

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE, STATE OF CALIFORNIA**

ORDINANCE NO. 2020-007

**AN ORDINANCE AMENDING REGULATIONS FOR COMMERCIAL CANNABIS
RETAIL AND MANUFACTURING ACTIVITY OUTSIDE THE COASTAL ZONE**

The following ordinance, consisting of two sections, was passed and adopted by the Board of Supervisors of the County of Del Norte, State of California, at a regular meeting of the Board of Supervisors held on the 11th day of February, 2020, by the following vote:


AYES: Supervisor Howard, Hemmingsen, Cowan, Berkowitz

NOES: Supervisor Gittin


ABSENT: None


Gerry Hemmingsen Chair
Del Norte County Board of Supervisors
State of California

ATTEST:


Kylie Goughnour
Clerk of the Board of Supervisors
County of Del Norte County

Approved as to form:


Elizabeth Cable
Del Norte County Counsel

The Board of Supervisors of the County of Del Norte ordains as follows:

SECTION 1: Cannabis Business Combining District

Section 20.36.10 of the Del Norte County Code is amended to read as follows:

The intent of the Cannabis Business Combining District is to provide for the placement of commercial cannabis activity within appropriate commercial and manufacturing zones, to protect the public health, safety and welfare. The Cannabis Business Combining District shall be applied to C-2, C-3, C-4, C-R and M Zone Districts in the unincorporated area within the Crescent City Urban Boundary and the Smith River Community Services District Boundary as defined by the Del Norte Local Agency Formation Commission.

Section 20.36.20 of the Del Norte County Code is amended to read as follows:

In a district which is combined with a Cannabis Business Combining District, the regulations set forth in this chapter apply in addition to the respective regulations specified for such district. A use permit for cannabis manufacturing shall only be issued in commercial zones where manufacturing is consistent with other conditionally permitted uses. There shall be no principally permitted uses in a zone combined with the Cannabis Business Combining District other than those permitted in the underlying district.

SECTION 2: Commercial Cannabis Regulations

Section 20.67.40 of the Del Norte County Code is amended to read as follows:

- A. Commercial cannabis activity shall not be allowed in the unincorporated area of Del Norte County without a use permit. Use permits to conduct commercial cannabis activity shall be governed primarily by this chapter. The procedures for use permits set forth in Chapter 56 of this title shall apply as well.
- B. All commercial cannabis activity shall be subject to the following:
 - 1. Before commencing operation of a commercial cannabis activity, the permittee shall secure a license from the appropriate state licensing authority, pursuant to Division 10 of the Business and Professions Code. A copy of the license shall be provided to the Planning Division;
 - 2. The use permit shall expire one year from the date of issuance of the state license;
 - 3. The permittee shall be in compliance with all conditions of the state license and all state laws, any violation of which shall constitute a violation of the County Code;
 - 4. The permittee shall timely remit all taxes required by state or local law to the appropriate agency, and shall maintain all records necessary to determine the amount of tax owed, which records the county shall have a right to inspect at all reasonable times;

5. The permittee shall post or cause to be posted on site the use permit and all required County and state permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport cannabis or cannabis products;
 6. The permittee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation at all reasonable times.
- C. Before the Planning Commission approves any use permit for commercial cannabis activity, the Planning Commission shall hold a public hearing, noticed pursuant to Government Code §65091, shall make the following findings, and shall set forth the facts supporting its determination in writing:
1. The applicant has demonstrated that it can and will comply with all requirements of the state and County to operate the proposed commercial cannabis activity;
 2. The proposed activity, as conditioned, will not result in significant unavoidable impacts on the environment;
 3. The operation plan includes adequate measures to minimize nuisances to the neighborhood and community, including minimizing odor, noise, light, traffic, and loitering;
 4. The operation plan includes adequate security measures; and
 5. The proposed activity will have no likely or reasonably foreseeable negative effect on any sensitive land use in the surrounding area, regardless of physical distance from the subject property.” For the purpose of this section, sensitive uses include, but are not limited to, churches, schools, parks, public buildings, and healthcare facilities.
- D. The Planning Commission may approve a renewal of a use permit issued pursuant to this Chapter, subject to the following:
1. The permittee shall submit an updated operation plan containing all the elements set forth in Section 20.67.100;
 2. The permittee shall provide documentation that an application for renewal of the state license has been submitted to the appropriate state licensing authority;
 3. The permittee shall not have any outstanding fees, fines, or delinquent taxes owed to the county, nor any notice of nuisance recorded against the property in the preceding year; and
 4. The Planning Commission shall make the following findings at a public hearing noticed pursuant to Government Code §65091:
 - i. The applicant has demonstrated that it can and will comply with all requirements of the state and County to operate the proposed commercial cannabis activity;
 - ii. The proposed activity, as conditioned, will not result in significant unavoidable impacts on the environment; and
 - iii. The operation plan includes adequate measures to minimize

nuisances to the neighborhood and community, including minimizing odor, noise, light, traffic, and loitering.

Section 20.67.50 of the Del Norte County Code is amended to read as follows:

Cannabis retailers shall meet the following minimum requirements:

- A. The use permit shall specify whether the permittee may sell adult-use cannabis or medicinal cannabis, as those terms are used in Division 10 of the Business and Professions Code.
- B. A use permit shall not be issued for a cannabis retailer which is located within a 600-foot radius of a school or youth center. This requirement shall not apply to applications for use permit renewals. The distances specified in this section shall be the horizontal distance measured in a straight line from the property line of the school or youth center to the closest property line of the lot on which the subject cannabis retailer is located.
- C. No retailer, whether adult-use or medicinal, shall be located within a 200-foot radius of any other cannabis retailer located on the same street frontage or on the same property.
- D. The distances specified in this section shall be the horizontal distance measured in a straight line from the property line of the school, youth center to the closest property line of the lot on which the subject cannabis retailer is located.
- E. The retailer shall operate only in accordance with the operating plans reviewed and approved by the County. The County shall limit the hours of operation for a retail facility to begin no earlier than eight a.m. and to end no later than eight p.m.
- F. Retailers shall not distribute any cannabis or cannabis product unless the cannabis and cannabis products are labeled and in a tamper-evident package in compliance with Section 26120 of the California Business and Professions Code and any additional rules promulgated by the licensing authority.
- G. Retailers shall notify the Del Norte County Sheriff's Office and the licensing authority within twenty-four (24) hours after discovering any of the following:
 1. Significant discrepancies identified during inventory;
 2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the retailer;
 3. The loss or unauthorized alteration of records related to cannabis, patients, or retailer's employees or agents; or
 4. Any other breach of security.
- H. Retailers shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products in compliance with Section 26070 of the California Business and Professions Code and any rules promulgated by the licensing authority. Security measures shall include, but are not limited to, the following:
 1. Prevent individuals from loitering on the premises of the retailer if they are not engaging in activity expressly related to the operations of the retailer;
 2. Establish limited access areas accessible only to authorized dispensary

- personnel;
- 3. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis and cannabis products used for display purposes, samples or immediate sale;
- 4. Install security cameras on site.

Section 20.67.60 is added to the Del Norte County Code to read as follows:

Cannabis Manufacturers shall meet the following minimum requirements:

- A. Cannabis manufacturing shall be conducted using only nonvolatile solvents, or no solvents.
 - 1. "Volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. For the purposes of this section, carbon dioxide and ethanol are nonvolatile solvents, however, a use permit for manufacturing shall specify whether carbon dioxide or ethanol will be permitted.
 - 2. If the use permit allows the use of carbon dioxide or ethanol, the Planning Commission shall specifically address in its written findings the potential impacts of the use of those solvents.
- B. A cannabis manufacturer shall not be located within a 600-foot radius of a school or youth center. The distances specified in this section shall be the horizontal distance measured in a straight line from the property line of the school or youth center to the closest property line of the lot on which the subject cannabis manufacturer is located.
- C. A cannabis manufacturer shall operate only in accordance with the operating plans reviewed and approved by the County.
- D. A cannabis manufacturer shall notify the Del Norte County Sheriff's Office and the licensing authority within twenty-four (24) hours after discovering any of the following:
 - 1. Significant discrepancies identified during inventory;
 - 2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the manufacturer;
 - 3. The loss or unauthorized alteration of records related to cannabis, patients, or manufacturer's employees or agents; or
 - 4. Any other breach of security.
- E. A cannabis manufacturer shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis. Security measures shall include, but are not limited to, the following:
 - 1. Prevent individuals from loitering on the premises if they are not engaging in activity expressly related to the operations of the retailer;
 - 2. Establish limited access areas accessible only to authorized dispensary personnel;

3. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis and cannabis products used for display purposes, samples or immediate sale;
 4. Install security cameras on site;
- F. All employees of a cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices.

SECTION 3: REPLACEMENT OF ZONING MAPS

Section I: **Authorization:** Chapter 20.06.20 provides that the designation, location and boundaries of zoning districts shall be by written description or by delineation on zoning maps adopted the Board of Supervisors. Such maps may be amended pursuant to Chapter 20.52.

Section II: **New Zoning Maps:** Zoning Maps C-3, D-3, and D-4 are hereby replaced with new Zoning Maps C-3, D-3, and D-4 as specified in attached Exhibit "A".

Section III: **Effective Date:** This ordinance shall take effect and be enforced thirty (30) days after the date of its passage. It shall be published with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Del Norte, State of California.

Section IV: **Severability:** If any section, subsection, sentence, clause, phrase, or specific fee of this ordinance is for any reason held to be invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, or specific fee thereof, irrespective

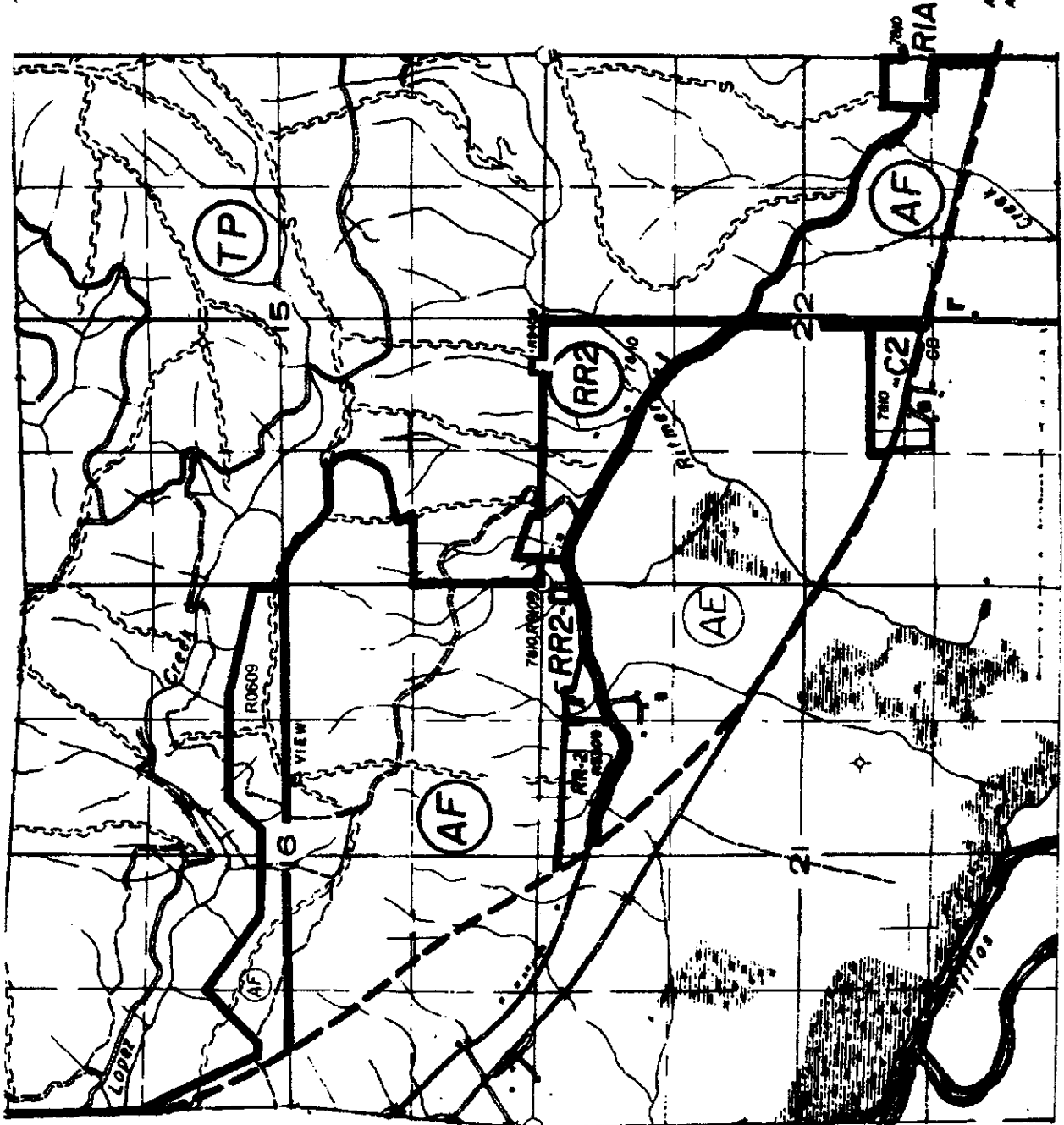
Findings of Fact: This Ordinance is passed and adopted based upon the findings cited in the Staff Report and the Board of Supervisors hereby makes said findings as more particularly described in said Staff Report, which is herein incorporated by reference (Government Code §65804(c)(d)) and the following:

- A. The project is consistent with the Standards and Policies of the General Plan;
- B. The activity permitted by the zoning amendment is exempt from review under the California Environmental Quality Act (CEQA). The project does not have the potential for causing a significant effect on the environment because each cannabis permit is individually subject to CEQA review, and the area in which commercial cannabis activity is permitted by the zoning amendment is too geographically limited to pose cumulative

impacts.

Exhibit "A"

1. See rezoning R0609 for detailed boundary delineation
 R1902 for CB Combining District



SECTION 3.0104 ORDINANCE 67-10
 DEL NORTE CO. ZONING MAI
 AREA C-3

SECTIONS 15, 16, 21, 22
 TWP 16 N RGE 1 W HB 3 M
 SMITH RIVER AREA

ORDINANCE NO 68-8 PASSED APR. 8, 1968
 APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL. NORTE, CALIFORNIA
 REHEARD 3/27/68

YARD WIDTHS IN 66 DISTRICTS
 FRONT 25' REAR 20' SIDE 10' 5'-5" Min

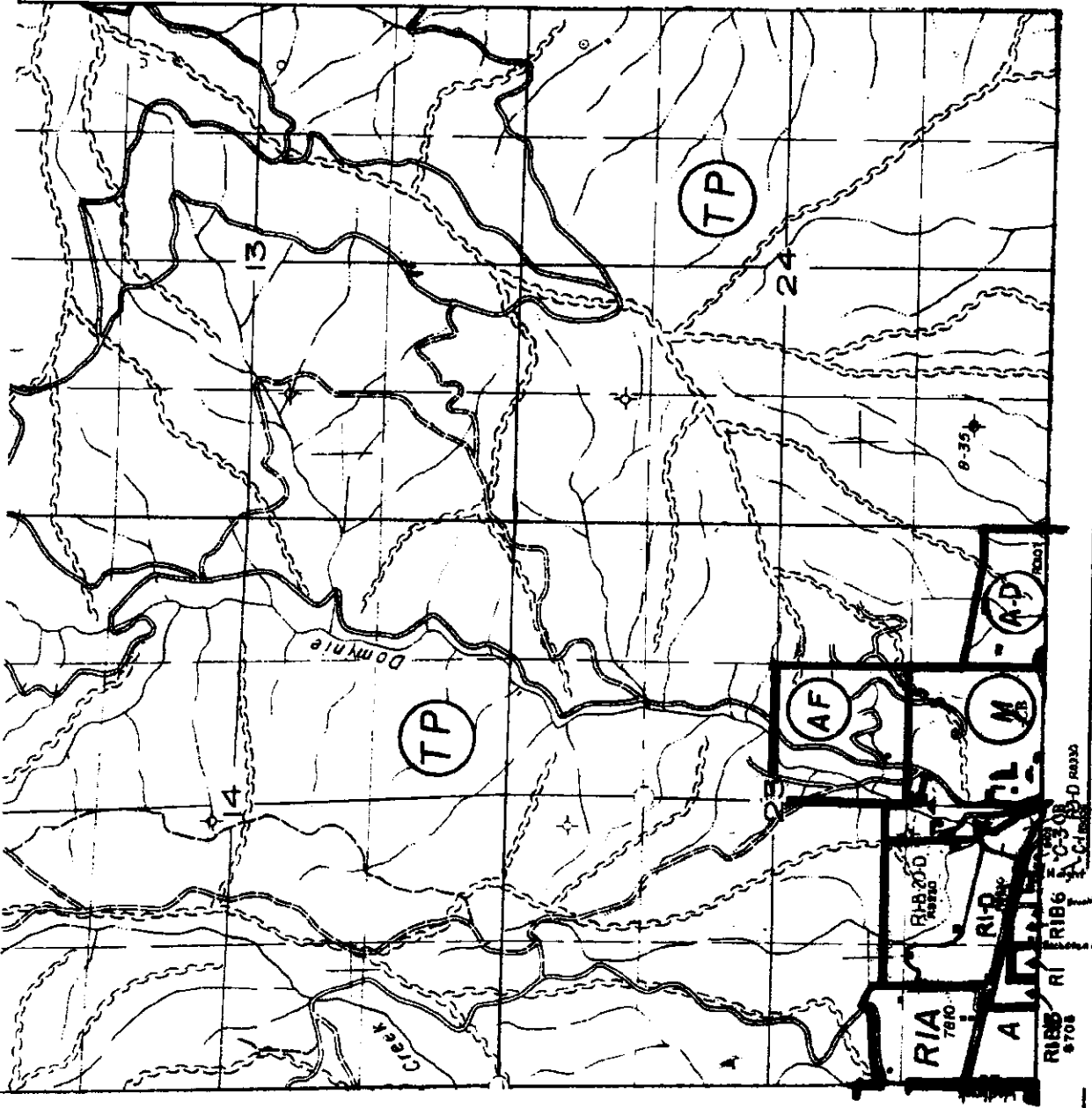
See R1902 for CB Combining District

SECTION 3.0104 ORDINANCE 57-10
 DEL NORTE CO. ZONING MAP
 AREA D-3

SECTIONS 13, 14, 23, 24
 TWP 18 N RGE 1 W HB 8 M
 SMITH RIVER AREA

ORDINANCE NO 66-8 PASSED APR 8, 1968
 APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE CALIFORNIA
 REVISED NOV 1, 2001

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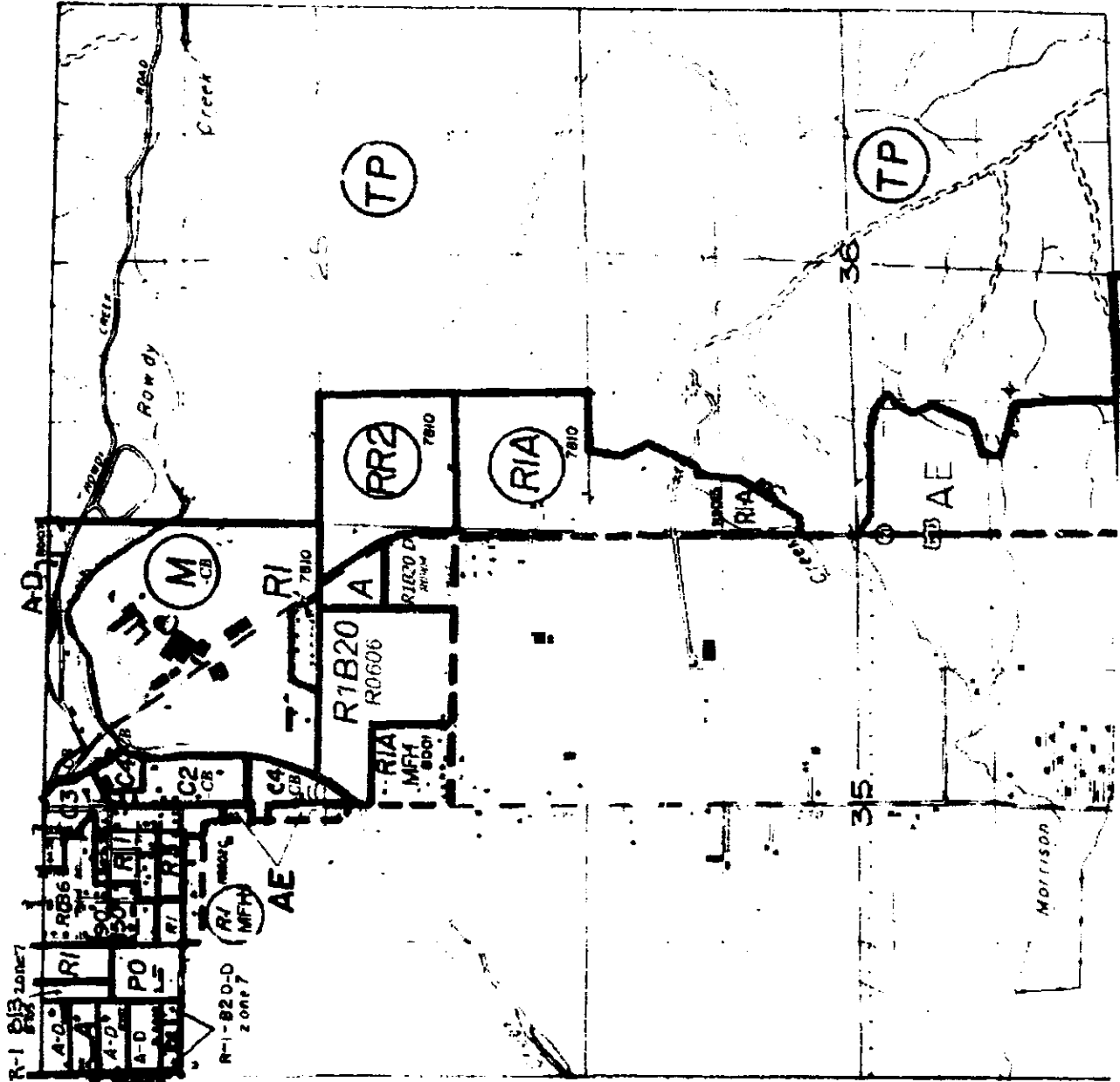
50 FT.

YARD WIDTHS IN B6 DISTRICTS

ZONE	FRONT	REAR	SIDE
4	25'	20'	10% - 5' Min
7	25'	100'	6' 5' Min

* Refer to zone file for
 determining density
 ** for habitable structures

R1902 for CB Combining District



SECTION 30104 ORDINANCE 2710
 DEL NORTE CO. ZONING MAP

AREA D-4

SECTIONS 25, 26, 35, 36
 TWP 18 N RGE 1 W H6 8 W
 SMITH RIVER AREA

ORDINANCE NO. 69 6 PASSED APR 8, 1969
 APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE, CALIFORNIA