

County adopts commercial cannabis ordinance

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Del Norte County has finalized its commercial cannabis ordinance with extended scope and reduction in setback requirements.

Deputy County Counsel Joel Campbell-Blair brought the reworked ordinance to the Board of Supervisors on Feb. 11. The new ordinance extends the county's Cannabis Business Combining District (CBCD) into Smith River, now allowing retailers to apply for shops north of Crescent City.

Campbell-Blair said the ordinance also reduces the required setback between commercial cannabis retailers from the state recommended 1,000 feet to a more accommodating 200 feet. This move came after a complaint last fall that a 1,000-foot setback created an unintended monopoly for existing retailers.

While the Board of Supervisors at the time did not give specific direction, the county's Environmental Review Committee recommended the new 200-foot buffer.

"The complaint or criticism we got is we accidentally created a monopoly for one business," Campbell-Blair explained.

The setbacks made it so whoever was the first retailer to set up shop, specifically Sticky Grove located just outside Crescent City limits was the only business allowed to operate. Campbell-Blair said reducing the

setback down to 200 feet allows other businesses to operate within that space.

District 1 Supervisor Roger Gitlin appeared worried that a “community of stores” could all set up within close proximity.

Campbell-Blair explained the 200-foot setback only affects businesses on the same street. Once around the corner, the setback resets.

“Technically they could be 50 feet as the crow flies, but on different streets,” Campbell-Blair said. “Our goal wasn’t to create a mini-community, nor was it to space them out too much because we’re working in this little space. It was the direction of the board to expand to allow more businesses to come in.”

The new ordinance also reduces the setback between cannabis retailers and schools from the state guideline of 1,000 feet to 600 feet. Campbell-

Blair said this was recommended in the hopes that more areas with the CBCD will become available for retail and manufacturing.

Campbell-Blair said the 600-foot setback only affects zones around the Smith River School at First Street and Beckstead Avenue, and the Howonquet Head Start facility near the Lucky 7 Casino.

District 3 Supervisor Chris Howard asked Campbell-Blair if staff had better specified the definition of a school referring to a school at the Seventh Day Adventist Church on Northcrest Drive.

Campbell-Blair said the county council office is taking a broad approach to the definition of school. He explained that anyone seeking a use permit for a commercial cannabis operation can contest that opinion as well as school operators can protest a commercial cannabis business being located nearby.

“A school is a school whether it’s accredited or private. The only limitations is if it happens inside a residence,” Campbell-Blair said.

Del Norte County’s CBCD also came attached with a Coastal Zone requirement that was applied to both the Smith River Community Services Boundary and the Crescent City Urban Boundary. Commercial cannabis activity is limited to existing structures and existing structures could be modified only if the building’s footprint was not expanded.

In the end, the Board of Supervisors approved the ordinance 4-1, with Gitlin casting the only no vote.