

GLENN COUNTY

Planning & Community Development Services Agency

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DONALD RUST, Director

STAFF REPORT

ZONE CHANGE 2020-002

CANNABIS ORDINANCE

MEETING DATE: Wednesday, May 20, 2020, 9:00 a.m.

TO: Glenn County Planning Commission

FROM: Planning Staff

Attachments:

1. Planning Commission Resolution 2020-003
2. Draft Board of Supervisors Ordinance (Zone Change 2020-002)

1. PROJECT SUMMARY:

On June 18, 2019, the Board of Supervisors, in accordance with Government Code section 65858, adopted Urgency Ordinance 1275, amending Title 10 and 15 of the Glenn County Code to temporarily prohibit the cultivation, processing, manufacturing distribution, delivery, testing and sale of Cannabis and Cannabis products. On August 6, 2019, the Board of Supervisors adopted Ordinance 1278 which extended Ordinance 1275 to June 18, 2020.

Based on California State law and on behalf of the residents of the County of Glenn, the following local ordinance has been developed regarding cannabis. The ordinance amending Title 10 and 15 of the Glenn County code is to prohibit the cultivation, processing, manufacturing, distribution, testing and sale of cannabis and cannabis products within the County of Glenn to the fullest extent permitted by law.

1.1 Summary of Changes:

A. Chapter 15.797:

1. Amend Title 10 and 15 of the Glenn County code to prohibit the cultivation, processing, manufacturing, distribution, testing and sale of cannabis and cannabis products within the County of Glenn to the fullest extent permitted by law.

1.2 Recommendation:

That the Planning Commission, recommend that the Board of Supervisors, find that Zone Change 2020-002 is exempt from the California Environmental Quality Act (CEQA) with the findings as stated in the Staff Report. Further, the PCDSA recommends that the Planning Commission Chairman adopt Resolution 2020-003 recommending that the Board of Supervisors approve Zone Change 2020-002, including the adoption of the corresponding Cannabis Ordinance.

2. BACKGROUND:

The adoption of the ordinance being presented will thereby amend the Glenn County Unified Development Code (Title 10 and 15) to include an ordinance setting forth criteria for cannabis and cannabis products. With the ordinance, the County will have a means of providing the community with siting decisions and location parameters.

3. AUTHORITY:

This proposal is within the procedures established under Glenn County Code and California State law. Government Code section 50022.2 authorizes local government to adopt or amend any code. County Code Chapter 15.290 provides for amending Title 15.

4. ANALYSIS:

4.1 Environment:

The proposed ordinance provides standards regarding cannabis and cannabis products, which in turn may divert cultivation towards less environmentally sensitive locations. The ordinance provides that the cultivation of cannabis shall meet specific criteria. Adoption of the ordinance does not have the potential to cause a significant effect on the environment; therefore, it is exempt from CEQA.

The amendment to Glenn County Code, Title 10 and Title 15, for cannabis activities is not subject to review under the CEQA pursuant to CEQA guidelines sections 15060, subdivision (c)(2) - the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and 15061, subdivision (b)(3) - there is no possibility the activity in question may have a significant impact on the environment.

Since this proposal does not approve a development project or future development projects, and subsequent to this ordinance project proposals will be required to meet regulations related to specific ministerial applications processed by the Agricultural Department, while all discretionary permit applications will be processed through the PCDSA. In addition to the forgoing general exemptions, the Planning Commission further finds that the Ordinance qualifies as a Class 8 Categorical Exemption- regulatory activity to assure the protection of the environment under CEQA.

4.2 Proposed Amendments:

The Glenn County Code is hereby proposed to be amended, by amending Title 10 and Title 15, to read as follows:

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10 AND 15 OF THE GLENN COUNTY CODE TO PROHIBIT THE CULTIVATION, PROCESSING, MANUFACTURING, DISTRIBUTION, TESTING AND SALE OF CANNABIS AND CANNABIS PRODUCTS WITHIN THE COUNTY OF GLENN TO THE FULLEST EXTENT PERMITTED BY LAW

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN DOES ORDAIN AS FOLLOWS:

SECTION 1: The Board of Supervisors finds that all the following facts, findings, and conclusions are true and correct.

A. The voters of the State of California approved Proposition 215, entitled the Compassionate Use Act of 1996, the intent of which was to enable persons in need of marijuana (also known as cannabis) for medicinal purposes to obtain and use it under limited, specified circumstances. In 2015 the California Legislature adopted a series of laws collectively comprising the Medical Cannabis Regulation and Safety Act (MCRSA), establishing a framework for the licensure and regulation of medical cannabis.

B. Proposition 64, also known as the Adult Use of Marijuana Act (AUMA), was approved by the voters on November 8, 2016. As a result, it is no longer illegal under state law, regardless of medical purposes, to: (1) possess, process, transport, purchase, obtain, or give away certain amounts of cannabis or concentrated cannabis, including as contained in cannabis products, to those 21 years old or older; (2) possess, plant, cultivate, harvest, dry, or process not more than six living plants and the cannabis produced by those plants; (3) smoke or ingest cannabis or cannabis products; and (4) possess, transport, purchase, obtain, use, manufacture, or give away cannabis accessories without compensation to those 21 years old or older.

C. To regulate the commercial non-medical cannabis industry, the AUMA added Division 10 to the California Business and Professions Code, establishing state licensing requirements for commercial cannabis activity, defined as the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery, or sale of cannabis and cannabis products, regardless of medical purposes and granting state agencies the “exclusive authority to create, issue, renew, discipline, suspend, or revoke” licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of cannabis, except as otherwise authorized. The AUMA states that these state agencies shall create the rules and regulations relating to these activities and was to begin issuing licenses by January 1, 2018. However, the AUMA gives local governments the authority to prohibit or regulate commercial cannabis activities and subject the commercial cannabis activities to zoning and permitting requirements.

D. The California Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that cannabis in any location or premises without adequate security increases the

risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. Allowing the State of California to issue licenses for commercial non-medicinal cannabis activities prior to Glenn County adopting appropriate land use, zoning, and public safety regulations, negative effects on the public health, safety, and welfare would likely occur as a result of commercial non-medicinal cannabis activities near schools, parks, residential zones, and other sensitive receptors.

E. On June 18, 2019, the Board of Supervisors, in accordance with Government Code section 65858, adopted Urgency Ordinance 1275, amending Title 10 and 15 of the Glenn County Code to temporarily prohibit the cultivation, processing, manufacturing distribution, delivery, testing and sale of Cannabis and Cannabis products and on August 6, 2019, the Board of Supervisors adopted Ordinance 1278 which extended Ordinance 1275 to June 18, 2020.

F. Based on the findings herein, the state legalization of commercial cannabis activities in the County of Glenn without regulation poses a current and immediate threat to the public health, safety, and welfare in the County due to the negative land use and public safety impacts of such unregulated uses. Therefore, it is in the interest of the County of Glenn, and its residents, that the County regulate commercial cannabis activities in the County of Glenn.

SECTION 2: Chapter 15.797, Title, "MEDICAL MARIJUANA," of the Glenn County Code is hereby amended to read: "CANNABIS."

SECTION 3: Chapter 10.46 is hereby repealed.

SECTION 4: Section 15.020.020, subsection (M)(6) of the Glenn County Code is hereby amended to read:

6. "Cannabis" shall have the same meaning as that set forth in Health and Safety Code section 11018 and "cannabis products," as defined in Health and Safety Code section 11018.1. Except where the context otherwise requires, the following definitions shall govern Chapter 797, of this Title:
 - a. "Collective" means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate in any manner within the unincorporated area of the County in order to collectively or cooperatively cultivate, store, and/or dispense cannabis for medical purposes, as provided in Health and Safety Code Section 11362.775. The term collective shall include "cooperative," whether formed in accordance with the Corporations Code or otherwise unless the context clearly indicates otherwise.
 - b. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more cannabis plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.
 - c. "Delivery" has both the meaning set forth in Business and Professions Code section 19300.5, subdivision (m), and the meaning set forth in Business and Professions Code section 26001, subdivision (h).
 - d. "Dispensary" or "Medical Cannabis Dispensary" or "Retailer" means any facility or location, whether fixed or mobile, and any delivery service, where cannabis for medical or non-medical purposes is made available to and/or distributed, with or without consideration, to any person or persons, including without

limitation a primary caregiver, a qualified patient, or patient with an identification card, as those terms are defined in California Health and Safety Code section 11362.5 et seq. "Cannabis Dispensary" includes medicinal cannabis "cooperative" and collectives" (i.e., facilities or undertakings where an person(s) provides cannabis to any one or more other persons, or where persons meet or congregate to distribute or provide cannabis for medicinal or other purposes).

- e. "Residence" has the same meaning as "private residence" set forth in Health and Safety Code Section 11362.2(b)(5).
- f. "Sheriff" or "Sheriff's Department" means the Sheriff's Office of the County of Glenn or the authorized representatives thereof.

SECTION 5: Section 15.797.010 of the Glenn County Code is hereby amended to read:

15.797.010 PURPOSE

It is the intent and purpose of this Chapter to implement State law by providing a means for regulating the cultivation, selling, distributing, dispensing, manufacturing or testing of cannabis in a manner consistent with State law and which balances the health, safety, and welfare of the residents and businesses within the unincorporated territory of the County of Glenn. This Chapter is intended to be consistent with California's medical cannabis laws and the Adult Use of Cannabis Act, and represents an exercise of the local authority retained by the County of Glenn under those laws.

SECTION 6: Section 15.797.020 of the Glenn County Code is hereby amended to read:

15.797.020 PROHIBITED USES

Subject only to the exemptions in this ordinance and to the fullest extent allowed by state law, the following uses are prohibited in all zoning districts of the County:

- A. The cultivation of cannabis.
- B. The establishment or operation of a location, facility, or business, that sells, distributes, dispenses, manufacturers, or tests cannabis.
- C. The establishment, development, construction, maintenance, operation, or enlargement of any cannabis dispensary or retailer for medical or non-medical purposes or any collective and/or cooperative, as these terms are defined herein.

SECTION 7: Section 15.797.030 is hereby amended to read:

15.797.030 EXEMPTIONS

- A. Six or fewer cannabis plants may be cultivated indoors at a residence if all of the following conditions are met:
 - 1. The residence, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.

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2. All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
 3. The residence must be lawfully occupied. If the residence is not owner-occupied, written permission from the owner of the residence must be obtained before cannabis may be cultivated.
 4. No cannabis plants may be cultivated outdoors.
 5. The cannabis plants, and all cannabis produced by the plants, shall be for the personal use of the cultivator only, and not for sale, provided that such cannabis and cannabis plants may be given away to persons 21 years of age or older without any compensation whatsoever in accordance with Health and Safety Code section 11362.1, subdivision (a)(2)

- B. It is not a violation of this ordinance for any person employed by a licensed cannabis delivery service to travel on a public road within the unincorporated area of the County for the purposes of delivering cannabis to persons located in a city or county where the delivery of cannabis is not prohibited.

SECTION 8: Section 15.797.040 is hereby amended to read:

15.797.040 NUISANCE

Any violation of any provision of this Chapter shall be, and is hereby declared, a public nuisance and may be abated by the Glenn County Sheriff and/or the Planning and Community Services Agency Director as such.

SECTION 9: Section 15.797.050 is hereby amended to read:

15.797.050 ENFORCEMENT

- A. The County Sheriff may, at his/her discretion, abate any violation of this Chapter 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. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person.
- B. The Planning and Community Services Agency Director may, at his/her discretion, abate any violation of this Chapter in accordance with the provisions of Chapter 1.15 (Public Nuisance Abatement) of the this Code.

SECTION 10: Section 15.797.060 is hereby repealed.

SECTION 11: The Board of Supervisors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant impact on the environment). In addition to the forgoing general exemptions, the Board of Supervisors further finds that the Ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment).

SECTION 12: If any section, subsection, sentence, clause, portion or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 13: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in a newspaper of general circulation, in the County of Glenn, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

5. ZONING AND GENERAL PLAN CONSISTENCY:

The proposal is an amendment to the County Code revising sections to Title 10 and Title 15. Below is a discussion of this proposal's consistency with the Unified Development Code.

5.1 Glenn County Code Section 15.010.020 A-C (Purpose of Title 15, Unified Development Code):

5.1.1 To promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare.

This proposal is consistent with the purposes of Title 15. Any future activities will be required to conform to the established guidelines of this code. The additions and modifications to the code will provide specific standards for cannabis.

5.1.2 To implement the County General Plan, and to facilitate and guide growth in accordance with the General Plan.

The proposed zone change will not require amendments to the General Plan and will continue to implement the General Plan.

5.1.3 To protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County through the orderly, planned use of real property.

The proposed amendment will not grant development exemption from review to evaluate the impacts, compatibility, and merits of a proposal. In clarifying standards, the public will have improved awareness of issues that are to be addressed. The proposal is to add standards for cannabis. The orderly and planned use of real property in the County will not be adversely affected by the proposed zone change.

6. FINDINGS:

6.1 Environmental Determination:

Finding 1

The adoption of the Cannabis Ordinance and Zone Change is not subject to review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant impact on the environment). In addition to the forgoing general exemptions, the Ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment).

6.2. Zone Change 2020-002:

Finding 1

The proposed Zone Change will promote and protect the public, health, safety, peace, morals, comfort, convenience, and general welfare. Uses allowed under the proposed zone change will be subject to all local, State, and Federal regulations including, but not limited to, Air Pollution Control District regulations, Public Works requirements, Health Department regulations, and Building Code requirements.

Finding 2

The proposed Zone Change will continue implementation of the Glenn County General Plan and facilitate and guide growth in accordance with the General Plan Land Use and all Elements of the General Plan.

Finding 3

That the proposed Zone Change will help protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County through the planned use of real property.

7. SAMPLE MOTIONS:

7.1 CEQA Exemption:

I move that the Planning Commission recommend that the Board of Supervisors find that adoption of the Cannabis Ordinance (Zone Change 2020-002) is exempt from the California Environmental Quality Act (CEQA) pursuant to the Findings listed in the Staff Report.

7.2 Zone Change 2020-002:

(Furthermore) I move that the Planning Commission Chairman execute Planning Commission Resolution 2020-003 recommending that the Board of Supervisors approve Zone Change 2020-002, including the adoption of the corresponding Cannabis Ordinance.

PLANNING COMMISSION

COUNTY OF GLENN, STATE OF CALIFORNIA

RESOLUTION NO. 2020-003

**RESOLUTION MAKING FINDINGS AND RECOMMENDING APPROVAL OF
ZONE CHANGE 2020-002, INCLUDING THE ADOPTION OF THE
CORRESPONDING CANNABIS ORDINANCE FOR THE COUNTY OF GLENN
TO THE GLENN COUNTY BOARD OF SUPERVISORS**

WHEREAS, on Wednesday, May 20, 2020, pursuant to the Glenn County Code, a public hearing was held to amend Title 10 and Title 15 of the Glenn County Code as described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the Glenn County Planning & Community Development Services Agency Director has reviewed the proposed Zone Change 2020-002 and placed the matter as an item for review on the agenda of the Planning Commission on Wednesday, May 20, 2020; and

WHEREAS, pursuant to Section 65901 of the California Government Code, notice was given of a public hearing by publication in a newspaper of general circulation in the County of Glenn; and

WHEREAS, amending the County Code is authorized by Government Code Section 50022.2 and County Code Chapter 15.290.

WHEREAS, the Planning Commission after considering all the evidence, both written and oral, presented at said public hearing, did find that there was sufficient information available to enable them to make a fair and impartial decision.

NOW, THEREFORE, BE IT RESOLVED that the Glenn County Planning Commission does hereby make the following findings of fact:

FINDING FOR RECOMMENDING EXEMPTION FROM CEQA:

Finding 1

The adoption of the Cannabis Ordinance and Zone is not subject to review under the California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant impact on the environment). In addition to the forgoing general exemptions, the Ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment).

FINDINGS FOR RECOMMENDING ZONE CHANGE:

Finding 1

The proposed Zone Change will promote and protect the public, health, safety, peace, morals, comfort, convenience, and general welfare. Uses allowed under the proposed zone change will be subject to all local, State, and Federal regulations including, but not limited to, Air Pollution Control District regulations, Public Works requirements, Health Department regulations, and Building Code requirements.

Finding 2

The proposed Zone Change will continue implementation of the Glenn County General Plan, and facilitate and guide growth in accordance with the General Plan Land Use and all Elements of the General Plan.

Finding 3

That the proposed Zone Change will help protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County through the planned use of real property.

The foregoing Resolution was adopted by the Planning Commission of the County of Glenn at a regular meeting thereof on Wednesday, May 20, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF GLENN:

William Carriere, Chairman
Glenn County Planning Commission

ATTEST:

Donald Rust, Director
Planning & Community Development Services Agency

EXHIBIT "A"

ORDINANCE NO. _____

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THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN DOES ORDAIN AS FOLLOWS:

SECTION 1: The Board of Supervisors finds that all the following facts, findings, and conclusions are true and correct.

A. The voters of the State of California approved Proposition 215, entitled the Compassionate Use Act of 1996, the intent of which was to enable persons in need of marijuana (also known as cannabis) for medicinal purposes to obtain and use it under limited, specified circumstances. In 2015 the California Legislature adopted a series of laws collectively comprising the Medical Cannabis Regulation and Safety Act (MCRSA), establishing a framework for the licensure and regulation of medical cannabis.

B. Proposition 64, also known as the Adult Use of Marijuana Act (AUMA), was approved by the voters on November 8, 2016. As a result, it is no longer illegal under state law, regardless of medical purposes, to: (1) possess, process, transport, purchase, obtain, or give away certain amounts of cannabis or concentrated cannabis, including as contained in cannabis products, to those 21 years old or older; (2) possess, plant, cultivate, harvest, dry, or process not more than six living plants and the cannabis produced by those plants; (3) smoke or ingest cannabis or cannabis products; and (4) possess, transport, purchase, obtain, use, manufacture, or give away cannabis accessories without compensation to those 21 years old or older.

C. To regulate the commercial non-medical cannabis industry, the AUMA added Division 10 to the California Business and Professions Code, establishing state licensing requirements for commercial cannabis activity, defined as the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery, or sale of cannabis and cannabis products, regardless of medical purposes and granting state agencies the "exclusive authority to create, issue, renew, discipline, suspend, or revoke" licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of cannabis, except as otherwise authorized. The AUMA states that these state agencies shall create the rules and regulations relating to these activities and was to begin issuing licenses by January 1, 2018. However, the AUMA gives local governments the authority to prohibit or regulate commercial cannabis activities and subject the commercial cannabis activities to zoning and permitting requirements.

D. The California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. Allowing the State of California to issue licenses for commercial non-medicinal cannabis activities prior to Glenn County adopting appropriate land use, zoning, and public safety regulations,

negative effects on the public health, safety, and welfare would likely occur as a result of commercial non-medical cannabis activities near schools, parks, residential zones, and other sensitive receptors.

E. On June 18, 2019, the Board of Supervisors, in accordance with Government Code section 65858, adopted Urgency Ordinance 1275, amending Title 10 and 15 of the Glenn County Code to temporarily prohibit the cultivation, processing, manufacturing distribution, delivery, testing and sale of Cannabis and Cannabis products and on August 6, 2019, the Board of Supervisors adopted Ordinance 1278 which extended Ordinance 1275 to June 18, 2020.

F. Based on the findings herein, the state legalization of commercial cannabis activities in the County of Glenn without regulation poses a current and immediate threat to the public health, safety, and welfare in the County due to the negative land use and public safety impacts of such unregulated uses. Therefore, it is in the interest of the County of Glenn, and its residents, that the County regulate commercial cannabis activities in the County of Glenn.

SECTION 2: Chapter 15.797, Title, "MEDICAL MARIJUANA," of the Glenn County Code is hereby amended to read: "CANNABIS."

SECTION 3: Chapter 10.46 is hereby repealed.

SECTION 4: Section 15.020.020, subsection (M)(6) of the Glenn County Code is hereby amended to read:

6. "Cannabis" shall have the same meaning as that set forth in Health and Safety Code section 11018 and "cannabis products," as defined in Health and Safety Code section 11018.1. Except where the context otherwise requires, the following definitions shall govern Chapter 797, of this Title:
 - a. "Collective" means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate in any manner within the unincorporated area of the County in order to collectively or cooperatively cultivate, store, and/or dispense cannabis for medical purposes, as provided in Health and Safety Code Section 11362.775. The term collective shall include "cooperative," whether formed in accordance with the Corporations Code or otherwise unless the context clearly indicates otherwise.
 - b. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more cannabis plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.
 - c. "Delivery" has both the meaning set forth in Business and Professions Code section 19300.5, subdivision (m), and the meaning set forth in Business and Professions Code section 26001, subdivision (h).
 - d. "Dispensary" or "Medical Cannabis Dispensary" or "Retailer" means any facility or location, whether fixed or mobile, and any delivery service, where cannabis for medical or non-medical purposes is made available to and/or distributed, with or without consideration, to any person or persons, including without limitation a primary caregiver, a qualified patient, or patient with an identification card, as those terms are defined in California Health and Safety Code section

11362.5 et seq. "Cannabis Dispensary" includes medicinal cannabis "cooperative" and collectives" (i.e., facilities or undertakings where an person(s) provides cannabis to any one or more other persons, or where persons meet or congregate to distribute or provide cannabis for medicinal or other purposes).

- e. "Residence" has the same meaning as "private residence" set forth in Health and Safety Code Section 11362.2(b)(5).
- f. "Sheriff" or "Sheriff's Department" means the Sheriff's Office of the County of Glenn or the authorized representatives thereof.

SECTION 5: Section 15.797.010 of the Glenn County Code is hereby amended to read:

15.797.010 PURPOSE

It is the intent and purpose of this Chapter to implement State law by providing a means for regulating the cultivation, selling, distributing, dispensing, manufacturing or testing of cannabis in a manner consistent with State law and which balances the health, safety, and welfare of the residents and businesses within the unincorporated territory of the County of Glenn. This Chapter is intended to be consistent with California's medical cannabis laws and the Adult Use of Cannabis Act, and represents an exercise of the local authority retained by the County of Glenn under those laws.

SECTION 6: Section 15.797.020 of the Glenn County Code is hereby amended to read:

15.797.020 PROHIBITED USES

Subject only to the exemptions in this ordinance and to the fullest extent allowed by state law, the following uses are prohibited in all zoning districts of the County:

- A. The cultivation of cannabis.
- B. The establishment or operation of a location, facility, or business, that sells, distributes, dispenses, manufacturers, or tests cannabis.
- C. The establishment, development, construction, maintenance, operation, or enlargement of any cannabis dispensary or retailer for medical or non-medical purposes or any collective and/or cooperative, as these terms are defined herein.

SECTION 7: Section 15.797.030 is hereby amended to read:

15.797.030 EXEMPTIONS

- A. Six or fewer cannabis plants may be cultivated indoors at a residence if all of the following conditions are met:
 - 1. The residence, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.
 - 2. All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.

3. The residence must be lawfully occupied. If the residence is not owner-occupied, written permission from the owner of the residence must be obtained before cannabis may be cultivated.
 4. No cannabis plants may be cultivated outdoors.
 5. The cannabis plants, and all cannabis produced by the plants, shall be for the personal use of the cultivator only, and not for sale, provided that such cannabis and cannabis plants may be given away to persons 21 years of age or older without any compensation whatsoever in accordance with Health and Safety Code section 11362.1, subdivision (a)(2)
- B. It is not a violation of this ordinance for any person employed by a licensed cannabis delivery service to travel on a public road within the unincorporated area of the County for the purposes of delivering cannabis to persons located in a city or county where the delivery of cannabis is not prohibited.

SECTION 8: Section 15.797.040 is hereby amended to read:

15.797.040 NUISANCE

Any violation of any provision of this Chapter shall be, and is hereby declared, a public nuisance and may be abated by the Glenn County Sheriff and/or the Planning and Community Services Agency Director as such.

SECTION 9: Section 15.797.050 is hereby amended to read:

15.797.050 ENFORCEMENT

- A. The County Sheriff may, at his/her discretion, abate any violation of this Chapter 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. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person.
- B. The Planning and Community Services Agency Director may, at his/her discretion, abate any violation of this Chapter in accordance with the provisions of Chapter 1.15 (Public Nuisance Abatement) of the this Code.

SECTION 10: Section 15.797.060 is hereby repealed.

SECTION 11: The Board of Supervisors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant impact on the environment). In addition to the forgoing general exemptions, the Board of Supervisors further finds that the Ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment).

SECTION 12: If any section, subsection, sentence, clause, portion or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 13: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in a newspaper of general circulation, in the County of Glenn, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this _____ day of _____, 2020, by the Glenn County Board of Supervisors, State of California, by the following vote:

AYES:

NOES:

ABSENT OR ABSTAIN

Leigh McDaniel, Chairman
Glenn County Board of Supervisors

ATTEST:

Di Aulabaugh, Clerk of the Board
County of Glenn, California

APPROVED AS TO FORM:

William J. Vanasek, County Counsel
County of Glenn, California