

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

**ORDINANCE NO. 2018-010**

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

The following ordinance, consisting of three 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 13<sup>th</sup> day of November, 2018, by the following vote:

AYES: *Supervisor Cowan, Howard, Hemmingsen, Berkowitz*

NOES: *Supervisor Gittin*

ABSENT: *None*



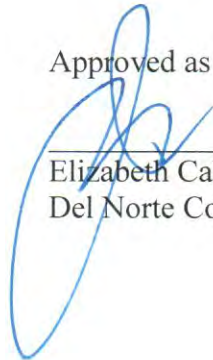
Chris Howard, Chair  
Del Norte County Board of Supervisors  
State of California

ATTEST:



Kylie Heriford *Gaughnour*  
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 is added to the Del Norte County Code 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 and M Zone Districts in the unincorporated area within the Crescent City Urban Boundary set by the Del Norte Local Agency Formation Commission.

Section 20.36.20 is added to the Del Norte County Code 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. 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 20.36.30 is added to the Del Norte County Code to read as follows:

Uses permitted with a use permit shall be as follows:

- A. Cannabis retail
- B. Cannabis manufacturing

### **SECTION 2: Commercial Cannabis Regulations**

Section 20.67.10 is added to the Del Norte County Code to read as follows:

The intent of this Chapter is to protect the public health, safety and welfare through strong and effective regulatory and enforcement controls, to protect neighborhood character, and to minimize the potential negative impacts of commercial cannabis activity on people, communities, and the environment by establishing minimum land use controls. Within the Cannabis Business Combining District, commercial cannabis activity, as defined under Division 10 of the Business and Professions Code, may be permitted with a use permit, subject to the regulations governing the underlying zoning district, and the requirements for use permits set forth in this chapter.

Section 20.67.20 is added to the Del Norte County Code to read as follows:

For the purpose of this chapter, the following words and phrases shall be defined as follows:

- A. "Cannabis" shall have the same meaning as set forth in Health and Safety Code

Section 11018.

- B. “Commercial cannabis activity” shall have the same meaning as set forth in Business and Professions Code § 26001.
- C. “Cannabis Cultivator” shall mean a person required to be licensed to cultivate cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.
- D. “Cannabis Manufacturer” shall mean a person required to be licensed as a manufacturer pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code
- E. “Cannabis Microbusiness” shall mean a person licensed to conduct multiple commercial cannabis activities, as described in Business and Professions Code Section 26070.
- F. “Cannabis Retailer” shall mean a person required to be licensed as a retailer pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code
- G. “Person” shall include any individual, firm, partnership, joint venture, limited liability company, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, assignee for the benefit of creditors, trustee, trustee in bankruptcy, or syndicate.
- H. “School” shall mean any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- I. “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Section 20.67.30 is added to the Del Norte County Code to read as follows:

All use permit applications shall be reviewed by the Environmental Review Committee. The Committee will make preliminary environmental impact analysis of all use permit applications and will require from the applicant all information necessary to make recommendations to the Planning Commission.

Section 20.67.40 is added to the Del Norte County Code 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.
  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;
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.
    - 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 is added to the Del Norte County Code 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 1000-foot radius of a school or youth center. This requirement shall not apply to applications for use permit renewals.
- C. No retailer, whether adult-use or medicinal, shall be located within a 1000-foot radius of any other cannabis retailer.
- 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, or cannabis retailer, 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 1000-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 20.67.70 is added to the Del Norte County Code to read as follows:

[Reserved]

Section 20.67.80 is added to the Del Norte County Code to read as follows:

[Reserved]

Section 20.67.90 is added to the Del Norte County Code to read as follows:

[Reserved]

Section 20.67.100 is added to the Del Norte County Code to read as follows:

All applications for a use permit for a commercial cannabis activity shall be filed with the Community Development Department -- Planning Division. In all cases the application shall contain, without limitation, the following documentation:

- A. Notarized, written authorization from all persons and entities having a right, title or interest in the property that is the subject of the application consenting to the application and the operation of the proposed commercial cannabis activity on the subject property.
- B. The name and address of all persons and entities responsible for the operation of the commercial cannabis activity, including managers, corporate officers, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial cannabis activity, and a complete list of all the valid licenses, including license type and license number which has been issued to each person by the state or any other city or county.

- C. An application fee as prescribed by the current fee schedule resolution of the board of supervisors.
- D. An indemnification agreement on a form provided by the county.
- E. Proof of having obtained a surety bond in an amount not less than \$15,000, payable to the County, issued by a corporate surety approved by the County, which is licensed to transact surety business in the State of California.
- F. A detailed operation plan, which includes:
  - 1. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activity(ies) being requested.
  - 2. Onsite security measures both physical and operational;
  - 3. Standard operating procedures manual detailing how operations will comply with state and local regulations; how safety and quality of products will be ensured; record keeping procedures for financing, testing, and adverse effect recording; and product recall procedures;
  - 4. Proposed hours of operation;
  - 5. Waste disposal information;
  - 6. A water management plan including the proposed water supply and proposed conservation measures;
  - 7. Product supply chain information including where cultivation occurs, where the product is processed or manufactured, any required testing of cannabis or cannabis products, transportation, and packaging and labeling criteria;
  - 8. A record keeping policy;
  - 9. Track and trace measures;
  - 10. Sustainability measures including water efficiency measures, energy efficiency measures, high efficiency mechanical systems, and alternative fuel transportation methods;
  - 11. Odor prevention devices;
  - 12. Size, height, colors, and design of any proposed signage at the site;
  - 13. A parking plan, if applicable;
  - 14. A storage protocol and hazardous response plan;
  - 15. Information on products used during operation, including liquids, solvents, agents, pesticides, herbicides and processes; And
  - 16. A quality control plan.
- G. Such other information as county staff may require.

### 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 B-9, C-8, and C-9 are hereby replaced with new Zoning Maps B-9, C-8 and C-9 as specified in

attached Exhibit "A".

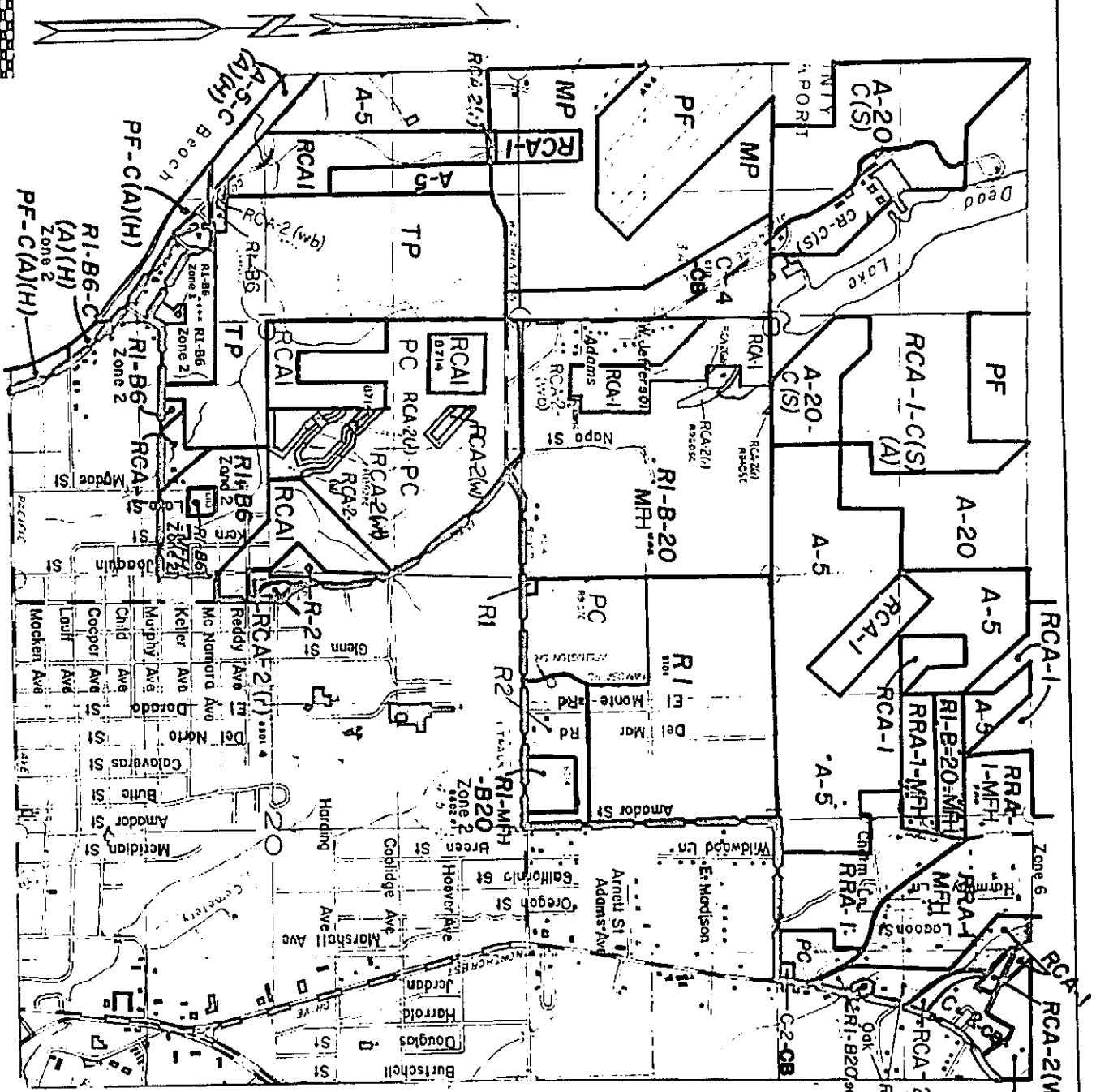
**Section III:** **Effective Date:** This ordinance shall take effect and be enforced thirty (30) days after the date of its passage. It shall be published with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of 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 may only be conducted pursuant to a discretionary use permit subject to environmental review under the California Environmental Quality Act (CEQA), and is therefore statutory exempt from CEQA review by Business and Professions Code §26055.

# Exhibit A



\* SEE REZONE FILE  
 \*\* SEE GENERAL PLAN  
 \*\*\* R9502C  
 \*\*\*\* R0802C

See Rezone File R1903C for CB Combining District

**YARD WIDTHS  
B DISTRICTS**

ZONE	FRONT	REAR	SIDE
2	25'	10'	5'
6	As per basic Residential Zone		

Section 21.06.050 Ordinance 83--03  
**DEL NORTE CO. ZONING MAP**  
**AREA B-9**

SECTIONS 17, 18, 19, 20  
 TWP 16 N RGE 1W HB 8M  
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION  
 APPROVED BY BOARD OF SUPERVISORS  
 COUNTY OF DEL NORTE, CALIFORNIA  
 83-03 Sept 6, 83  
 REVISED 10/17/2008

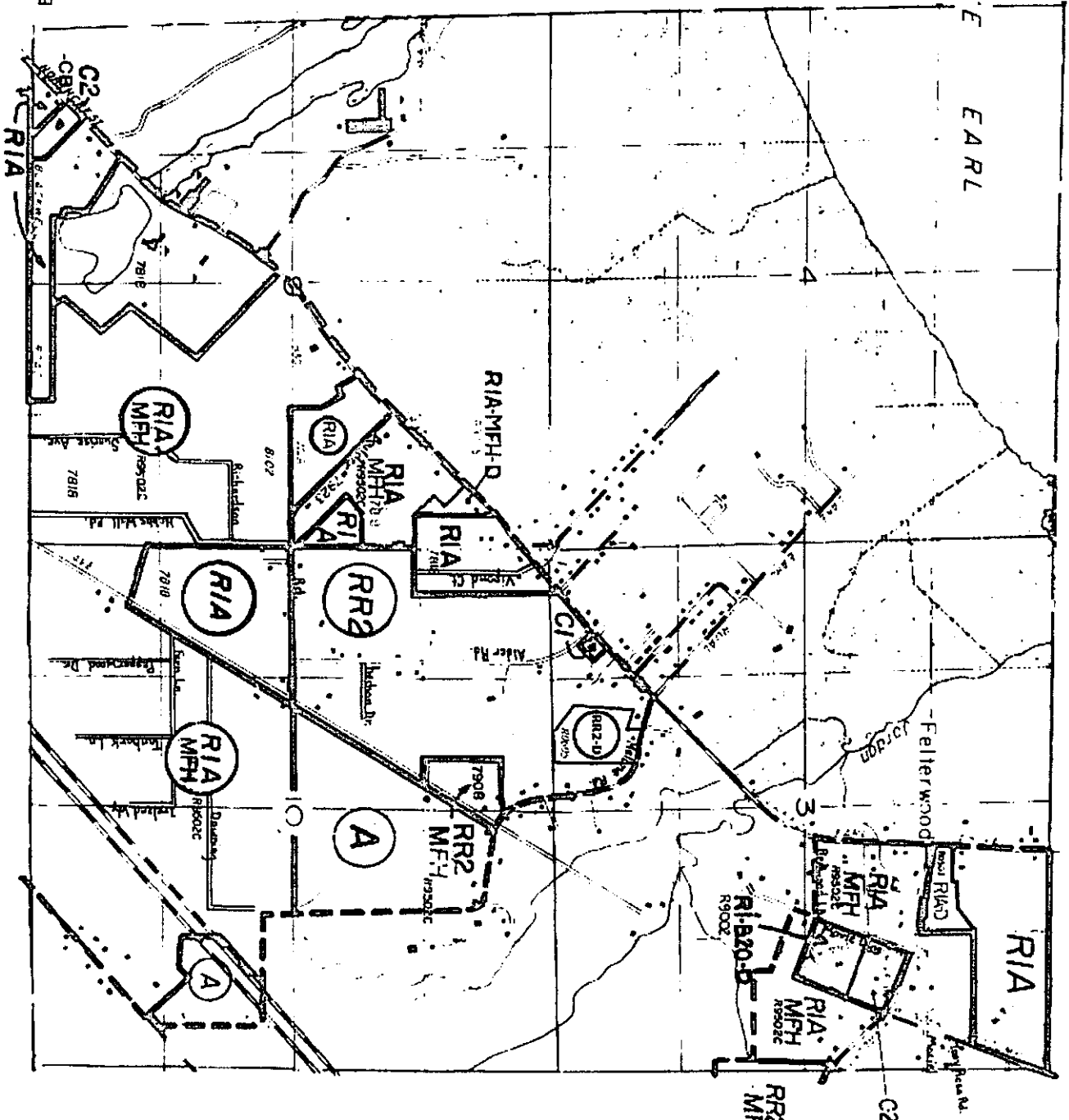




1000 FT



E EARL



R0605 Sanchez

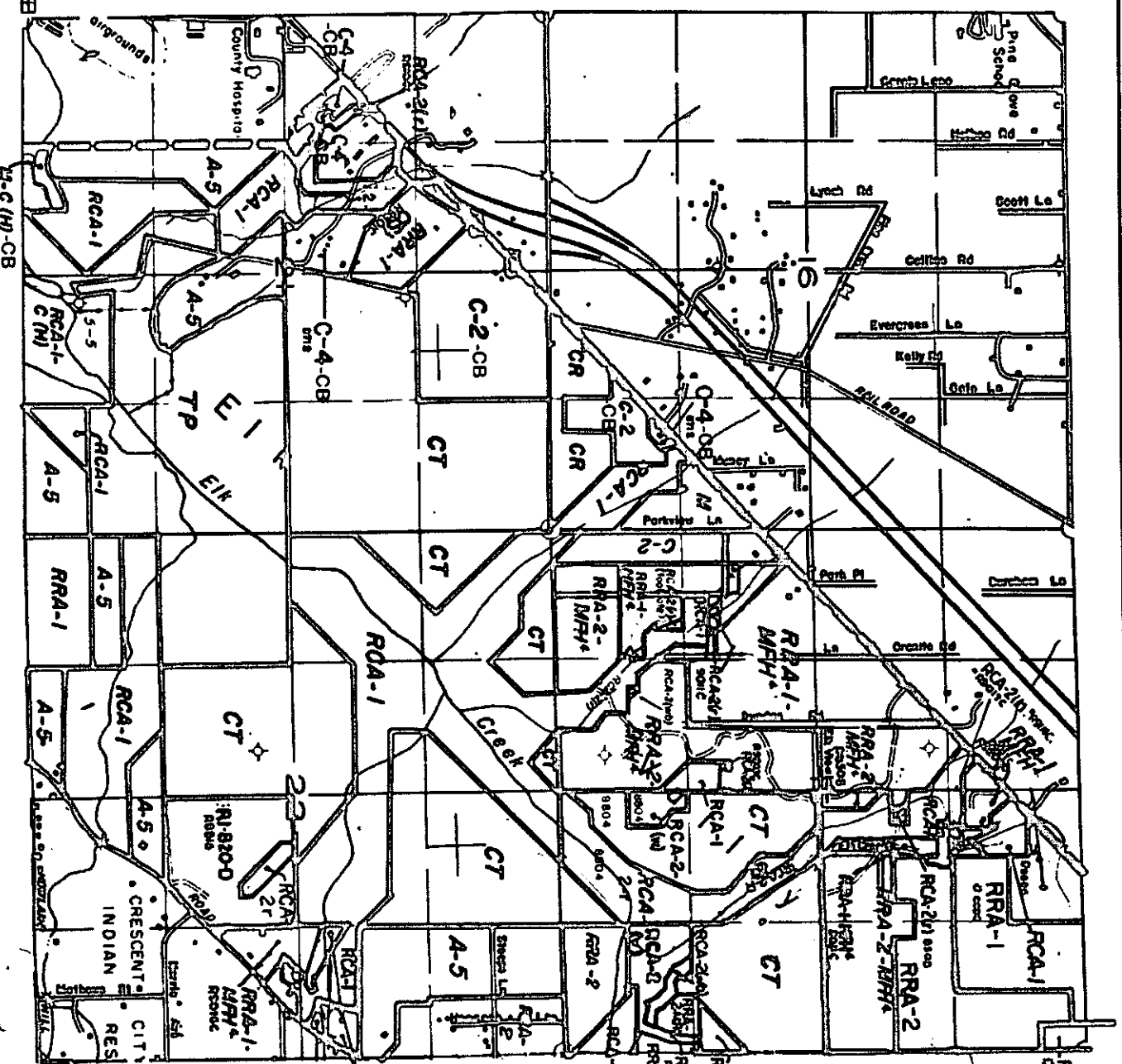
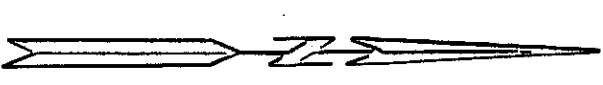
See Rezone File R1902 for CB Combining District

SECTION 3.0104 ORDINANCE 5-11  
DEL NORTE CO. ZONING MAP  
AREA C-E

SECTIONS 3, 4, 9, 10  
TWP 16N RGE 1W HB&M  
CRESCENT CITY AREA

ORDINANCE NO 68-8 PASSED APR. 8, 1958  
APPROVED BY PLANNING COMMISSION  
APPROVED BY BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE, CALIFORNIA  
REVISED 5/13/03  
Revised 5/24/2007

1000 FT.



RRA-1-MM  
12 uses

- 1. See R8908 for detailed rezoning district
  - 2. See rezoning 880
  - 3. See rezoning 881C
  - 4. Proposed
  - 5. See RT/OTC Formulas
- See Rezoning File R1903C for CB Combining District

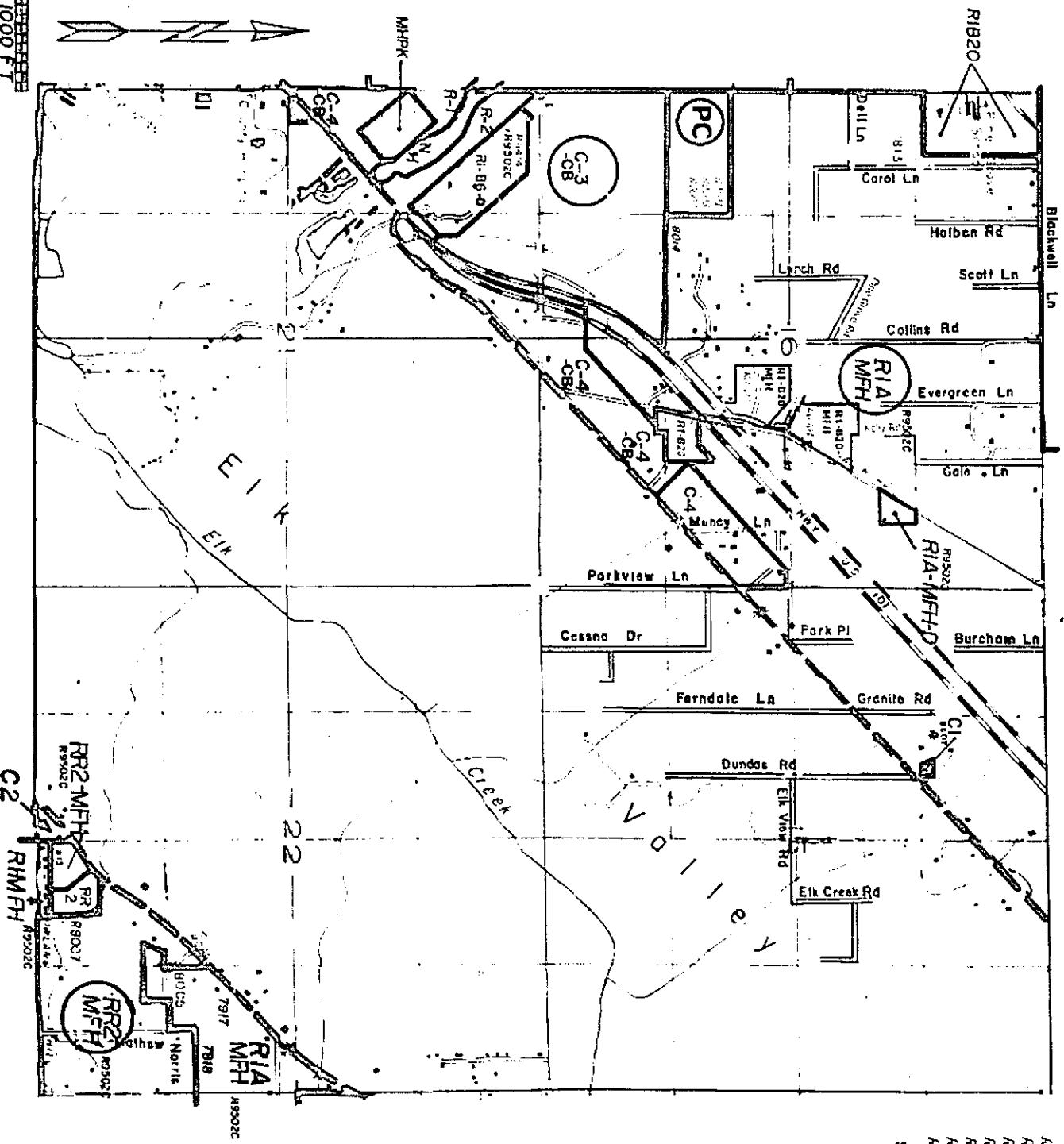
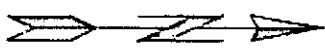
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889C

**Section 21.06.050 Ordinance 89-03  
DEL NORTE CO. ZONING MAP  
AREA C-9**

SECTIONS 15, 16, 21, 22  
TWP 16 N RGE 14 W HB & M  
CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION  
APPROVED BY BOARD OF SUPERVISOR  
COUNTY OF DEL NORTE, CALIFORNIA  
09-03-5491 6.83 Revised 06-13-06  
REVISED 1/19/8

1000 FT



- RO-106 East
- RO-201 Bryan
- RO-501 R95
- RO-503 R95
- RO-607 R95
- RO-703 Carter
- RO-801 Hopkins

See Rezoning File R1902 for CB Combining District

SECTION 3.0104 ORDINANCE 67-10  
 DEL NORTE CO. ZONING MAP  
 AREA C-9

SECTIONS 15, 16, 21, 22  
 TWP 16 N RGE 1 W HB 8 M  
 CRESCENT CITY AREA

ORDINANCE NO 68-8 PASSED APR 9, 1968  
 APPROVED BY PLANNING COMMISSION  
 APPROVED BY BOARD OF SUPERVISORS  
 COUNTY OF DEL NORTE - CALIFORNIA  
 Revised 2-08-03  
 Approved 3-27-05

