and the M-H Zone, Manufacturing - Heavy.

PROJECT DESCRIPTION: The proposed project would amend Ordinance No. 348 to allow medical marijuana cooperatives in the M-H Zone (Manufacturing-Heavy) with a conditional use permit. It would also allow medical marijuana dispensaries in the C-O Zone (Commercial-Office) with a conditional use permit. Ordinance No. 348.4403, the proposed amendment, would establish minimum development standards for medical marijuana cooperatives and medical marijuana dispensaries within unincorporated Riverside County. These standards are designed to provide appropriate development of medical marijuana cooperatives and medical marijuana dispensaries pursuant to the Compassionate Use Act of 1996 and Senate Bill 420 (2003).

The Planning Department has found that the project is exempt from the provisions of CEQA based on the following: It can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment and as a result the activity is not subject to CEQA.

State CEQA Guidelines: Section 15061(b)(3); 15301; 15303; and 15332.

FINDINGS:

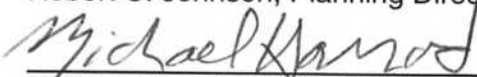
1. The ordinance amendment would allow medical marijuana dispensaries in the C-O Zone (Commercial-Office) with a conditional use permit. It would also allow medical marijuana cooperatives in the M-H Zone (Manufacturing-Heavy) with a conditional use permit. The ordinance amendment would establish minimum development standards for medical marijuana dispensaries and cooperatives within unincorporated Riverside County.

2. The C-O Zone is highly consistent with the Community Development Commercial Office (CO) and Commercial Retail (C-R) land use designation of the General Plan.
3. The M-H Zone is highly consistent with the Community Development Heavy Industrial (HI) land use designation of the General Plan.
4. The C-O Zone and the M-H Zone as well as the Commercial Office, the Commercial Retail and Heavy Industrial designation occur in urbanized areas of Riverside County or areas planned for urban development.
5. There is no site specific development proposal associated with this ordinance amendment.
6. Medical marijuana dispensaries are not for profit affiliations, associations, or collectives of qualified patients or primary caregivers that facilitates the lawful distribution of medical marijuana.
7. Medical marijuana cooperatives are not for profit affiliations, associations, or collectives of seven or more qualified patients or primary caregivers that facilitates the lawful cultivation of medical marijuana.
8. As not for profit entities, often with limited financial resources, medical marijuana cooperatives and medical marijuana dispensaries generally do not construct new structures, but use or modify existing buildings. This has been the practice in other parts of the State where these cooperatives have been established and is also expected here.
9. Interior and exterior alterations of existing buildings to accommodate medical marijuana cooperatives and medical marijuana dispensaries are categorically exempt under CEQA (Section 15301).
10. New construction or the conversions of small structures to accommodate medical marijuana cooperatives and medical marijuana dispensaries are categorically exempt from CEQA (Section 15303).
11. With the adoption of the proposed ordinance amendment, medical marijuana dispensaries would be consistent with the C-O Zone and the Commercial Office and Commercial Retail designation of the General Plan with an approved conditional use permit. Similarly, medical marijuana cooperatives would be consistent with the M-H Zone and the Heavy Industrial designation of the General Plan with an approved conditional use permit. New in-fill development to accommodate medical marijuana cooperatives and medical marijuana dispensaries which meet the following conditions are categorically exempt from CEQA (Section 15332):
 - a. The medical marijuana cooperative or dispensary is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning. Under the proposed ordinance, this would be required prior to any approval of a medical marijuana cooperative or medical marijuana dispensary.
 - b. The medical marijuana cooperative or medical marijuana dispensary has a project site of no more than five acres substantially surrounded by urban uses. Under the proposed ordinance, medical marijuana cooperatives and medical marijuana dispensaries would only be allowed in areas zoned and designated for urban uses. As not for profit entities, often with limited financial resources, medical marijuana cooperatives and medical

marijuana dispensaries are small scale operations and will usually occur in existing buildings. Where new buildings are proposed, they would not be over five acres in size.

- c. The project site for the medical marijuana cooperative or medical marijuana dispensary has no value as habitat for endangered, rare or threatened species. Under the proposed ordinance, medical marijuana cooperatives would only be allowed in areas zoned and designated for urban uses and would not be potential habitat for endangered, rare or threatened species.
 - d. The medical marijuana cooperative or medical marijuana dispensary would not result in any significant effects relating to traffic, noise, air quality, or water quality. Significant effects to air quality are not expected. Under the proposed ordinance, containers shall be sealed so that odors of the raw product are not discernible outside the establishment. Significant effects related to water quality are also not expected. Although increases in traffic and noise may occur, it can be seen with certainty that medical marijuana cooperatives and medical marijuana dispensaries will not have a significant effect on traffic or noise.
12. The proposed ordinance amendment prohibits locating medical marijuana cooperatives or medical marijuana dispensaries within one thousand (1,000) feet of any other medical marijuana cooperative or medical marijuana dispensary. Although more than one medical marijuana cooperative or medical marijuana dispensary may be established in accordance with the proposed ordinance amendment, they would have to be separated by at least one thousand feet. Because the medical marijuana cooperatives and medical marijuana dispensaries must be separated by at least one thousand feet, the development of medical marijuana cooperatives and medical marijuana dispensaries would not result in individually minor but collectively significant impacts due to a concentration of these uses. Cumulative impacts associated with the proposed amendment are therefore not expected.
13. There is no site specific development proposal associated with this ordinance amendment. In most cases, the use will occur in pre-existing buildings. In a very few cases, a new building may be constructed under the proposed ordinance. In all cases, the proposed ordinance will require further environmental review when applications for site specific conditional use permits are submitted. No further environmental review of potential sites is required at this time.

RIVERSIDE COUNTY PLANNING DEPARTMENT
Robert C. Johnson, Planning Director



Michael Harrod, Senior Planner

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