

ORDINANCE NO. 2019-

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA,
IMPLEMENTING PROCEDURES TO PERMIT COMMERCIAL CANNABIS RETAILER/DISPENSARY AND
DISTRIBUTOR AND TO ESTABLISH STANDARDS FOR PERSONAL CULTIVATION OF CANNABIS
BY AMENDING CERTAIN SECTIONS OF TITLE 9 (PLANNING AND ZONING) OF THE PLUMAS COUNTY CODE

The Board of Supervisors of the County of Plumas, State of California, ORDAINS as follows:

Section 1. Amendment.

Sections 9-2.204.7 "A-license", 9-2.204.8 "A-licensee", 9-2.220.1.5 "Cannabis accessories", 9-2.220.5 "Cannabis products", 9-2.226.1 "Customer", 9-2.226.3 "Delivery", 9-2.226.7 "Distribution", 9-2.226.9 "Distributor", 9-2.255.3 "License", 9-2.255.5 "Licensee", 9-2.262.5 "Medicinal cannabis or medicinal cannabis product", 9-2.263.3 "M-license", 9-2.263.5 "M-licensee", 9-2.267.2 "Personal cultivation of cannabis", 9-2.267.5 "Physician's recommendation", 9-2.273.3 "Premises", 9-2.273.5 "Primary caregiver", 9-2.277.5 "Purchaser", 9-2.281.5 "Retailer/Dispensary", 9-2.285 "School" of Article 2 of Chapter 2 of Title 9 and Sections 9-2.402(r) "General Requirements enumerated. Retailer/Dispensary" and 9-2.415.5 "Retailer/Dispensary" of Article 4 of Chapter 2 of Title 9 of the Plumas County Code are hereby amended and adopted as set forth in Exhibit "A".

Section 2. Codification.

Section 1 of this ordinance shall be codified.

Section 3. Publication.

A summary of this ordinance shall be published, pursuant to Section 25124(b)(1) of the Government Code of the State of California, before the expiration of fifteen days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, in the *Feather River Bulletin*, the *Indian Valley Record*, the *Chester Progressive*, and the *Portola Reporter*, newspapers of general circulation in the County of Plumas.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on

the _____ day of _____, 2019, and passed and adopted on the _____

day of _____, 2019 by the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairman, Board of Supervisors

ATTEST:

Clerk of said Board of Supervisors

Exhibit "A"

Sec. 9-2.204.7. A-license.

"A-license" shall mean a state license issued for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation.

Sec. 9-2.204.8. A-licensee.

"A-licensee" shall mean any person holding a license for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation.

Sec. 9-2.220.1.5. Cannabis accessories.

"Cannabis accessories" shall have the same meaning as in Section 11018.2 of the Health and Safety Code.

Sec. 9-2.220.5 Cannabis products.

"Cannabis products" shall have the same meaning as in Section 11018.1 of the Health and Safety Code.

Sec. 9-2.226.1. Customer.

"Customer" means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician's recommendation, or a primary caregiver.

Sec. 9-2.226.3. Delivery.

"Delivery" shall mean the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.

Sec. 9-2.226.7. Distribution.

"Distribution" shall mean the procurement, sale, and transport of cannabis and cannabis products between licensees.

Sec. 9-2.226.9. Distributor.

"Distributor" shall mean a license (Type 11) obtained for the distribution of cannabis and cannabis products.

Type 11 Distributor license shall be permitted, subject to the issuance of a special use permit, in the following zoning categories:

C-1 (Core Commercial), C-2 (Periphery Commercial), C-3 (Convenience Commercial), I-1 (Heavy Industrial) and I-2 (Light Industrial).

Sec. 9-2.255.3. License.

"License" shall mean a state license for either a Type 10 Retailer/dispensary, or a Type 11 Distributor.

Sec. 9-2.255.5. Licensee.

“Licensee” shall mean any person holding a license listed under Sec. 9-2.255.3, regardless of whether the license held is an A-license or an M-license.

Sec. 9-2.262.5. Medicinal cannabis or medicinal cannabis product.

“Medicinal cannabis” or “medicinal cannabis product” shall mean cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.

Sec. 9-2.263.3. M-license

“M-license” shall mean a state license issued for commercial cannabis activity involving medicinal cannabis.

Sec. 9-2.263.5. M-licensee

“M-licensee” shall mean any person holding a license for commercial cannabis activity involving medicinal cannabis.

Sec. 9-2.267.2. Personal cultivation of cannabis.

“Personal cultivation of cannabis” shall mean the personal cultivation of not more than six living cannabis plants by a person within that person’s private residence, or upon the grounds of that private residence, which are located in a locked space, and are not visible by normal unaided vision from a public place. Not more than six living cannabis plants may be planted, cultivated, harvested, dried, or processed within a single private residence or upon the grounds of that private residence, at one time.

(a) Personal cultivation sites in zones that allow private residences shall be fully enclosed by a minimum six (6’) foot high fence with a lockable gate. Any fence enclosing the personal cultivation site that is greater than six (6’) feet in height shall be constructed to meet the requirements of Section 9-2.407. The enclosure shall be constructed of a material and strength that reasonably prevents access by trespassers and with adequate screening to prevent the cannabis plants from being viewed.

Fencing of the property will not be required if an enclosed, lockable greenhouse is used as the cultivation site. The greenhouse shall be constructed of a material and strength that reasonably prevents access by trespassers and with adequate screening to prevent the cannabis plants from being viewed.

(b) All building code requirements for any new construction or modifications of existing structures must be met.

(c) Outdoor cultivation sites shall be located at least ten (10’) feet from any side or rear property line.

(d) Secured accessory structures or greenhouses must follow all building code requirements and shall be located at least five (5’) feet from side and rear property lines.

(e) Access to the cultivation site shall be controlled to reasonably prevent access by trespassers.

(f) In no instance shall any cannabis plants grown outdoors exceed the height of the fence enclosing the personal cultivation site.

Sec. 9-2.267.5. Physician's recommendation.

"Physician's recommendation" shall mean a recommendation by a physician and/or surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

Sec. 9-2.273.3. Premises.

"Premises" shall mean the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the activity will be or is conducted. In the case of licenses issued for cannabis license Type 10 Retailer/dispensary and Type 11 Distributor, the premises shall be a contiguous area and shall only be occupied by one licensee.

Sec. 9-2.273.5. Primary caregiver.

"Primary caregiver" shall have the same meaning as in Section 11362.5 of the Health and Safety Code.

Sec. 9-2.277.5. Purchaser.

In the case of Type 10 Retailer/dispensary or Type 11 Distributor licenses, "purchaser" shall mean the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

Sec. 9-2.281.5 Retailer/dispensary

"Retailer/dispensary" shall mean a license (Type 10) obtained for the retail sale and delivery of cannabis or cannabis products, including cannabis accessories, to customers. A retailer/dispensary shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. A retailer's premises may be closed to the public. A retailer may conduct sales exclusively by delivery.

Type 10 Retailer/Dispensary shall be permitted, subject to the issuance of a special use permit and/or site development permit, in the following zoning categories:

C-1 (Core Commercial), C-2 (Periphery Commercial), C-3 (Convenience Commercial) and I-2 (Light Industrial)

~~Sec. 9-2.285. School.~~

~~"School" shall mean a place for teaching and learning.~~

Sec. 9-2.285. School.

"School" shall mean any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily

conducted in private homes.

Sec. 9-2.402. General requirements enumerated.

The following general requirements are addressed in this article:

- (a) Airports;
- (b) Camp grounds;
- (c) Camping;
- (d) Cannabis cultivation;
- (e) Easements;
- (f) Eaves and overhangs;
- (g) Fences;
- (h) Flood;
- (i) Garages and carports;
- (j) Height;
- (k) Landscaping;
- (l) Lighting facilities;
- (m) Manufactured homes and commercial coaches;
- (n) Noise;
- (o) Parking and loading;
- (p) Porches and stoops;
- (q) Public utility facilities
- (r) Retailer/Dispensary
- (s) Signs;
- (t) Temporary occupancy;
- (u) Timber harvesting; and
- (v) Yards.

Sec. 9-2.415.5. Retailer/Dispensary.

(a) Dispensaries will serve qualified medical (M-license) and recreational (A-license) users.

(b) A special use permit shall be obtained and kept current for any cannabis retailer/dispensary.

(c) A cannabis retailer/dispensary shall submit, as a part of the special use permit application, an operating plan that specifies the manner in which operations will be handled and security provided and the hours and days of operation. Any medical retailer/dispensary shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the dispensary is consistent with protection of health, safety, and welfare of the community, qualified patients, and primary caregivers, and shall not adversely affect surrounding uses.

(d) Exercise and renewal of special use permit.

A special use permit annual renewal requirement may be made a condition of approval by the Plumas County Zoning Administrator. The annual renewal shall be approved if all of the following findings are made:

(i) The operation has been conducted in accordance with this section, with the retailer/dispensary's approved operating plan, and with all other applicable special use permit conditions of approval; and

(ii) There are no outstanding violations of public health and safety or land use.

(e) Location requirements.

A cannabis retailer/dispensary shall not be located within 1,200 feet of any parcel occupied by a school as defined under Section 9-2.285, day care center as defined in Section 1596.76 of the Health and Safety code or youth center as defined in Section 11353.1 of the Health and Safety code.

(f) Operating standards.

The following are the minimum development criteria and operational standards applicable to any cannabis retailer/dispensary use:

(i) The building in which the retailer/dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility standards; and

(ii) The retailer/dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. The applicant shall submit a security plan for review and approval by the County. The security plan shall remain confidential; and

(iii) No person shall be allowed onto the premises unless they are an employee, vendor or contractor of the retailer/dispensary, a distributor, a purchaser, and customer and/or a primary caregiver, or an employee of an agency having jurisdiction over monitoring or investigating the terms of regulatory compliance. If the retailer/dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the retailer/dispensary may be closed; and

(iv) All persons entering the premises shall present a photo identification and shall also establish proof of physician's recommendation prior to entrance to an M-licensed retailer/dispensary. Any employee representing a regulatory agency shall be admitted to the premises upon presenting identification. The operating plan submitted as part of the special use permit application shall specify how this provision shall be complied with and enforced; and

(v) No retailer/dispensary shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises; and

(vi) An exhaust and ventilation system shall be utilized to prevent offsite odors; and

(vii) Retailer/dispensaries shall not sell tobacco products; and

(viii) No retailer/dispensary shall be increased in size or scope without amendment of the existing special use permit. The size limitation shall be included in the operational plan; and

(ix) There shall be no on-site consumption of any products containing cannabis.

(g) Public nuisance.

(i) Any violation of this chapter, including, but not limited to failure to obtain and maintain in good standing any permit required by this chapter, compliance with any required element on which a permit was issued pursuant to this chapter, or any violation of the provisions of this chapter where a permit is not required, shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative or civil remedy available to the County under the applicable state and county laws.

(ii) The County may abate the violations of this chapter in accordance with the provisions of Plumas County Code Section 9-2.1204 or by the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this chapter or requiring compliance with other terms.

(iii) The County may also abate the violation of this chapter through the abatement process established by Government Code section 25845.