

Attachment 2

MEASURE __, Humboldt County Limitations on Cannabis Permitting. Reduces from 3,500 to 1,400 the maximum number of cannabis permits, reduces allowed acreage from 1,205 to 617, sets one acre as the maximum cultivation area, requires public notice of permits over 2,000 square feet, and directs development of criteria for water and renewable power use.	YES	
	NO	

ORDINANCE NO. _____
AN ORDINANCE OF THE PEOPLE OF THE
COUNTY OF HUMBOLDT AMENDING CHAPTERS 3 AND 4, DIVISION 1
OF TITLE III OF THE HUMBOLDT COUNTY CODE
REDUCING FROM 3,500 TO 1,400 THE MAXIMUM NUMBER OF CANNABIS
PERMITS, REDUCING ALLOWED ACREAGE FROM 1,205 TO 617, SETING
ONE ACRE AS THE MAXIMUM CULTIVATION AREA, AND REQUIRING
PUBLIC NOTICE OF PERMITS OVER 2,000 SQUARE FEET

The People of the County of Humboldt ordain as follows:

SECTION 1. Subsections 313-55.4.4, 55.4.5.4.2, 55.4.6.1.2.1, 55.4.6.8 of Chapter 3 and 314-55.4.4, 55.4.5.4.2, 55.4.6.1.2.2, 55.4.6.1.2.3, 55.4.6.1.2.2.4, 55.4.6.8 of Chapter 4 of Division 1 of Title III are hereby modified as shown on the attached pages.

SECTION 2. This ordinance reduces the Cannabis Permit Cap from 3,500 to 1,400 as the maximum number of cannabis permits the county may approve, reduces the acreage the county may allow from 1,205 to 617 acres, sets one (1) acre as the maximum area of cannabis cultivation permitted on a site, requires public notice for consideration of permits over two thousand square feet in area, and directs the Board of Supervisors to develop water use criteria for sustainable use of ground and surface water resources, and to develop mandates for use of renewable energy. This ordinance shall become operative if a majority of voters approve it at the March 5, 2024, election and shall take effect and be in force ten (10) days from the date of certification of the election results.

If this measure and another measure or measures relating to local regulation of cannabis cultivation appear on the same election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. If this measure receives more “yes” votes than such a measure, the provisions of this measure shall prevail in their entirety, and all provisions of the other initiative measure or measures shall be null and void.

SECTION 3. If this initiative measure is approved by the voters but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

SECTION 4. The People of the County of Humboldt hereby authorize the Board of Supervisors to amend the provisions of the Humboldt County Code adopted or amended by this ordinance without voter approval to the extent specified in the attached pages.

SECTION 5. Severability. If any provision of this measure, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this measure that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this measure are hereby declared to be severable.

SECTION 6. If this measure is approved, the Chair of the Board of Supervisors and the Clerk of the Board of Supervisors are authorized and directed to evidence that approval by signing where indicated below.

We hereby certify that the voters of the County of Humboldt approved this measure at an election called for that purpose on March 5, 2024

Approved:

(SEAL)

Steve Madrone
Chair of the Humboldt County Board of Supervisors

Attest:

Kathy Hayes
Clerk of the Board of Supervisors

Modifications to the Inland Zoning Ordinance Provisions.

1. Section 314-55.4.4 of Chapter 4 of Division 1 of Title III of the Humboldt County Code (Definitions) is hereby amended as follows:

“Cultivation sSite” means ~~the location~~ a parcel or contiguous parcels owned in whole or in part by an applicant or an entity owned in whole or in part by an applicant ~~or facility on which~~ cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or ~~that does~~ all or any combination of those activities occur, except where drying, curing, grading or trimming is otherwise prohibited.

2. To modify and add the following provisions of the Inland Zoning Ordinance to limit the allowed cultivation size on a parcel to not more than 43,560 square feet, section 314-55.4.5.4.2 is hereby added to Chapter 4 of Division 1 of Title III of the Humboldt County Code to read as follows:

55.4.5.4.2 No new permit and no expanded permit shall be issued [for an application not already on file with the Planning and Building Department as of December 5, 2023] which allows more than one acre of cultivation on a Cultivation Site, regardless of parcel size. This includes cultivation pursuant to the Retirement, Remediation and Relocation provision (55.4.6.5.9) of this chapter. Permits issued as to applications filed on or before December 5, 2023, for over one acre on any Cultivation Site are hereby deemed legal and conforming permits.

3. Sections 314-55.4.6.1.2.2, 314-55.4.6.1.2.3, and 314-55.4.6.1.2.4 of Chapter 4 of Division 1 of Title III of the Humboldt County Code are hereby amended to read as follows:

55.4.6.1.2.2 Five (5) acre minimum parcel size, on parcels between five (5) and ten (10) acres in size

~~55.4.6.1.2.2.1 Up to five thousand (5,000) square feet of cultivation area with a zoning clearance certificate;~~

~~55.4.6.1.2.2.2 Up to ten thousand (10,000) square feet of cultivation area with a special permit.~~

55.4.6.1.2.3 On parcels ten (10) acres or larger in size

~~55.4.6.1.2.3.1 Up to ten thousand (10,000) square feet of cultivation area with a zoning clearance certificate;~~

~~55.4.6.1.2.3.2~~ Up to forty-three thousand five hundred sixty (43,560) square feet of cultivation area with a special permit.

55.4.6.1.2.4 Notwithstanding the balance of this section, no new applications may be accepted for cultivation over one (1) acre per cultivation site after April 4, 2024. On parcels three hundred twenty (320) acres or larger in size, up to forty-three thousand five hundred sixty (43,560) square feet of cultivation area per one hundred (100) acre increment can be permitted subject to approval of a use permit; up to a maximum of eight (8) acres can be permitted. All cultivation areas must have access from paved roads with centerline stripe, meeting the Category 4 standard. Exceptions may be considered subject to a separate use permit. Where an exception is sought, the use permit application shall include an evaluation (prepared by a licensed engineer) of the local road network providing access to the site. The Hearing Officer shall not grant an exception unless there is substantial evidence to support a finding that the cultivation sites will not adversely affect the public health, safety, and welfare because the roads as they exist or are improved provide fire safe road access, capacity to support anticipated traffic volumes, maintain water quality objectives, and protect sensitive habitats.

4. Modify the following provisions of the Inland Zoning Ordinance to lower the permit and acreage cap previously established by resolution by amending section 314-55.4.6.8 of Chapter 4 of Division 1 of Title III of the Humboldt County Code is to read as follows:

55.4.6.8 Cap on Permits. The total number of permits issued for commercial cultivation activities (including outdoor, indoor, and mixed-light cultivation and nurseries) shall not exceed 1,400 permits ~~be equally distributed among each of the twelve (12) discrete planning watersheds of Humboldt County as follows: directed by the Board of Supervisors by resolution.~~

<u>Cap Distribution</u>		
<u>Watershed</u>	<u>Permits</u>	<u>Acres</u>
<u>Cape Mendicino</u>	<u>260</u>	<u>89</u>
<u>Eureka Plain</u>	<u>36</u>	<u>12</u>
<u>Lower Eel</u>	<u>134</u>	<u>46</u>
<u>Lower Klamath</u>	<u>64</u>	<u>22</u>
<u>Lower Trinity</u>	<u>68</u>	<u>23</u>
<u>Mad River</u>	<u>134</u>	<u>46</u>
<u>Middle Main Eel</u>	<u>144</u>	<u>50</u>
<u>Redwood Creek</u>	<u>56</u>	<u>20</u>

<u>South Fork Eel</u>	<u>292</u>	<u>100</u>
<u>South Fork Trinity</u>	<u>34</u>	<u>12</u>
<u>Trinidad</u>	<u>8</u>	<u>2</u>
<u>Van Duzen</u>	<u>170</u>	<u>58</u>
<u>TOTAL</u>	<u>1400</u>	<u>480</u>

Once the permit cap for a given watershed has been reached, no additional permit applications for open air cultivation activities will be processed until the Planning Commission and Board of Supervisors consider an analysis of the state of the watershed and the Board approves an increase in the cap. The analysis shall include review of water flow data and applicable studies, or information prepared by State and local agencies and recommendations from the following State agencies: California Department of Fish and Wildlife, North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection. The Board of Supervisors shall not increase the cap unless it:

- a) Finds the results of the required analysis demonstrate that the increase in permits will not have a detrimental effect on the watersheds; and
- b) Approves the cap increase with a vote of at least four (4) supervisors.

Alternative 1

55.4.6.8 Cap on Permits. The total number of permits issued for commercial cultivation activities (including outdoor, indoor, and mixed-light cultivation and nurseries) shall not exceed 1,736 permits ~~be equally distributed among each of the twelve (12) discrete~~ planning watersheds of Humboldt County as follows: ~~directed by the Board of Supervisors by resolution.~~

Cap Distribution		
<u>Watershed</u>	<u>Permits</u>	<u>Acres</u>
<u>Cape Mendicino</u>	<u>327</u>	<u>113</u>
<u>Eureka Plain</u>	<u>33</u>	<u>32</u>
<u>Lower Eel</u>	<u>121</u>	<u>64</u>
<u>Lower Klamath</u>	<u>53</u>	<u>20</u>
<u>Lower Trinity</u>	<u>111</u>	<u>48</u>
<u>Mad River</u>	<u>122</u>	<u>54</u>
<u>Middle Main Eel</u>	<u>185</u>	<u>78</u>
<u>Redwood Creek</u>	<u>55</u>	<u>18</u>
<u>South Fork Eel</u>	<u>451</u>	<u>139</u>
<u>South Fork Trinity</u>	<u>42</u>	<u>27</u>
<u>Trinidad</u>	<u>10</u>	<u>1</u>
<u>Van Duzen</u>	<u>226</u>	<u>84</u>
<u>TOTAL</u>	<u>1736</u>	<u>678</u>

Once the permit cap for a given watershed has been reached, no additional permit applications for open air cultivation activities will be processed until the Planning Commission and Board of Supervisors consider an analysis of the state of the watershed and the Board approves an increase in the cap. The analysis shall include review of water flow data and applicable studies, or information prepared by State and local agencies and recommendations from the following State agencies: California Department of Fish and Wildlife, North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection. The Board of Supervisors shall not increase the cap it:

- a) Finds the results of the required analysis demonstrate that the increase in permits will not have a detrimental effect on the watersheds; and
- b) Approves the cap increase with a vote of at least four (4) supervisors.

Modifications to the Coastal Zoning Ordinance Provisions.

5. Section 313-55.4.4 of Chapter 4 of Division 1 of Title III of the Humboldt County Code (Definitions) is hereby amended to read as follows:

“Cultivation Site” means ~~the location~~ a parcel or contiguous parcels owned in whole or in part by an applicant or an entity owned in whole or in part by an applicant ~~or facility on which~~ cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or ~~that does~~ all or any combination of those activities occur, except where drying, curing, grading or trimming is otherwise prohibited.

6. Modify and add the following provisions of the Coastal Zoning Ordinance to limit the allowed cultivation size on a parcel to not more than 43,560 square feet such that section 313-55.4.5.4.2 is hereby added to Chapter 3 of Division 1 of Title III of the Humboldt County Code to read as follows:

55.4.5.4.2 No new permit and no expanded permit shall be issued **[for an application not already on file with the Planning and Building Department as of December 5, 2023]** which allows more than one acre of cultivation on a Cultivation Site, regardless of parcel size. This includes cultivation pursuant to the Retirement, Remediation and Relocation provision (55.4.6.5.9) of this chapter. Permits issued as to applications filed on or before December 5, 2023, for over one acre on any Cultivation Site are hereby deemed legal and conforming permits.

7. Section 313-55.4.6.1.2.1 of Chapter 3 of Division 1 of Title III of the Humboldt County Code is hereby amended to read as follows:

55.4.6.1.2.1 Allowed Cultivation Area in the AE and RA Zones, Except on Lands with an Agriculture Exclusive/Grazing Plan Designation.

55.4.6.1.2.1.1 Up to ten thousand (10,000) square feet of cultivation area with a special permit and coastal development permit;

55.4.6.1.2.1.2 Greater than ten thousand (10,000) square feet to forty-three thousand five hundred sixty (43,560) square feet of cultivation area with a use permit and coastal development permit on any parcel less than three hundred twenty (320) acres in size, including a combination of separately permitted activities including those permitted pursuant to Section 313-55.4.6.5.7.2.

Notwithstanding the balance of this section, no new applications may be accepted or approved for cultivation over one (1) acre per Cultivation Site after April 4, 2024.

Exception to the one (1) acre maximum: On parcels three hundred twenty (320) acres or

larger in size, up to forty-three thousand five hundred sixty (43,560) square feet of cultivation area per one hundred (100) acre increment can be permitted subject to approval of a use permit and coastal development permit, up to a maximum of eight (8) acres. All cultivation area must have access from paved roads with centerline stripe, meeting the Category 4 standard. Exceptions to the road standard may be considered subject to a separate use permit. Where an exception is sought, the use permit application shall include an evaluation (prepared by a licensed engineer) of the local road network providing access to the site. The Hearing Officer shall not grant an exception unless there is substantial evidence to support a finding that the cultivation site(s) will not adversely affect the public health, safety, and welfare because the roads as they exist or are improved provide fire safe road access, capacity to support anticipated traffic volumes, maintain water quality objectives, and protect sensitive habitats.

8. Section 313-55.4.6.8 of Chapter 3 of Division 1 of Title III of the Humboldt County Code is hereby amended as follows:

55.4.6.8 Cap on Permits. The total number of permits that may be issued for commercial cultivation activities (including outdoor, indoor, and mixed-light cultivation and nurseries) and the maximum acreage that may be permitted in each of the six local coastal plan areas shall be as follows:

Coastal Planning Area	Permits	Acres
North Coast Area Plan	<u>0</u> 4	<u>0</u> 2
Trinidad Area Plan	0	0
McKinleyville Area Plan	<u>1</u> 4	<u>1</u> 2
Humboldt Bay Area Plan*	<u>13</u> 38	<u>4</u> 13
Eel River Area Plan	<u>38</u> 112	<u>13</u> 39
South Coast Area Plan	<u>4</u> 13	<u>2</u> 5
Total	<u>56</u> 171	<u>20</u> 61

*Cannabis cultivation sites on properties zoned MG – industrial general or CG – commercial general with public water from the Humboldt Bay Municipal Water District may be exempt from the cap with a will-serve letter from the district providing public water service to the site.

Once the permit cap for a given local coastal plan has been reached, no additional permit applications for open air, mixed-light and indoor cultivation activities will be processed until the Planning Commission and Board of Supervisors consider a review of the limits and prescribed distribution of permitting and acreage allowances found in the above table and the Board approves an increase in the cap by amendment of this section of the

Humboldt County Code certified by the California Coastal Commission. Board rReview shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and State agencies shall be contacted and invited to provide and present input to be considered by the Board during annual review. After holding a public hearing and considering all public testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds. The Board of Supervisors shall not increase the cap unless it:

- a) Finds the results of the required analysis demonstrate that the increase in permits will not have a detrimental effect on the watersheds; and
- b) Approves the cap increase with a vote of at least four (4) supervisors.