

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

ORDINANCE NO. 2017-005

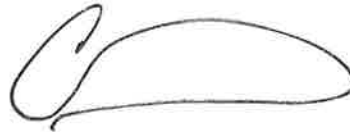
**AN INTERIM URGENCY ORDINANCE OF THE DEL NORTE COUNTY BOARD
OF SUPERVISORS
IMPOSING A BAN ON THE COMMERCIAL CULTIVATION,
MANUFACTURING, DISTRIBUTION, LABORATORY TESTING AND SALE OF
CANNABIS AND CANNABIS PRODUCTS WHILE THE COUNTY CONSIDERS
COMPREHENSIVE LOCAL CANNABIS REGULATIONS**

The following ordinance, consisting of four 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 12th day of December, 2017, by the following vote:

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

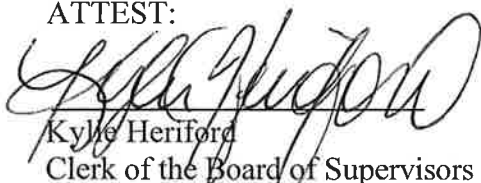
NOES: None

ABSENT: None




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

ATTEST:



Kyle Heriford
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: Interim Prohibition

A. No commercial cannabis activity which would be subject to licensure under Business and Professions Code §26000 *et seq.*, including cultivation, manufacturing, laboratory testing, distribution and retail sale shall be permitted within the unincorporated area of Del Norte County.

B. No subdivision, use permit, variance, building permit or any other entitlement shall be approved by the county which allows the applicant to engage in commercial cannabis activity.

C. Any issuance of a license to conduct such activity issued by a state agency shall be considered in conflict with the provisions of this ordinance.

SECTION 2: Authority

A. Government Code §65858 provides that the legislative body of a county, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time.

B. The Board of Supervisors has created a working group to consider a zoning ordinance for the comprehensive regulation of cannabis in a manner consistent with the needs and values of the people of Del Norte County. This working group will continue to study these issues and possibly draft an appropriate ordinance.

SECTION 3: Duration

This ban shall take effect immediately and remain in effect for forty-five days following its adoption. Government Code §65858 provides that, after a noticed hearing, the ban may be extended an additional 10 months and fifteen days, and subsequently for one additional year.

SECTION 4: Determination of Immediate Threat

A. The Medicinal and Adult-Use of Cannabis Regulation and Safety Act, Business and Professions Code §26000 *et seq.*, establishes a comprehensive system to control and regulate the commercial cultivation, transport, storage, manufacturing, processing and sale of medicinal and recreational cannabis. State licensing authorities may not issue any license in conflict with local laws;

B. State Legislature passed three bills in 2015 to create a regulatory framework for commercial medical cannabis activity; in 2016 the voters passed Proposition 64, legalizing commercial recreational cannabis activity. Since that time the Legislature has considered numerous bills to amend, adjust, repeal, replace or consolidate the various cannabis-related laws. State licensing agencies published proposed regulations on April 28, 2017, which they subsequently withdrew. On November 16, 2017, the state licensing agencies issued new regulations, which have yet to be finalized. Though the Bureau is directed by law to begin issuing licenses on January 1, 2018, there are currently no published regulations to implement the licensing process. An unpredictable regulatory landscape poses significant challenges to local governments in planning, budgeting, regulating and permitting activity;

C. Based on the experience of other Counties, as widely reported in the news, it is apparent that poorly regulated expansion of cannabis activity can result in significant social harms, such as artificially inflated rural property values, abandoned properties that become nuisances, and increased black market activity;

D. Numerous public comments and letters have expressed great concern about the negative impact of cannabis cultivation. These commenters often cite their experiences in other areas where cannabis cultivation was allowed to expand without proper regulation, causing increased traffic, environmental degradation, the proliferation of unsightly fences and greenhouses, and ultimately changing the character of these rural communities;

E. According to the Department of Fish and Wildlife's 2015 State Wildlife Action Plan, "studies and observations are beginning to show that illegal and legal marijuana cultivation is resulting in a broad array of environmental impacts on aquatic and terrestrial communities including degradation, loss and fragmentation of sensitive habitats, reduced water quality and stream flow, and mortality of fish and wildlife." (California Department of Fish and Wildlife (CDFW). 2015. *California State Wildlife Action Plan, 2015 Update: A Conservation Legacy for Californians*. Edited by Armand G. Gonzales and Junko Hoshi, PhD.) As fishing and environmental tourism are vital to the economy of Del Norte County, the lack of local environmental regulation possess an immediate risk to the welfare of the County.

F. The issuance of permits for commercial cannabis activity in Del Norte County before the County has laws and procedures in place to guide development and mitigate harms would put at risk the peaceful and pastoral character of life in Del Norte County, posing a significant threat to public health, safety, or welfare. Because the state will start issuing licenses in less than a month if the County does not have a prohibition in place, these threats are immediate and the need for this ordinance is urgent.