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LCP-1-EUR-22-0049-1 (Cannabis Regulations Update)

February 10, 2023

EXHIBITS

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**AN ORDINANCE OF THE CITY OF EUREKA AMENDING TITLE 10 CHAPTER 5 OF
THE EUREKA MUNICIPAL CODE, REGARDING UPDATES TO CANNABIS
REGULATIONS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

**AMENDMENTS TO TITLE 10, CHAPTER 5 OF THE EUREKA MUNICIPAL CODE
PERTAINING TO CANNABIS**

Section 1.

Title 10, Chapter 5, Article 7 [OR Office and Multi-Family Residential Districts], Section 10-5.703. Permitted office/multi-family residential (OR) uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~(g) Cannabis distribution facilities, where no cannabis is on-site, subject to the provisions of Article 30 (Cannabis).~~

Section 2.

Title 10, Chapter 5, Article 7, [OR Office and Multi-Family Residential Districts], Section 10-5.704. Conditional uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~(o) Cannabis general use Cannabis testing facilities where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 (Cannabis).~~

Section 3.

Title 10, Chapter 5, Article 8, [HM Hospital-Medical Districts], Section 10-5.803. Permitted uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~(i) Cannabis research and development facilities, subject to the provisions of Article 30 Section 10-5.3007.2 of this chapter (Cannabis); and~~

~~(j) Cannabis testing facilities where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 4.

Title 10, Chapter 5, Article 8, [HM Hospital-Medical Districts], Section 10-5.804. Conditional uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

(h) ~~Reserved. Cannabis retail facilities subject to the provisions of Article 30 of this chapter (Cannabis); and~~

(i) ~~Reserved. Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis).~~

Section 5.

Title 10, Chapter 5, Article 9 [C Commercial Districts] Section 10-5.903 [Permitted and conditional uses], Subparagraph (a) is hereby amended to read as follows (*the remainder of the text in the table is unchanged and is omitted*):

(a) The following uses shall be permitted uses or conditional uses in a C District provided the symbol P, for permitted use, or C or MC, for conditional use appears in the column beneath each C District. Conditional uses shall be permitted upon the granting of a use permit (C), or a minor use permit (MC) in accord with the provisions of Article 24 (Conditional Uses) of this chapter, and the Director of Planning or Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 24 (Conditional Uses) of this chapter:

	CN	CP	CC	CW	CS
<u>Cannabis general use, subject to the provisions of Article 30</u>	<u>MC</u>			<u>C</u>	<u>P</u>
<u>Cannabis retail, subject to the provisions of Article 30</u>	<u>C</u>			<u>C</u>	<u>C</u>
Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30.					<u>C</u>
Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30.					<u>P</u>
Cannabis distribution facilities, transportation only, where no cannabis is on site, subject to the provisions of Article 30	<u>MC</u>		<u>P</u>		<u>P</u>
Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of manufacturing floor area, subject to the provisions of Article 30.					<u>MC</u>
Cannabis microbusiness facilities, subject to the provisions of Article 30	<u>10-5.3007.1</u>		<u>10-5.3007.1</u>		<u>10-5.3007.1</u>
Cannabis non-volatile manufacturing facilities,					

more than 5,000 square feet of manufacturing floor area, subject to the provisions of Article 30.				
Cannabis research and development facilities with research and development plants, indoor, not more than 5,000 square feet of floor area, where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30		10-5.3007.2		10-5.3007.2
Cannabis retail facilities subject to the provisions of Article 30	€	€		€
Cannabis testing facilities where no cultivation, processing, manufacturing, wholesale, retail, or distribution of medical cannabis occurs, subject to the provisions of Article 30		P		P
Cannabis transportation facilities, located separate from a distribution facility, subject to the provisions of Article 30	MC	P	MC*	P

Section 6.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1003.1 ML Limited Industrial Districts is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

- ~~(17.1) Cannabis general use, subject to the provisions of Article 30 (Cannabis);~~
- ~~—— (17.1) Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 (Cannabis);~~
- ~~—— (17.2) Cannabis distribution, cannabis on site, with or without transportation facilities, subject to the provisions of Article 30 (Cannabis);~~
- ~~—— (17.3) Cannabis distribution, transportation only, no cannabis on site facilities, subject to the provisions of Article 30 (Cannabis);~~
- ~~(17.4) Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 (Cannabis);~~
- ~~(17.5) Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 (Cannabis);~~
- ~~(17.6) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 (Cannabis);~~
- ~~(17.7) Cannabis testing facilities, where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 (Cannabis);~~
- ~~(17.8) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 (Cannabis);~~

Section 7.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1004.1 ML Limited Industrial Districts is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

~~(h) Chemical cannabis extraction facilities, Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 8.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1004.1.1 Minor Use Permit is hereby deleted as follows:

~~10-5.1004.1.1 Minor Use Permit~~

~~The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses), and the Director of Planning or Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 24 of this chapter (Conditional Uses):~~

~~(a) Cannabis cultivation facilities, indoor, not more than 10,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 9.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1004.2 MG General Industrial Districts subparagraph (a) is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

~~(2.1) Cannabis retail, subject to the provisions of Article 30 of this chapter (Cannabis)~~

~~(2.2) Chemical cannabis extraction, subject to the provisions of Article 30 of this chapter (Cannabis)~~

~~(2.1) Cannabis manufacturing facilities, volatile, large, subject to the provisions of Article 30 of this chapter (Cannabis)~~

~~(2.2) Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis)~~

~~(2.3) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis)~~

~~(2.4) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis).~~

~~(2.5) Cannabis retail facilities, subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 10.

Title 10, Chapter 5, Article 10, MG General Industrial Districts Section 1004.2. Minor Use Permit is hereby deleted as follows:

~~**10-5.1004.2.2 Minor Use Permit**~~

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses), and the Director of Planning or Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 24 of this chapter (Conditional Uses):

- (a) ~~Cannabis cultivation facilities, indoor, not more than 10,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).~~
- (b) ~~Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1~~
- (c) ~~Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis).~~

Section 11.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 10 OR – Office and Multi Family Residential Districts, Section 10-5.29102 Permitted uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~(g) Cannabis distribution, transportation only, no cannabis on site, subject to the provisions of Article 30 (Cannabis).~~

Section 12.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 10 OR – Office and Multi Family Residential Districts, Section 10-5.29103 Conditional uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~(e.1) Cannabis general use, Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 14.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 11 CW – Waterfront Commercial Districts, Section 10-5.29113 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Cannabis General Use, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis Retail, Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis);
~~Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs, located above the ground floor of commercial structures subject to the provisions of Article 30 of this chapter (Cannabis);~~

Section 15.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 11 CW – Waterfront Commercial Districts, Section 10-5.29113.1 Minor use permits is hereby deleted as follows:

~~Sec. 10-5.29113.1 Minor user permits.~~

~~The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The application shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.~~

~~(a) — Cannabis distribution, transportation only, no cannabis on site facilities located separate from a distribution facility and located above the ground floor of commercial structures, and subject to the provisions of Article 30 of this chapter (Cannabis).~~

~~(b) Cannabis research and development facilities subject to the provisions of Article 30, Section 10-5.3007 (c) and 10-5.3007.1 of this chapter (Cannabis).~~

Section 16.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 12 CN – Neighborhood Commercial Districts, Section 10-5.29123 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Sec. 10-5.29123. Conditional uses.

Cannabis retail facilities, ~~on-site and/or off-site~~, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 17.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 12 CN – Neighborhood Commercial Districts is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Sec. 10-5.29123.1 Minor use permits.

The following uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The application shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.

(a) Cannabis general use ~~Cannabis distribution facilities, transportation only, no cannabis on site~~, subject to the provisions of Article 30 of this chapter (Cannabis);

~~(b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis).~~

~~(c) — Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 18.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 13 CS – Service Commercial District, Section 10-5.29132 Permitted uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~Cannabis general use, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30 of this chapter (Cannabis);~~

~~Cannabis distribution facilities, transportation only, no cannabis on site, subject to the provisions of Article 30 of this chapter (Cannabis);~~

~~Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis);~~

Section 19.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 13 CS – Service Commercial District, Section 10-5.29133 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~Cannabis retail, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis);~~

~~Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);~~

~~Cannabis retail facilities, on site and/or off site, subject, to the provisions of Article 30 of this chapter (Cannabis);~~

~~Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);~~

~~Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);~~

Section 20.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 13 CS – Service Commercial District, Section 10-5.29133.1 Minor use permits is hereby deleted as follows:

Sec. 10-5.29133.1. Minor use permits.

~~The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):~~

~~(a) — Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 of this chapter (Cannabis).~~

~~(b) — Cannabis retail facilities, on site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 21.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 ML – Limited Industrial Districts, Section 10-5.29162 Permitted uses is hereby amended to read as follows:

remainder of the text is unchanged and is omitted):

~~Cannabis general use, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis distribution facilities, transportation only, no cannabis on site, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);
Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);
Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis);~~

Section 22.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 ML – Limited Industrial Districts, Section 10-5.29163 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

~~Cannabis retail, on-site and/or off-site, subject to the provisions of Article 30 of this chapter (Cannabis);
Chemical cannabis extraction, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);
Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);~~

Section 23.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 ML Limited Industrial Districts, Section 19-5.29163.1 Minor Use Permit is hereby deleted as follows:

Sec. 10-5.29163.1 Minor use permit.

~~The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):~~

- (a) ~~Cannabis cultivation facilities, indoor with 10,000 square feet or less of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).~~
- (b) ~~Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);~~
- (c) ~~Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);~~
- (d) ~~Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 24.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 17 MG – General Industrial Districts, Section 10-5.29172 Permitted uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

- ~~Cannabis general use, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis distribution facilities, transportation only, no cannabis on site, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);~~
- ~~Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis research and development facilities subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);~~

Section 25.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 17 MG – General Industrial Districts, Section 10-5.29173 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

- ~~Cannabis retail sales facilities, on-site and/or off-site, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Chemical cannabis extraction facilities, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis manufacturing facilities, volatile, large, subject to the provisions of Article 30 of this chapter (Cannabis);~~
- ~~Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis);~~

~~Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);~~

Section 26.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 MG – Limited Industrial Districts, Section 10-5.29173.1 Minor use permit is hereby deleted as follows:

Sec. 10-5.29173.1 Minor use permit.

~~The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):~~

~~(a) — Cannabis cultivation facilities, indoor, 10,000 square feet or less of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).~~

~~(b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);~~

~~(c) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);~~

~~(d) — Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 27.

Title 10, Chapter 5, Article 30. Cannabis is hereby deleted and replaced in its entirety with the following:

Article 30. Cannabis

Sec. 10-5.3001. Purpose

This article establishes regulations for commercial cannabis uses and cannabis cultivation for personal use in the coastal zone. Commercial cannabis uses and cannabis cultivation for personal use shall also occur in compliance with Chapter 158 of the Eureka Municipal Code in addition to and independent of Local Coastal Program requirements. In cases of conflict between Chapter 158 and the certified LCP, the certified LCP governs within the coastal zone.

Sec. 10.5.3002. Definitions

Terms used in this article are defined as follows:

Cannabis. All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which

of germination. Cannabis does not include industrial hemp as defined by Section 11018.5 of the California Health and Safety Code.

Cannabis Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Cannabis cultivation includes the use of cannabis clones, mother plants, and nurseries.

Cannabis Cultivation, Indoor. The cultivation of cannabis within a fully enclosed structure using exclusively artificial lighting.

Cannabis Distribution. The procurement, sale, and transport of cannabis and cannabis products between licensees. Distribution also includes the inspection, storage, labeling, packaging and other processes required prior to transport to a licensed cannabis retailer or cannabis manufacturing facility.

Cannabis Extraction. The process by which cannabinoids and terpenes found within cannabis are recovered from the plant material.

1. Chemical Extraction. Cannabis extraction utilizing a chemical solvent such as butane, propane, ethanol, or supercritical carbon dioxide.

2. Mechanical Extraction. Cannabis extraction utilizing only pressure and/or physical action without the use of chemical solvents.

Cannabis Facility. A facility, premise, tenant space, site, or location where one or more commercial cannabis use operates.

Cannabis General Use.

A land use category that includes all of the following types of commercial cannabis businesses:

1. Indoor cannabis cultivation.
2. Cannabis distribution.
3. Cannabis manufacturing; mechanical cannabis extraction and other cannabis manufacturing activities that do not involve chemical cannabis extraction.
4. Cannabis research and development.
5. Cannabis testing laboratories.

The cannabis general use category excludes cannabis retail and chemical cannabis extraction.

Cannabis Manufacturing. The production, preparation, processing, propagation, or compounding of cannabis or cannabis products either directly or indirectly, or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

Cannabis Processing. The manicuring, drying, curing, grinding, bagging, packaging, rolling, and other similar transformation of cannabis.

Cannabis Products. Cannabis that has undergone a process whereby the plant material has been transformed, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Cannabis Retail. The sale and/or delivery of cannabis or cannabis products to customers. Includes retail sales for both on-site and off-site consumption of cannabis and cannabis products.

Cannabis Research and Development. A facility that offers or performs research and development of cannabis or cannabis products where no commercial cultivation, processing, distribution, wholesale, or retail sales of cannabis or cannabis products occurs. Growing of plants and the use of volatile solvents (as listed in Tables 307.1(1) and 307.1(2) of the California Building Code) for the purpose of conducting the research and development may be allowed. Research and Development may include, but is not limited to, systematic activities intended to create new products, processes, patents; scientific assessment of the safety and efficacy of cannabis and cannabis compounds for research and product development purposes; and/or work directed toward the innovation, introduction and improvement of production, processes, and/or products.

Cannabis Testing Laboratories. A laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis business in the state.
2. Licensed by the Bureau of Cannabis Control.

Commercial Cannabis Use. The commercial cultivation, possession, manufacture, processing, storing, laboratory testing, research and development, labeling, transportation, distribution, delivery, or sale of cannabis or cannabis products.

Personal Use Cannabis Cultivation. The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with state law.

Primary Caregiver. As defined in Section 11362.7 of the California Health and Safety Code.

Residence. A legal dwelling unit consisting of a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

Temporary Cannabis Event.

An event involving the on-site sale and/or consumption of cannabis products that is:

1. Open to the public (an event not limited to invitees and otherwise open to any member of the public with or without an admission fee or charge); and
2. Attended by 5 or more participants (including sponsors and guests).

A temporary cannabis event does not include social gatherings held in a private residence.

Sec. 10.5.3003. Personal Use Cannabis Cultivation

(a) General. Cannabis cultivation for personal use is allowed within any residence subject to the standards in Subsection b (Standards) below.

(b) Standards.

1. Residence Required. Cultivation may occur only on a property with a legal residence, occupied full-time by the person cultivating the cannabis. The residence must remain at all times a residence with legal and functioning cooking, sleeping, and sanitation facilities.

2. Personal Use Only. Cannabis may be cultivated only for the cultivator's personal use. Cannabis may not be provided, donated, sold, and/or distributed to any other person except as allowed by the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis for their patients.

3. Age Requirement. Cannabis may be cultivated only by persons:

- a. 21 years of age or older for non-medical use; and
- b. 18 years of age or older for medical use.

4. Maximum Number. A maximum of six living plants are permitted per residence unless otherwise allowed by the Compassionate Use Act for medicinal cannabis.

5. Maximum Area. The cannabis cultivation area for a residence may not cumulatively exceed 50 square feet. A maximum area of 100 square feet is allowed for primary caregivers who cultivate medicinal cannabis for their patients.

6. Indoor Cultivation Only. Cultivation of cannabis for personal use must occur only within a private residence, or in a self-contained accessory building that is secured, locked, and fully enclosed and which is for the exclusive use of the resident.

7. Maintenance of Required Parking. Cultivation may not displace required on-site parking unless replacement parking is provided elsewhere on the property.

8. Building and Fire Code Compliance. Areas for cultivation must comply with the Building and Fire Code, including all applicable ventilation requirements.

9. Public Health and Safety. The cultivation of cannabis must not adversely affect the public health or safety or adjacent and nearby residents through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts.

10. Hazardous Practices. Cultivation must not:

- a. Use or store hazardous or toxic chemicals or materials;
- b. Create hazardous or toxic products or wastes; or
- c. Use volatile solvents, processes, or other methods or substances that pose a significant risk to public health or safety.

11. Lighting. Cannabis cultivation lighting may not cumulatively exceed 1,200 watts.

12. Electrical Equipment and Wiring.

- a. All electrical equipment used to cultivate cannabis, (e.g., lighting and ventilation) must be plugged directly into a wall outlet or other

hardwired. Extension cords may not be used to supply power to cultivation equipment.

b. Electrical wiring/rewiring and installation or relocation of wall outlets requires an electrical permit from the Building Department.

13. Gas Products. The use of gas products (e.g., CO2, butane.) for cannabis cultivation is prohibited.

14. Exterior Evidence. From a public right-of-way or adjacent property, there must be no exterior evidence of cannabis cultivation occurring at the property, including:

a. Visible plants and/or cultivation equipment;

b. Cultivation-related odor; and

c. Light emanating from cultivation-related lighting.

15. Prohibitions.

a. Personal use cannabis cultivation is prohibited as a home occupation.

b. Distribution of cannabis cultivated for personal use is not allowed.

Sec. 10.5.3004. Commercial Cannabis Standards

The following standards apply to all commercial cannabis uses in the coastal zone.

(a) Where Allowed. Commercial cannabis uses are permitted only in zoning districts where cannabis general uses, cannabis retail, or chemical cannabis extraction are listed as a permitted use or a conditional use in Article 29 of this title.

(b) CW District. In the CW district, cannabis retail is the only type of commercial cannabis use allowed on the ground floor of a building facing a street. All other allowed cannabis uses facing a street must be located above the ground floor. If there is no floor above the ground floor, no other cannabis uses are allowed.

(c) Cultivation. Where cannabis general uses are allowed, only indoor cultivation is permitted. Outdoor cultivation is prohibited.

(d) Noise.

1. The combined noise level for any commercial cannabis use, as measured within ESHA or required ESHA buffers, may not exceed 65 decibels.

2. For proposed commercial cannabis uses within 1,000 feet of ESHA or required ESHA buffers, the City Manager may require a Noise Plan with a description of anticipated noise levels of the business and measures necessary to comply with Paragraph (1) above.

(e) Lighting.

1. ESHA Protection.

a. Exterior lighting must be shielded and directed away from ESHA and required ESHA buffers so that lighting does not disrupt or feeding, nesting, and other behavior patterns of wildlife inhabiting the ESHA.

b. The review authority may require a photometric study as part of an application for a Coastal Development Permit if the review authority determines that proposed exterior lighting may negatively impact ESHA.

2. Scenic and Visual Resource Protection.

- a. All outdoor lighting fixtures must be shielded or recessed so the lighting source is not directly visible from the public right-of-way. All fixtures must meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”) and must comply with the California Green Building Standards Code.
- b. Indoor lighting used for cannabis activities may not be visible outside of the structure in which the lighting is located between sunset and sunrise.

(f) Temporary Cannabis Events

1. Where Allowed. Temporary cannabis events are allowed:

- a. On the premises of a licensed commercial cannabis use;
- b. On private property without a licensed commercial cannabis use in any non-residential zoning district; and
- c. Within a City facility or other public property in any zoning district.

2. Permit Required. A change in density or intensity of use resulting from use of a property as an event venue shall require coastal development permit authorization pursuant to Article 29 of this Chapter (Coastal Development Permit Procedures).

(g) Water Quality.

- 1. Commercial cannabis activities businesses shall operate pursuant to a permit from the North Coast Regional Water Quality Control Board (RWQCB).
- 2. Commercial cannabis facility operators shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide

(h) Public Health and Safety. A commercial cannabis use may not adversely affect the health or safety of the facility occupants or employees, or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts.

(i) Off-street Parking. Off-street parking facilities shall be provided for commercial cannabis uses as set forth in Article 15 of this chapter (Off-Street Parking Facilities) and as follows:

Type of Cannabis Facility	Required Number of On-Site Parking Spaces
Cannabis general use	1 per 1,000 sq. ft. of gross floor area
Cannabis retail use	1 per 500 sq. ft. of gross floor area
Chemical cannabis extraction use	1 per 2,000 sq. ft. of gross floor area

ORDINANCE No. 1016-C.S.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2022 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Walford Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2022, and hereby approved.

Susan Seaman, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2022.

Pamela J. Powell, City Clerk

RESOLUTION NO. 2022-41

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
TRANSMITTING AN AMENDMENT TO THE IMPLEMENTATION PLAN PORTION OF
THE LOCAL COASTAL PROGRAM TO THE CALIFORNIA COASTAL COMMISSION
FOR CERTIFICATION, AMENDMENTS TO TITLE 10 CHAPTER 5 OF THE EUREKA
MUNICIPAL CODE, REGARDING UPDATES TO CANNABIS REGULATIONS**

WHEREAS, this resolution replaces Resolution No. 2022-41, adopted by the City Council on July 5, 2022, transmitting an amendment to the Implementation Plan portion of the Local Coastal Program pertaining to cannabis to the California Coastal Commission; and

WHEREAS, the citizens of California approved Proposition 215 and with its approval the Compassionate Use Act of 1996 was enacted. This legislation allows the use of marijuana for medical purposes within the confines of the regulatory framework established by the State of California; and

WHEREAS, in January of 2018 the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) was signed into law. The law provides for the licensure and regulation of commercial medical marijuana activity; and

WHEREAS, MAUCRSA authorizes local jurisdictions to regulate medical and adult use cannabis within the framework of the law; and

WHEREAS, in the coastal zone, the City of Eureka adopted an ordinance regulating the cultivation, processing, manufacturing, transporting, distribution and dispensing of medical and adult use cannabis in a manner that protects the public health, safety and welfare and mitigates for the costs to the community of the oversight of these activities in 2016, and the regulation has continued through subsequent amendments to the Implementation Plan portion of the Local Coastal Program; and

WHEREAS, the City of Eureka desires to amend Eureka Municipal Code Title 10 Chapter 5 Article 29 Coastal Development Permit Procedures pertaining to Cannabis, and Article 30 Medical Cannabis Cultivation, Processing and Distribution, and City of Eureka project numbers TA-22-0001 and LCP-22-0001 were assigned; and

WHEREAS, the Local Coastal Program Amendment includes an amendment to the text of the Implementation Plan; and

WHEREAS, the proposed Local Coastal Program Amendment will affect the entire coastal zone district; and

WHEREAS, the Implementation Plan Amendment will provide regulation for cannabis within the Coastal zone; and

WHEREAS, pursuant to Sections 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development process for Local Coastal Programs and Local Coastal Program amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA; and

WHEREAS, on March 4, 2022, a "Notice of Public Hearing for Eureka Planning Commission" for the draft amendment was posted on the City's website and bulletin boards, and published in the Times Standard, a daily newspaper of general circulation; and

WHEREAS, the Notice advised of a public hearing scheduled before the Planning Commission on March 14, 2022; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, both the posting and publication on March 4, 2022, were at least ten days prior to the scheduled public hearing; and

WHEREAS, at the public hearing held by the Planning Commission on March 14, 2022, there were no persons who provided testimony either for or against the Local Coastal Program amendment; and

WHEREAS, upon closing the public hearing, the Planning Commission, by unanimous vote, authorized a subcommittee appointed by the Chair to work with Staff on refinement and revision of the amendment, in line with the Commission's discussion, and allow those revisions to be presented as an alternative to the draft presented; and

WHEREAS, on April 27, 2022, a "Notice of Public Hearing for Eureka Planning Commission" for the draft amendment was posted on the City's website and bulletin boards; and

WHEREAS, on April 29, 2022, a Notice of Public Hearing for the Eureka Planning Commission was published in the Times Standard, a daily newspaper of general circulation; and

WHEREAS, the Notice advised of a public hearing scheduled before the Planning Commission on May 9, 2022; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, both the posting on April 27, 2022, and the publication on April 29, 2022, were at least ten days prior to the scheduled public hearing; and

WHEREAS, at the public hearing held by the Planning Commission on May 9, 2022, there were no persons who provided testimony either for or against the Local Coastal Program amendment; and

WHEREAS, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the Text and Local Coastal Program Amendment and unanimously adopted Planning Commission Resolution No. 2022-13, making findings required for a Local Coastal Program Amendment and recommending the City Council amend Eureka Municipal Code Title 10 Chapter 5 Article 29 Coastal Development Permit Procedures pertaining to Cannabis, and Article 30 Medical Cannabis Cultivation, Processing and Distribution; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, on May 12, 2022, a *"Notice of Availability of Draft Local Coastal Program Amendment"* for the draft amendment was mailed or delivered to 80 local, state and federal departments and agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, on June 23, 2022, a *"Notice of Availability of Draft Local Coastal Program Amendment and Notice of City Council Public Hearing"* for the draft amendment was mailed to 80 local, state and federal agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

WHEREAS, on June 24, 2022, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

WHEREAS, the Notice advised of a public hearing scheduled before the City Council on July 5, 2022; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, the publication on June 23, 2022, and the mailing on June 24, 2022, was at least ten days prior to the scheduled public hearing; and

WHEREAS, the City Council held a public hearing on July 5, 2022, to consider the Local Coastal Program Amendment. No persons provided testimony either for or against the Local Coastal Program amendment; and

WHEREAS, on July 5, 2022, upon closing the public hearing, the City Council considered the Local Coastal Program Amendment and the Planning Commission's recommendation, and introduced Bill No. 1016-C.S., to amend Eureka Municipal Code Title 10 Chapter 5 Article 29 Coastal Development Permit Procedures pertaining to Cannabis, and Article 30 Medical Cannabis Cultivation, Processing and Distribution; and

WHEREAS, on July 19, 2022, the City Council waived reading, read by title only and adopted Bill No. 1016-C.S., Ordinance No. 934-C.S.; and

WHEREAS, Section 13515(c) of Title 14 Code of Regulations requires there be a minimum of six weeks (42 days) between the "Notice of Availability" for the Local Coastal Program Amendment and the City's final action; and

WHEREAS, the City Council's final action on the Local Coastal Program Amendment occurred on July 19, 2022, which is 68 days following the May 12, 2022, mailing of the Notice of Availability.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka as follows:

SECTION 1. The City Council hereby finds the Local Coastal Program Amendment conforms to Chapter 3 of the Coastal Act.

SECTION 2. The City Council hereby finds the Local Coastal Program Amendment, which amends the Implementation Plan portion of the Local Coastal Program, is consistent with the adopted Land Use Plan and is not known to create any conflicts or contradictions to adopted Plan policy, nor any inconsistencies within the Land Use Plan itself, and furthermore, is generally found to be consistent with existing Land Use Plan objectives to protect the public health, safety, peace, comfort, convenience, prosperity and general welfare in the City of Eureka.

SECTION 3. The City Council hereby declares, pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

SECTION 4. The City Council directs Staff to transmit the adopted Local Coastal Program Amendment pertaining to Cannabis to the Coastal Commission for certification.

SECTION 5. The City Council directs the amendment to the Implementation Plan of the Local Coastal Program take effect automatically upon Coastal Commission certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

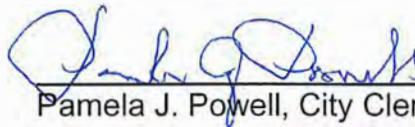
PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 5th day of July, 2022 by the following vote:

AYES: COUNCILMEMBER CASTELLANO, MOULTON, ARROYO
NOES: COUNCILMEMBER
ABSENT: COUNCILMEMBER BAUER, BERGEL



Susan Seaman, Mayor

Attest:



Pamela J. Powell, City Clerk

Approved as to Administration:



Miles Slattery, City Manager

Approved as to form:



Autumn Luna, City Attorney

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING TITLE 10 CHAPTER 5 OF
THE EUREKA MUNICIPAL CODE, REGARDING UPDATES TO CANNABIS
REGULATIONS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

**AMENDMENTS TO TITLE 10, CHAPTER 5 OF THE EUREKA MUNICIPAL CODE
PERTAINING TO CANNABIS**

Section 1.

Title 10, Chapter 5, Article 7 [OR Office and Multi-Family Residential Districts], Section 10-5.703. Permitted office/multi-family residential (OR) uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Section 2.

Title 10, Chapter 5, Article 7, [OR Office and Multi-Family Residential Districts], Section 10-5.704. Conditional uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

- (o) Cannabis general subject to the provisions of Article 30 (Cannabis).

Section 3.

Title 10, Chapter 5, Article 8, [HM Hospital-Medical Districts], Section 10-5.803. Permitted uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Section 4.

Title 10, Chapter 5, Article 8, [HM Hospital-Medical Districts], Section 10-5.804. Conditional uses, is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

- (h) Reserved.
- (i) Reserved

Section 5.

Title 10, Chapter 5, Article 9 [C Commercial Districts] Section 10-5.903 [Permitted and conditional uses], Subparagraph (a) is hereby amended to read as follows (*the remainder of the text in the table is unchanged and is omitted*):

(a) The following uses shall be permitted uses or conditional uses in a C District provided the symbol P, for permitted use, or C or MC, for conditional use appears in the column beneath each C District. Conditional uses shall be permitted upon the granting of a use permit (C), or a minor use permit (MC) in accord with the provisions of Article 24 (Conditional Uses) of this chapter, and the Director of Planning or Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 24 (Conditional Uses) of this chapter:

	CN	CP	CC	CW	CS
<u>Cannabis general use, subject to the provisions of Article 30</u>	<u>MC</u>			<u>C</u>	<u>P</u>
<u>Cannabis retail, subject to the provisions of Article 30</u>	<u>C</u>			<u>C</u>	<u>C</u>

Section 6.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1003.1 ML Limited Industrial Districts is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

(17.1) Cannabis general use, subject to the provisions of Article 30 (Cannabis);

Section 7.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1004.1 ML Limited Industrial Districts is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

(h) Chemical cannabis extraction facilities subject to the provisions of Article 30 of this chapter (Cannabis).

Section 8.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1004.1.1 Minor Use Permit is hereby deleted as follows:

Section 9.

Title 10, Chapter 5, Article 10. M Industrial Districts, Section 10-5.1004.2 MG General Industrial Districts subparagraph (a) is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

(2.1) Cannabis retail, subject to the provisions of Article 30 of this chapter (Cannabis)

(2.2) Chemical cannabis extraction, subject to the provisions of Article 30 of this chapter (Cannabis)

Section 10.

Title 10, Chapter 5, Article 10, MG General Industrial Districts Section 1004.2. Minor Use Permit is hereby deleted as follows:

Section 11.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 10 OR – Office and Multi Family Residential Districts, Section 10-5.29102 Permitted uses, is hereby amended to read as follows *(the remainder of the text is unchanged and is omitted)*:

Section 12.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 10 OR – Office and Multi Family Residential Districts, Section 10-5.29103 Conditional uses, is hereby amended to read as follows *(the remainder of the text is unchanged and is omitted)*:

(e.1) Cannabis general use, subject to the provisions of Article 30 of this chapter (Cannabis).

Section 14.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 11 CW – Waterfront Commercial Districts, Section 10-5.29113 Conditional uses is hereby amended to read as follows *(the remainder of the text is unchanged and is omitted)*:

Cannabis General Use, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis Retail, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 15.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 11 CW – Waterfront Commercial Districts, Section 10-5.29113.1 Minor use permits is hereby deleted as follows:

Section 16.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 12 CN – Neighborhood Commercial Districts, Section 10-5.29123 Conditional uses is hereby

read as follows (*the remainder of the text is unchanged and is omitted*):

Sec. 10-5.29123. Conditional uses.

Cannabis retail facilities, ~~on-site and/or off-site~~, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 17.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 12 CN – Neighborhood Commercial Districts is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Sec. 10-5.29123.1 Minor use permits.

The following uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The application shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.

(a) Cannabis general use subject to the provisions of Article 30 of this chapter (Cannabis);

Section 18.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 13 CS – Service Commercial District, Section 10-5.29132 Permitted uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Cannabis general use, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 19.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 13 CS – Service Commercial District, Section 10-5.29133 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Cannabis retail, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 20.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 13 CS – Service Commercial District, Section 10-5.29133.1 Minor use permits is hereby deleted as follows:

Section 21.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 ML – Limited Industrial Districts, Section 10-5.29162 Permitted uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Cannabis general use, subject to the provisions of Article 30 of this chapter

Section 22.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 ML – Limited Industrial Districts, Section 10-5.29163 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Cannabis retail, ~~on-site and/or off-site~~, subject to the provisions of Article 30 of this chapter (Cannabis);

Chemical cannabis extraction, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 23.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 ML Limited Industrial Districts, Section 19-5.29163.1 Minor Use Permit is hereby deleted as follows:

Section 24.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 17 MG – General Industrial Districts, Section 10-5.29172 Permitted uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Cannabis general use, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 25.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 17 MG – General Industrial Districts, Section 10-5.29173 Conditional uses is hereby amended to read as follows (*the remainder of the text is unchanged and is omitted*):

Cannabis retail sales facilities, ~~on-site and/or off-site~~, subject to the provisions of Article 30 of this chapter (Cannabis);

Chemical cannabis extraction facilities, subject to the provisions of Article 30 of this chapter (Cannabis);

Section 26.

Title 10, Chapter 5, Article 29 Coastal Development Permit Procedures, Part 16 MG – Limited Industrial Districts, Section 10-5.29173.1 Minor use permit is hereby deleted as follows:

~~(c) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);~~

~~(d) Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).~~

Section 27.

Title 10, Chapter 5, Article 30. Cannabis is hereby deleted and replaced in its entirety with the following:

Article 30. Cannabis

Sec. 10-5.3001. Purpose

This article establishes regulations for commercial cannabis uses and cannabis cultivation for personal use in the coastal zone. Commercial cannabis uses and cannabis cultivation for personal use shall also occur in compliance with Chapter 158 of the Eureka Municipal Code in addition to and independent of Local Coastal Program requirements. In cases of conflict between Chapter 158 and the certified LCP, the certified LCP governs within the coastal zone.

Sec. 10.5.3002. Definitions

Terms used in this article are defined as follows:

Cannabis. All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. Cannabis does not include industrial hemp as defined by Section 11018.5 of the California Health and Safety Code.

Cannabis Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Cannabis cultivation includes the use of cannabis clones, mother plants, and nurseries.

Cannabis Cultivation, Indoor. The cultivation of cannabis within a fully enclosed structure using exclusively artificial lighting.

Cannabis Distribution. The procurement, sale, and transport of cannabis and cannabis products between licensees. Distribution also includes the inspection, storage, labeling, packaging and other processes required prior to transport to a licensed cannabis retailer or cannabis manufacturing facility.

Cannabis Extraction. The process by which cannabinoids and terpenes found within cannabis are recovered from the plant material.

1. Chemical Extraction. Cannabis extraction utilizing a chemical solvent such as butane, propane, ethanol, or supercritical carbon dioxide.

2. Mechanical Extraction. Cannabis extraction utilizing only pressure and/or physical action without the use of chemical solvents.

Cannabis Facility. A facility, premise, tenant space, site, or location where one or more commercial cannabis use operates.

Cannabis General Use.

A land use category that includes all of the following types of commercial cannabis businesses:

1. Indoor cannabis cultivation.
2. Cannabis distribution.
3. Cannabis manufacturing; mechanical cannabis extraction and other cannabis manufacturing activities that do not involve chemical cannabis extraction.
4. Cannabis research and development.
5. Cannabis testing laboratories.

The cannabis general use category excludes cannabis retail and chemical cannabis extraction.

Cannabis Manufacturing. The production, preparation, processing, propagation, or compounding of cannabis or cannabis products either directly or indirectly, or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

Cannabis Processing. The manicuring, drying, curing, grinding, bagging, packaging, rolling, and other similar transformation of cannabis.

Cannabis Products. Cannabis that has undergone a process whereby the plant material has been transformed, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Cannabis Retail. The sale and/or delivery of cannabis or cannabis products to customers. Includes retail sales for both on-site and off-site consumption of cannabis and cannabis products.

Cannabis Research and Development. A facility that offers or performs research and development of cannabis or cannabis products where no commercial cultivation, processing, distribution, wholesale, or retail sales of cannabis or cannabis products occurs. Growing of plants and the use of volatile solvents (as listed in Tables 307.1(1) and 307.1(2) of the California Building Code) for the purpose of conducting the research and development may be allowed. Research and Development may include, but is not limited to, systematic activities intended to create new products, processes, patents; scientific assessment of the safety and efficacy of cannabis and cannabis compounds for research and product development purposes; and/or work directed toward the innovation, introduction and improvement of production, processes, and/or products.

Cannabis Testing Laboratories. A laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis business in the state.
2. Licensed by the Bureau of Cannabis Control.

Commercial Cannabis Use. The commercial cultivation, possession, manufacture, processing, storing, laboratory testing, research and development, labeling, transportation, distribution, delivery, or sale of cannabis or cannabis products.

Personal Use Cannabis Cultivation. The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with state law.

Primary Caregiver. As defined in Section 11362.7 of the California Health and Safety Code.

Residence. A legal dwelling unit consisting of a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

Temporary Cannabis Event.

An event involving the on-site sale and/or consumption of cannabis products that is:

1. Open to the public (an event not limited to invitees and otherwise open to any member of the public with or without an admission fee or charge); and
2. Attended by 5 or more participants (including sponsors and guests).

A temporary cannabis event does not include social gatherings held in a private residence.

Sec. 10.5.3003. Personal Use Cannabis Cultivation

(a) General. Cannabis cultivation for personal use is allowed within any residence subject to the standards in Subsection b (Standards) below.

(b) Standards.

1. Residence Required. Cultivation may occur only on a property with a legal residence, occupied full-time by the person cultivating the cannabis. The residence must remain at all times a residence with legal and functioning cooking, sleeping, and sanitation facilities.

2. Personal Use Only. Cannabis may be cultivated only for the cultivator's personal use. Cannabis may not be provided, donated, sold, and/or distributed to any other person except as allowed by the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis for their patients.

3. Age Requirement. Cannabis may be cultivated only by persons:

- a. 21 years of age or older for non-medical use; and
- b. 18 years of age or older for medical use.

4. Maximum Number. A maximum of six living plants are permitted per residence unless otherwise allowed by the Compassionate Use Act for medicinal cannabis.

5. Maximum Area. The cannabis cultivation area for a residence may not cumulatively exceed 50 square feet. A maximum area of 100 square feet is allowed for primary caregivers who cultivate medicinal cannabis for their patients.

6. Indoor Cultivation Only. Cultivation of cannabis for personal use must occur only within a private residence, or in a self-contained accessory building that is secured, locked, and fully enclosed and which is for the exclusive use of the resident.

7. Maintenance of Required Parking. Cultivation may not displace required on-site parking unless replacement parking is provided elsewhere on the property.

8. Building and Fire Code Compliance. Areas for cultivation must comply with the Building and Fire Code, including all applicable ventilation requirements.

9. Public Health and Safety. The cultivation of cannabis must not adversely affect the public health or safety or adjacent and nearby residents through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts.

10. Hazardous Practices. Cultivation must not:

- a. Use or store hazardous or toxic chemicals or materials;
- b. Create hazardous or toxic products or wastes; or
- c. Use volatile solvents, processes, or other methods or substances that pose a significant risk to public health or safety.

11. Lighting. Cannabis cultivation lighting may not cumulatively exceed 1,200 watts.

12. Electrical Equipment and Wiring.

- a. All electrical equipment used to cultivate cannabis, (e.g., lighting and ventilation) must be plugged directly into a wall outlet or otherwise hardwired. Extension cords may not be used to supply power to cultivation equipment.
- b. Electrical wiring/rewiring and installation or relocation of wall outlets requires an electrical permit from the Building Department.

13. Gas Products. The use of gas products (e.g., CO₂, butane.) for cannabis cultivation is prohibited.

14. Exterior Evidence. From a public right-of-way or adjacent property, there must be no exterior evidence of cannabis cultivation occurring at the property, including:

- a. Visible plants and/or cultivation equipment;
- b. Cultivation-related odor; and
- c. Light emanating from cultivation-related lighting.

15. Prohibitions.

- a. Personal use cannabis cultivation is prohibited as a home occupation.
- b. Distribution of cannabis cultivated for personal use is not allowed.

The following standards apply to all commercial cannabis uses in the coastal zone.

(a) Where Allowed. Commercial cannabis uses are permitted only in zoning districts where cannabis general uses, cannabis retail, or chemical cannabis extraction are listed as a permitted use or a conditional use in Article 29 of this title.

(b) CW District. In the CW district, cannabis retail is the only type of commercial cannabis use allowed on the ground floor of a building facing a street. All other allowed cannabis uses facing a street must be located above the ground floor. If there is no floor above the ground floor, no other cannabis uses are allowed.

(c) Cultivation. Where cannabis general uses are allowed, only indoor cultivation is permitted. Outdoor cultivation is prohibited.

(d) Noise.

1. The combined noise level for any commercial cannabis use, as measured within ESHA or required ESHA buffers, may not exceed 65 decibels.

2. For proposed commercial cannabis uses within 1,000 feet of ESHA or required ESHA buffers, the City Manager may require a Noise Plan with a description of anticipated noise levels of the business and measures necessary to comply with Paragraph (1) above.

(e) Lighting.

1. ESHA Protection.

a. Exterior lighting must be shielded and directed away from ESHA and required ESHA buffers so that lighting does not disrupt of feeding, nesting, and other behavior patterns of wildlife inhabiting the ESHA.

b. The review authority may require a photometric study as part of an application for a Coastal Development Permit if the review authority determines that proposed exterior lighting may negatively impact ESHA.

2. Scenic and Visual Resource Protection.

a. All outdoor lighting fixtures must be shielded or recessed so the lighting source is not directly visible from the public right-of-way. All fixtures must meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant") and must comply with the California Green Building Standards Code.

b. Indoor lighting used for cannabis activities may not be visible outside of the structure in which the lighting is located between sunset and sunrise.

(f) Temporary Cannabis Events

1. Where Allowed. Temporary cannabis events are allowed:

a. On the premises of a licensed commercial cannabis use;

b. On private property without a licensed commercial cannabis use in any non-residential zoning district; and

c. Within a City facility or other public property in any zoning district.

2. Permit Required. A change in density or intensity of use resulting from use of a property as an event venue shall require coastal development permit authorization pursuant to Article 29 of this Chapter (Coastal Development Permit Procedures).

(g) Water Quality.

1. Commercial cannabis activities businesses shall operate pursuant to a permit from the North Coast Regional Water Quality Control Board (RWQCB).
2. Commercial cannabis facility operators shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide

(h) Public Health and Safety. A commercial cannabis use may not adversely affect the health or safety of the facility occupants or employees, or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts.

(i) Off-street Parking. Off-street parking facilities shall be provided for commercial cannabis uses as set forth in Article 15 of this chapter (Off-Street Parking Facilities) and as follows:

Type of Cannabis Facility	Required Number of On-Site Parking Spaces
Cannabis general use	1 per 1,000 sq. ft. of gross floor area
Cannabis retail use	1 per 500 sq. ft. of gross floor area
Chemical cannabis extraction use	1 per 2,000 sq. ft. of gross floor area

ORDINANCE No. 1016-C.S.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2022 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Walford Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2022, and hereby approved.

Susan Seaman, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2022.

Pamela J. Powell, City Clerk