

ORDINANCE NO. 10749 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION 6861 RELATED TO NONCONFORMING CANNABIS FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending, adding, or removing various sections regarding Definitions, Nonconforming Cannabis Facilities, Medical Marijuana Collective Facilities, and Prohibition of Marijuana Facilities – Medical or Non-Medical. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1110 DEFINITIONS is amended to read as follows:

SEC. 1110. DEFINITIONS

Cannabis Facility – Medical and Non-Medical: (a) Any store, office, business, building, property or other facility in or from which cannabis is sold, given, traded, supplied, bartered, consumed, raised, processed, stored, used, cultivated indoors or outdoors, possessed, or transported; (b) This definition shall not apply to personal cultivation of cannabis allowed under state law.

Section 3. Section 6861 NONCONFORMING CANNABIS FACILITIES of the Zoning Ordinance is added to read as follows:

SEC. 6861. NONCONFORMING CANNABIS FACILITIES

- a. Five Nonconforming Cannabis Facilities. Nonconforming Cannabis Facilities which were lawfully established before April 14, 2017, and documented by the Department include only facilities at the five following locations:

8157 Wing Ave, El Cajon, CA 92020 (APN 387-150-21-00)
736 Montecito Way, Ramona, CA 92065 (APN 281-521-13-00)
618 Pine St, Ramona, CA 92065 (APN 281-065-26-00)
1210 Olive St, Ramona, CA 92065 (APN 281-121-12-00)
8530 Nelson Way, Escondido, CA 92026 (APN 127-222-19-00)

- b. Cannabis Activities. A Nonconforming Cannabis Facility may engage in Medical Cannabis Collective, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer activities as those terms are defined in Chapter 25 of Division 1 of Title 2 of the San Diego Code of Regulatory Ordinances. A Nonconforming Cannabis Facility operating as a

Medical Cannabis Collective shall update its Operating Certificate before engaging in Commercial Cannabis Microbusiness or Commercial Cannabis Retailer activities.

- c. **Operation and Construction.** Each of the five Nonconforming Cannabis Facilities may do the following:
 1. **Continue Operation.** Continue operations beyond April 14, 2022.
 2. **Existing Facilities.**
 - i. **Repair, maintain, or alter existing structures.**
 - ii. **Add to one or more structures that were permitted before June 9, 2021, up to a cumulative total of 10,000 square feet in floor area.**
 3. **New Construction or Conversion of Small Structures.**
 - i. **Construct a structure that will not involve the use of significant amounts of hazardous substances and will not exceed 2,500 square feet in floor area.**
 - ii. **In urbanized areas, as is defined in Section 15387 of Title 14 of the California Code of Regulations, construct up to four commercial cannabis buildings that will not involve the use of significant amounts of hazardous substances and will not exceed a cumulative total of 10,000 square feet in floor area.**
- d. **Cumulative New Square Footage Limit.** A Nonconforming Cannabis Facility may not build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof.
- e. **Ministerial Building Permits.** Repair, maintenance, alteration, addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall require approval of a ministerial building permit. Nothing within this Zoning Ordinance shall exempt Nonconforming Cannabis Facilities from the requirements of the Grading Ordinance.
- f. **Exemptions from Designators.** Repair, maintenance, alteration, an addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall be exempt from B and S Special Area Designators.
- g. **Expansions Above Cumulative New Square Footage Limit.** A Nonconforming Cannabis Facility may build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof, upon approval of a Site Plan. Expansions above the cumulative new square footage limit shall not be exempt from any Special Area

Designators.

- h. No Visibility or Outdoor Use. Nonconforming Cannabis Facilities shall be designed, constructed, and operated such that no cannabis is visible from any location off the property on which a Nonconforming Cannabis Facility is located. All cannabis activities shall be enclosed within a building.
- i. No Groundwater Use for Cultivation. Water services for cultivation purposes shall be provided by a County Water Authority member water service provider. Onsite groundwater shall not be used for cultivation purposes.
- j. Other Nonconforming Regulations. Nonconforming Cannabis Facilities are not subject to any other nonconforming regulations outlined in the Zoning Ordinance.
- k. Change to Conforming Use. A Nonconforming Cannabis Facility may change its use to a non-cannabis related conforming use. A Nonconforming Cannabis Facility shall transition to a conforming cannabis facility upon the County adopting regulations making cannabis activities a conforming use.

Section 4. Section 6935 MEDICAL MARIJUANA COLLECTIVE FACILITIES of the Zoning Ordinance shall be removed in its entirety:

Section 5. Section 6976 PROHIBITION OF MARIJUANA FACILITIES MEDICAL OR NON-MEDICAL of the Zoning Ordinance are amended to read as follows:

SEC. 6976. PROHIBITION OF CANNABIS FACILITIES – MEDICAL OR NON-MEDICAL

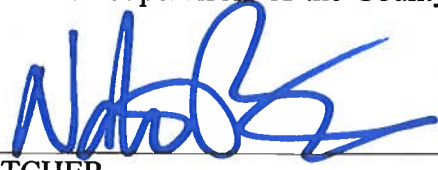
No person shall cause or permit the establishment of a Cannabis Facility for medical or non-medical purposes, meeting the definition "Cannabis Facility – Medical and Non-Medical" in Section 1110, which was not lawfully established before April 14, 2017. To the maximum extent allowed by state law this prohibition shall apply throughout all use regulations.

Section 6. Effective Date and Publication. This ordinance shall take effect and be in force thirty (30) days after its adoption. Fifteen days after the date of adoption of this ordinance, a summary shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation published in County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Justin Crumley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 6th day of October 2021.



NATHAN FLETCHER
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher
NOES: Desmond

ATTEST my hand and the seal of the Board of Supervisors this 6th day of October 2021.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
M. Ruffier, Deputy



Ordinance No.: 10749 (N.S.)
Meeting Date: 10/06/2021 (1)