

Sticky Grove's cannabis store location presents sticky issue

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Del Norte County's only cannabis retailer didn't move its store location ... but will no longer be considered too close to a nearby educational facility.

Presented with several options, the Del Norte County Board of Supervisors directed its staff on Tuesday to split in half the parcel on which the Del Norte County Juvenile Hall Facility sits. This action changes the official distance of the adjacent Sticky Grove marijuana dispensary from 450 feet to 600 feet.

Joel Campbell-Blair, the deputy county counsel, said state law stipulates that a retail cannabis operation cannot be licensed if its within 600 feet of a school, unless the local jurisdiction specifies a different radius. Rather than measuring that distance from door to door, Campbell-Blair said, the distance is measured from parcel line to parcel line.

District 1 Supervisor Roger Gitlan clarified the problem that arose after retailer Robert Derego was authorized a permit within the 600 feet boundary. "Technically, the juvenile hall is a school. So, (the cannabis

store's) current location at the present time of 1071 U.S. Highway 101 is in violation of the current code allowing its existence being there in relationship to the juvenile hall facility," Gitlan said.

Campbell-Blair agreed. "At the time Robert got the permit in February, it was just really not on anybody's mind that there might be a school in there.

"I don't think that's what the state meant by schools; it's actually a penal institution. But looking at a definition of what a school is, probably if Robert's permit came up for renewal, staff would recommend denial because it's within 600 feet."

That left Campbell-Blair asking the board if it wanted to take action so Sticky Grove would not have to move. And if so, how?

The three options he presented included splitting the juvenile hall's parcel in half, changing the setback from 600 feet to 400 or 450 feet, or changing the definition of a school.

District 4 Supervisor Gerry Hemmingsen said he didn't realize setbacks were measured from parcel line to parcel line. "So that could make it sticky," he asked, quickly realizing the unintended pun. "How come we don't go from facility to facility, rather than property line?"

Campbell-Blair said the state law actually makes sense by measuring from known boundaries of property lines, rather than guessing distances from facility corners or parking lots.

District 5 Supervisor Bob Berkowitz wondered why the juvenile hall was classified as a school. "It is basically a locked-up facility. Students don't have the ability to come and go. It's mainly a juvenile detention center and the school seems to be secondary. So why are we classifying this as a school instead of juvenile detention facility?"

Campbell-Blair said, "(T)he Welfare Institutions Code, where it talks about juvenile halls, specifically says board supervisors may establish a school within a juvenile hall. Then, the Board of Education is running this school, it has a teacher, it really is a school. This isn't really what they intended when they passed that law."

Berkowitz then wanted to know if there was a "clear and present danger to kids being subjected to the cannabis product?"

Lonnie Reymond, the facility's chief probation officer, said he would wager "there's no more risk with Sticky Grove being in that location than YLiquor (located at 890 U.S. Highway 101) in the current location where it's at. As far as my department and the kids we serve, I don't believe this raises any risk level for us."

Campbell-Blair said that changing the setback within the code would affect other local retailers seeking permit approval. Patti McCauley previously had asked the county supervisors to allow opening a cannabis retail outlet on Northcrest Drive, which would require a variance or a change to the county's cannabis ordinance.

On Tuesday, McCauley said she held no animus toward Derego, she just wanted the distance codes enforced uniformly. Her business is close to a church that operates a school.

“My pre-existing business is over 3,600 feet from a public school. The church where they’re saying there is a discrepancy is a closed campus, just like the juvenile hall. Less than seven students attend that facility. They don’t come and go...

“If it is good for to make one amendment for distance for closed campus, it should be good for the other, too,” she said.

When asked which solution he preferred, Campbell-Blair said the split lot was the best move forward. “If we split the lot, then we aren’t reducing the code for any other sites. No other school will be affected and no other retail would possibly be closer than 600 feet.

“For addressing this specific situation, splitting the lot is a good way of doing it,” he said.

The board voiced unanimous support to the move. Official action will be considered by the board during a future meeting.