

CALIFORNIA COASTAL COMMISSION

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Prepared July 21, 2011 (for August 11, 2011 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: Santa Cruz County LCP Amendment Number 1-11 Part 2 (Medical Marijuana Cooperatives).

Summary

Santa Cruz County is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP) to add medical marijuana cooperatives as a conditional use in a subset of the LCP's commercial zoning districts only: in the PA (Professional and Administrative Offices), C1 (Neighborhood Commercial), C2 (Community Commercial), and C4 Commercial Services) zoning districts. The proposed amendment defines medical marijuana cooperatives and establishes standards to regulate their siting and operation.

The proposed addition of medical marijuana cooperatives as a conditional use in the above commercial zoning districts does not conflict with the provision of priority land uses identified in the certified Land Use Plan (LUP), nor does it raise issues with regard to the public access or coastal resource policies of the LUP. For instance, medical marijuana cooperatives will not be allowed on agricultural lands, nor will they be allowed in agricultural zoning districts and other LCP zoning districts that may present conflicts with LUP priority uses and development, including the VA (Visitor Accommodations), CT (Tourist Commercial), PR (Parks, Recreation and Open Space), PF (Public and Community Facilities), and SU (Special Use) zoning districts. Thus, the proposed amendment will not result in loss of agricultural lands and will not impact other priority uses and development in the County, including with respect to visitor-serving recreational opportunities. Also, allowing the operation of medical marijuana cooperatives in the above commercial zoning districts does not in any way reduce the IP's adequacy in carrying out the provisions of the LUP. The County's new ordinance is not a ban on marijuana dispensaries, as has been more common in terms of this issue in front of the Commission, but rather represents the first time that a coastal community has proposed an LCP amendment that provides for siting and operational parameters for this specific use. As such, Santa Cruz County's proposal here represents a thoughtful approach that appropriately provides parameters for medical marijuana dispensary siting and operations. Staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the LUP, and that the Commission approve the IP amendment as submitted. The motion and resolution are found on page 2 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 15, 2011. The proposed amendment includes IP changes only, and the 60-day action deadline is August 14, 2011. Thus, unless the



Commission extends the action deadline (it may be extended by up to one year), the Commission has until August 14, 2011 to take a final action on this LCP amendment.

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I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. The Commission needs to make one motion in order to act on this recommendation.

Approval of Implementation Plan Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the implementation plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission **reject** Major Amendment Number 1-11 Part 2 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County. I recommend a no vote.

Resolution to Certify the IP Amendment as Submitted. The Commission hereby certifies Major Amendment Number 1-11 Part 2 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan Amendment may have on the environment.



II. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

The County proposes to amend the IP component of its certified LCP to add medical marijuana cooperatives as a conditional use in a subset of the LCP's commercial zoning districts only: in the PA (Professional and Administrative Offices), C1 (Neighborhood Commercial), C2 (Community Commercial), and C4 (Commercial Services) zoning districts. Medical marijuana cooperatives would only be allowed in these commercial districts, and in no other districts of the County. The proposed amendment would require that such cooperatives are located more than 600 feet from public or private schools and from licensed preschools. The proposed amendment is designed to conform to the requirements of Proposition 215, the Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5) and Senate Bill 420 (2003) (Health and Safety Code Sections 11362.7-11362.9).¹ The proposed amendment defines medical marijuana cooperatives and establishes standards to regulate the lawful distribution of medical marijuana by cooperatives. Cooperatives that do not meet the proposed definition of medical marijuana cooperative would not be allowed.

Under the proposed amendment, medical marijuana cooperatives would require a Level 5² approval that would include a Zoning Administrator public hearing and a series of required findings. The proposed amendment also identifies a series of very specific requirements and standards for operation, including: 1) parking standards similar to those required for pharmacies³; 2) a minimum 600-foot separation between marijuana cooperatives (to ensure that no one particular area of the County is saturated with medical marijuana cooperative facilities); 3) a series of operational standards⁴, and; 4) a limited exemption period allowing existing medical marijuana cooperatives that are located outside of the PA, C1, C2, or C4 zoning districts to continue to operate for a limited period of time without meeting the

¹ Proposition 215, a voter initiative referred to as the Compassionate Use Act of 1996, was approved in November 1996 and enables persons who are in need of medical marijuana to obtain and use it under limited circumstances without violating state criminal laws related to marijuana. Senate Bill 420 (which became effective on January 1, 2004) clarified the scope of the Compassionate Use Act and established the mechanism by which cities and counties may create local regulations to ensure that: 1) marijuana is not distributed in an illicit manner; 2) the public health, safety, and welfare of residents and businesses is protected; 3) the peace and quiet of the areas in which medical marijuana cooperatives operate is protected, and; 4) compassionate access to medical marijuana is provided for seriously ill residents.

² The LCP is structured with approval levels from 1 to 7, with 1 being the lowest level of review and 7 being the highest (requiring Board of Supervisors approval).

³ The proposed amendment requires parking to be provided at a rate of 1 space per 300 gross square feet of floor area (see page 3 of Exhibit A).

⁴ Including allowed hours of operation; restrictions on use of marijuana within the cooperative building; a prohibition on loitering within 50 feet of the cooperative; minimum age requirements for cooperative employees; size limits on exterior signage that identifies the cooperative (4 square feet maximum); a prohibition on advertising except to collective members; posting of the permit and conditions on the premise; provision of the contact information of an onsite community relations staff person to the Planning Director, the Sheriff, and all adjoining property owners located within 50 feet of the building, etc. (see pages 2-5 of Exhibit A for specific operational and other standards that would apply).



new requirements.⁵

See Exhibit A for the proposed IP amendment language.

B. LUP Consistency Analysis

1. Applicable Policies

The proposed amendment affects the IP component of the Santa Cruz County LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP. Regarding IP amendments, Coastal Act Section 30513 states in relevant part:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

The commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director.

The local government may elect to meet the commission's rejection in a manner other than as suggested by the commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the commission.

The LUP includes a policy that specifies the priority of uses in the coastal zone, with agriculture and coastal dependent uses having the highest priority, visitor-serving and recreational uses the secondary priority, and other generally non-coastal uses, such as general commercial uses, the lowest priority:

LUP Policy 2.22.1 – Priority of Uses within the Coastal Zone. Maintain a hierarchy of land use priorities within the Coastal Zone: **First Priority:** Agriculture and coastal-dependent industry; **Second Priority:** Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities; **Third Priority:** Private residential, general industrial, and general commercial uses.

⁵ To the County's knowledge, there are six medical marijuana cooperatives currently operating within the County. Five of these six are located within the PA, C1, C2, and C4 zoning districts, but two of these are located within 600 feet of a school and will need to relocate to comply with the requirements of this amendment. The remaining existing marijuana cooperative is located on land zoned CA (Commercial Agriculture) in the coastal zone. This cooperative will be eligible for a 7-year exemption from the requirements of the amendment (see pages 6-7 of Exhibit A). At the end of the 7 years, this cooperative will need to relocate to one of the above commercially-zoned districts and comply with the ordinance.



2. Analysis

The proposed amendment will not conflict with the certified LUP, the standard of review in this case. Specifically, the proposed addition of medical marijuana cooperatives as a conditional use in the PA, C1, C2, and C4 zoning districts does not conflict with the provision of priority land uses identified in the LUP, nor does it raise an issue with regard to the public access or coastal resource policies of the LUP. For instance, medical marijuana cooperatives will not be allowed on agricultural lands, nor will they be allowed in agricultural and other LCP zoning districts that may present conflicts with LUP priority uses and development, including the VA (Visitor Accommodations), CT (Tourist Commercial), PR (Parks, Recreation and Open Space), PF (Public and Community Facilities), and SU (Special Use) zoning districts. Thus, the proposed amendment will not result in loss of agricultural lands and will not impact other priority uses and development in the County, including with respect to visitor-serving recreational opportunities in the County. Also, allowing the operation of medical marijuana cooperatives in the above commercial zoning districts does not in any way reduce the IP's adequacy in carrying out the provisions of the LUP. The County's new ordinance is not a ban on marijuana dispensaries, as has been more common in terms of this issue in front of the Commission, but rather represents the first time that a coastal community has proposed an LCP amendment that provides for siting and operational parameters for this use. As such, Santa Cruz County's proposal here represents a thoughtful approach that appropriately provides parameters for medical marijuana dispensary siting and operations. For the reasons noted above, the Commission finds that the proposed amendment, as submitted, does not raise any coastal issues and can be found consistent with and adequate to carry out the certified LUP.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed.

The County, acting as lead CEQA agency, found the proposed LCP amendment to be exempt under CEQA. This staff report has discussed the relevant coastal resource issues associated with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As discussed above, the proposed amendment is not expected to have a significant adverse environmental effect. As such, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



ORDINANCE No. 5090

ORDINANCE AMENDING SECTION 13.10.700-M AND SECTION 13.10.332(B)
AND ADDING SECTION 13.10.670 TO THE SANTA CRUZ
COUNTY CODE RELATING TO THE REGULATION OF
MEDICAL MARIJUANA COOPERATIVES

SECTION I

Section 13.10.700-M of the Santa Cruz County Code is hereby amended to add the following definition after "Matrix Unit" to read as follows:

Medical Marijuana Cooperative. Any cooperative or collective of 10 or more persons where the primary purpose is to provide the lawful distribution of medical marijuana that has been recommended by a licensed physician, in strict accordance with Health and Safety Code Section 11362.5 *et seq.* The sharing or distribution of medical marijuana between nine or fewer persons is not subject to this code. Except as otherwise expressly authorized, the sharing or distribution of medical marijuana is not an allowed use.

SECTION II

The Commercial Uses Chart in Section 13.10.332 (b) of the Santa Cruz County Code is hereby amended by adding the category "Medical Marijuana Cooperatives, subject to the provisions of Section 13.10.670" below the category "Cottage Industry" to read as follows:

| USE | PA | VA | CT | C-1 | C-2 | C-4 |
|--|----|----|----|-----|-----|-----|
| Medical Marijuana Cooperatives, subject to the provisions of Section 13.10.670 | 5 | - | - | 5 | 5 | 5 |

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 13.10.670 entitled "Medical Marijuana Cooperatives" to read as follows:

13.10.670 Medical Marijuana Cooperatives.

(a) Purpose. Standards are required to assure that the operations of medical marijuana cooperatives are in compliance with California Health and Safety Code Section 11362.5 (adopted as Proposition 215, the "Compassionate Use Act of 1996") or any State regulations and/or guidelines adopted in furtherance thereof, and to mitigate the adverse secondary effects from operations of cooperatives. This Ordinance is enacted as a health and safety measure pursuant to the county's police power. Nothing contained herein shall excuse, facilitate or promote a violation of federal law.

(b) Level 5 Approval Required. It shall be unlawful to establish, cause, or permit the operation of a medical marijuana cooperative without first obtaining a development permit required by this section. A medical marijuana cooperative shall meet the siting criteria and performance standards described below if authorized pursuant to the procedures for a Level 5 Approval. The Planning Department shall provide notice of the application to the Health Services Agency, Sheriff's Office and other relevant county departments.

(c) Siting Criteria. Applicants for a medical marijuana cooperative must meet the following siting criteria prior to consideration of a permit application:

(1) The proposed location shall lie within a P-A (Professional and Administrative Offices), C-1 (Neighborhood Commercial), C-2 (Community Commercial) or C-4 (Commercial Services) zone district.

(2) If the proposed location is located within 300 feet of any residentially zoned area, the applicant shall be required to demonstrate to the decision-maker that the use would not create an intensity of use that is incompatible with the nearby residential use and that the applicant would employ security measures that would insure that the use would not adversely affect the security and safety of the neighboring residential uses.

(3) The proposed location shall not be located within eight hundred feet of (a) any other medical marijuana cooperative, or within six hundred feet of (b) any licensed preschool, or (c) any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(4) The distance specified in subsection (2) and (3) shall be the horizontal distance measured in a straight line from the property line of the referenced use to the closest property line of the lot on which the cooperative is to be located without regard to intervening structures.

(d) Performance Standards. Medical marijuana cooperatives, once permitted, shall meet the following operating procedures and performance standards for the duration of the use; and the Management Plan shall incorporate these procedures and standards:

- (1) The cooperative shall not provide an on-site location for doctors or medical professionals to write recommendations.
- (2) No product shall be smoked, ingested or otherwise consumed within the cooperative or within 50 feet of the building in which the cooperative is located, except that cooperative employees and volunteer staff that possess a valid medical doctor's recommendation for medical marijuana, may individually smoke, ingest or otherwise consume medical marijuana during normal break time(s).
- (3) The hours of operation shall be limited to no more than 7:00 a.m. to 8:30 p.m., daily.
- (4) Parking shall be provided at a rate of 1 space per 300 gross square feet of floor area. Exterior lighting of the parking area shall be kept at a sufficient intensity so as to provide adequate lighting for patrons, while not disturbing surrounding residential or commercial areas.
- (5) The cooperative shall prohibit loitering by persons within 50 feet of any entryway into or exit from the cooperative.
- (6) The cooperative shall provide litter removal services each day of operation on and in front of the premises and, if necessary, on public sidewalks within fifty feet of any entry into or exit from the cooperative.
- (7) The cooperative shall provide adequate security on the premises, including lighting, alarms and dedicated security personnel, to insure the safety of persons and to protect the premises from theft.
- (8) All employees of the cooperative shall be at least 18 years of age.
- (9) Signage shall be limited to one identifying sign stating the business name, address and hours of operation not to exceed 4 square feet in area; such signs shall not be directly illuminated and shall not contain graphics identifying marijuana. In addition to an identification sign, appropriate directional signage may be required.
- (10) No advertising for sale of medical marijuana shall be permitted, except advertising that is directed exclusively to cooperative or collective members. An entry in the telephone directory with the name, location and phone number of the cooperative is allowed. Each cooperative is allowed a website with the name, location and phone number of the cooperative. Such websites must include the cooperative's bylaws, membership criteria, and operating procedures but may not include the display of a sales price to non-members for any marijuana product that is dispensed by the cooperative. The display of the sales price to cooperative or collective members on a portal that may be accessed by members only may be permitted.

(11) The cooperative shall provide the Planning Director, the Sheriff and all adjoining property owners located within fifty feet of the building in which the cooperative is located with a current name, phone number, email address and facsimile number of an on-site community relations staff person to whom one can provide notice if there are concerns regarding operating problems associated with the establishment. The establishment shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the county.

(12) The cooperative shall post a copy of the conditions of approval for the permit on the premises in a place where it may be readily viewed by any member of the general public. All members shall be required to sign a "good neighbor" agreement restating and agreeing to abide by the requirements of the Level 5 Approval and this Section and indicating that if a member is found in violation, their membership may be revoked.

(13) The cooperative shall meet any specific operating procedures and measures imposed as additional conditions of approval that are reasonably related to the health, safety or welfare of the community.

(14) All cooperatives shall operate in strict compliance with Health and Safety Code Section 11362.5, *et seq.*, as amended, and any related state regulations. No cooperative shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by members towards the cooperative's actual expenses for the growth, cultivation, and provision of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All such cash and in-kind amounts and items shall be fully documented. Medical marijuana shall be labeled as grown indoors or outdoors and whether or not synthetic pesticides were used in its production. The marijuana used in the products dispensed by the cooperative shall be grown locally only.

A cooperative shall maintain a management plan that governs the operation and dispensing of medical marijuana, including provisions addressing how the cooperative will meet the performance standards and other provisions of the County Code governing medical marijuana cooperatives.

A medical marijuana cooperative shall maintain records at the location accurately and truthfully documenting:

- (a) the full name, address, and telephone number(s) of the owner, landlord and/or lessees of the location;
- (b) the full name, address, telephone number(s) and specific role of all members who are engaged in the management of the cooperative;

- (c) all receipts of the cooperative, including but not limited to all contributions, reimbursements, and reasonable compensation whether cash or in-kind and all expenditures incurred by the cooperative;
- (d) an inventory record documenting the dates, amounts and content testing, if testing is conducted, of all marijuana in the possession of the cooperative;
- (e) a log documenting the transfer of medical marijuana to members;
- (f) a log documenting all complaints filed with the on-site community relations staff person, the date and how individual complaints were resolved; and
- (g) a low-income patient participation plan that fully describes and documents how low-income patients are provided assistance and access to cooperative membership, medical marijuana and cooperative services. The availability of low-income patient assistance and access shall be advertised in a prominent facility location to increase member awareness and participation.

A cooperative shall not: (a) unreasonably deny membership in the cooperative to any county resident, or (b) unreasonably deny access to a cooperative member's prescribed medication. The demonstrated financial inability of a cooperative member to pay for medical marijuana shall not, in and of itself, constitute a reasonable basis for denying membership in the cooperative, or denying or otherwise limiting the member's access to medical marijuana appropriate for the member's medical needs. The County may audit the membership and financial records of the cooperative at any time. Current copies of the management plan, and other cooperative records shall be available for inspection within a reasonable period of time by County Code Compliance staff, Sheriff's Office staff and other assigned County staff.

(15) Release of the county from liability. The owner(s) and permittee(s) of each cooperative shall release the county, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution of cooperative owners, operators, employees, or members for violation of state or federal laws by executing a release of liability in a form satisfactory to the county planning director.

(16) County indemnification. The owner(s) and permittee(s) of each cooperative shall indemnify and hold harmless the county and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the cooperative, and for any claims brought by any of their members for problems, injuries, damages or liabilities of any kind that may arise out of the distribution and any use of medical cannabis provided at the cooperative.

(e) Findings. In approving a Level 5 Approval, it shall be determined by the hearing body that all of the following apply:

- (1) The proposed use as described by the management plan of the cooperative complies with all of the mandatory requirements of this section and other applicable sections of this code and applicable policies of the General Plan;
- (2) The proposed use will not adversely affect the health, safety or welfare of area residents or businesses, or uses; and will not result in an undue concentration in any one neighborhood;
- (3) The operational characteristics of the proposed use, such as hours of operation, noise, odor, amount and location of parking, signage, safety, loitering and litter, will not have a negative impact upon the surrounding area;
- (4) The proposed use is compatible with the sizes and types of other neighboring uses in the surrounding area;
- (5) The proposed use is not located in what has been determined by the Santa Cruz County Sheriff's Office to be an area where a disproportionate number of law enforcement service calls occur; and
- (6) The proposed use, as a nonresidential occupancy, shall meet all building code requirements for such occupancy.
- (7) The bylaws, membership criteria, employee compensation schedules and operating procedures are all consistent with a bona fide medical marijuana cooperative.
- (f) Basis for denial. The decision-maker may deny any application which is inconsistent with the above-noted findings.
- (g) Previously existing medical marijuana cooperative. Notwithstanding any other provisions of this Code, the existing location of a cooperative in operation on September 28, 2010, that is located outside of a P-A (Professional and Administrative Offices), C-1 (Neighborhood Commercial), C-2 (Community Commercial, or C-4 (Commercial Services) zone district shall be exempt from the requirements of this chapter for the period of time allowed by subsection (1) commencing with the effective date of this chapter, if the cooperative is determined to be eligible pursuant to subsection (2):

- (1) The exemption period for a cooperative is set forth below:

| <u>Number of years in Operation</u> | <u>Length of Exemption</u> |
|-------------------------------------|----------------------------|
| 10 or more years | 7 years |
| 5 to 9 years | 5 years |
| 0 to 5 years | 1 year |

- (2) Each cooperative seeking an exemption pursuant to this subdivision shall apply for and obtain a written determination from the planning director as to

its eligibility for and the duration of an exemption. A Level 3 application fee shall be paid to process an application and receive a written determination. The exemption granted for a cooperative located within a residential zone district shall be no longer than 1 year in length. To be eligible for an exemption, an application shall be filed with the director within ninety (90) days after the effective date of this chapter. The director may require all information necessary to make a determination, including a management plan that complies fully with Section 13.10.670(d) (14) and proof or verification of non-profit status, with at least ten cooperative members. If one or more previously existing cooperatives are located within 800 feet of any other existing cooperative, the director may approve the locations for a period not to exceed the length of the exemption. At the conclusion of the exemption, the cooperative with the fewer years or days of operation shall be precluded from applying for a new application unless the other cooperative(s) choose not to apply or the cooperative(s) cannot comply with remaining sections of this ordinance and are therefore prohibited from making future application(s). Notwithstanding an initial approval by the Planning Director, any cooperative found to be in violation of any of the exemption requirements at any time is subject to the enforcement provisions cited in this section of the code.

(h) **Liability.** The provisions of this Section shall not be construed to protect cooperative owners, permittees, operators, and employees, or their members from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of marijuana remain violations of federal law as of the date of adoption of the ordinance creating this section and this section is not intended to, nor does it, protect any of the above described persons from arrest or prosecution under those federal laws. Owners and permittees must assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from operation of a medical marijuana cooperative. Further, to the fullest extent permitted by law, any actions taken under the provisions of this section by any public officer or employee of the County or the County itself, shall not become a personal liability of such person or the liability of the County. A warning and disclaimer shall be put on medical marijuana zoning application forms and shall include the following: a warning that the cooperative operators and their employees may be subject to prosecution under federal marijuana laws; and a disclaimer that the county will not accept any legal liability in connection with any approval and/or subsequent operation of a cooperative.

(i) **Private enforcement.** Any interested person may file a civil action to enforce the membership and access requirements of subsection (d)(14). In cases where a cooperative is found by a court of law to have acted unreasonably in denying membership in a cooperative, or in denying access to a person's medicine as a result of that person's inability to pay, the cooperative shall be liable for reasonable attorney fees. The remedies provided by this section shall be in addition to any other remedies provided by statutory or decisional law.

(j) Revocation, Periodic Review. Notwithstanding the provisions cited above, any cooperative found to be in violation of any requirements imposed by this ordinance is subject to revocation provided in Section 18.10.136 of the County Code. The County may also pursue any and all remedies and actions available under local and state laws for violations committed by a cooperative and persons related to or associated with a cooperative. The County may also require periodic review of any medical marijuana cooperative approved through a Level 5 permit.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 3rd day of May, 2011, by the following vote:

- AYES: SUPERVISORS Leopold, Pirie, Coonerty, Caput, and Stone
- NOES: SUPERVISORS none
- ABSENT: SUPERVISORS none
- ABSTAIN: SUPERVISORS none

MARK W. STONE
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: TESS FITZGERALD
Clerk of the Board

APPROVED AS TO FORM:
[Signature]
County Counsel

- Copies to: Planning
- County Counsel
- Sheriff

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 9th DAY OF May 20 11

SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA

BY [Signature]