



COUNTY OF HUMBOLDT

For the meeting of: 11/28/2023

File #: 23-1564

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Time Certain Matter

Vote Requirement: Majority

SUBJECT:
Measure for March Ballot to Address Cannabis Permitting

RECOMMENDATION(S):
That the Board of Supervisors:

1. Direct staff to return on December 5, 2023, with a resolution to place an ordinance on the March 2024 ballot to amend the CCLUO to limit the number of allowed cannabis permits and acreage, limit cultivation area permitted on a parcel, require public noticing of permits and to include measures for the public to direct the Board of Supervisors to address water use and energy use.

SOURCE OF FUNDING:
General Fund - Advanced Planning (1100282)

DISCUSSION:
This report is to present the direction from the Board on November 7, 2023, to develop an ordinance to address changes to the Zoning Ordinance relative to cannabis permitting to be considered by the voters on the March 5, 2024 election. The Board considered a proposed ordinance addressing a cap on the number of permits and acreage and limiting the cultivation area to 1 acre. The Board directed that the following additional items be addressed:

- a) An alternative limit for the cap in permits and acreage.
- b) Require 4/5 vote of Board to modify cap on number of permits and allowed acreage.
- c) Require noticing of permits over a certain size.
- d) Clarity of intent on ancillary uses, ensuring primary uses not made nonconforming.
- e) Definition of parcel to avoid abuse of multiple parcels.
- f) Include provision for public to require that Board address water use and energy use.

The proposed ordinance has been modified and to include these changes. The manner in which these are addressed in the ordinance are discussed below.

a) Alternative limit for the cap

The cap provided to the Board previously was a 60% reduction in permits and acreage resulting in a reduction in the cap on permits from 3,500 to 1,400 and a reduction in acreage from 1205 to 482. This is still the primary recommendation in the proposed ordinance. HCGA expressed concern that this was below the number of permits and applications currently on file and would also result in exceeding the acreage for both permits and applications. The Board wanted to see an option including all existing permits and applications plus 10%. This has been provided in the text of the Ordinance as Alternative 1. The table in attachment 1 shows the comparison between the current cap, permits to date, applications and permits, the cap at a 60% reduction and the cap at 10% over the total of existing permits and applications. Using the figure for permits and applications plus 10% would essentially be a 50% reduction of the existing cap.

b) Vote of four supervisors required to modify cap.

The provisions in subsection 55.4.6.8 have been modified to include making findings based upon the analysis and input from state agencies and by a vote of at least four supervisors.

c) Require noticing of permits over a certain size.

A new section has been added to the inland ordinance requiring that any permit over 2,000 square feet requires a Special Permit.

d) Clarity of intent on ancillary uses.

The objective here is to ensure that primary uses are not made nonconforming and thus not allowing ancillary uses to be permitted. A provision has been added for clarity to subsection 55.4.5.4.2 to clearly state existing permitted operations are not made non-conforming by limitations to cultivation area. There is also a highlighted sentence to clarify this applies to new applications.

e) Definition of parcel to avoid abuse of multiple parcels.

Subsection 55.4.5.4.2 has been modified to refer to Cultivation Site rather than parcel. The definition of Cultivation Site has been modified to include the parcel and contiguous parcels owned by the applicant. This is intended to address the large property holdings that currently can benefit from the 320 acre provision, but this will likely include many cultivators who own contiguous properties. This is a hard concept to address without having side effects.

f) Include provision for public to require that Board address water use and energy use. This is included in Section 2 of the Ordinance.

If these changes are acceptable to the Board, the final resolution and ordinance will be brought back

before the Board on December 5, 2023.

Narrative Explanation of Financial Impact:

The work on this comes out of budget units 277 and 282 of the Planning and Building Department.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework priority of enforcing laws and regulations to protect residents

OTHER AGENCY INVOLVEMENT:

None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

There are alternatives listed above. The Board could choose to use different thresholds for a cap on permit or for the maximum allowed cultivation area. The Board could also choose not to take any action.

ATTACHMENTS:

- 1) Cap Comparison numbers
- 2) Proposed Ordinance for Referendum
- 3) Public Comment

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A