

**Humboldt County Board of Supervisors  
Agenda Item Transmittal**

**Board Initiated**

**From:** Supervisor Mark Lovelace  
**Meeting Date:** July 12, 2011  
**Time Required:** 15 minutes

**Contact for Information**

**Name:** Kat Hayes  
**Telephone:** 476-2396

**Subject:** Update from Medical Marijuana Subcommittee.

**Summary:**

On September 8th, 2009, the Board of Supervisors appointed Supervisors Smith and Lovelace as a subcommittee to research issues relating to the regulation of medical marijuana. The need for the subcommittee arose in response to growing concerns about the impacts from marijuana cultivation in residential neighborhoods, environmental harm from 'diesel dope' operations in rural watersheds and trepidation about storefront 'dispensary' operations for collective or cooperative grows.

On December 14<sup>th</sup>, 2010, the subcommittee provided a report to the Board outlining the scope of separate issues it had identified, including indoor cultivation, outdoor cultivation, dispensaries, edibles, distribution, testing and labeling. The subcommittee's investigations led it to the recognition that management and regulation of medical marijuana touches upon virtually every County department and every area of County policy, all of which would need to be addressed as part of a suite of regulation.

Following upon the subcommittee's recommendation, the Board directed staff to initially bring forward a draft ordinance addressing only residential cultivation for personal use and operation of medical marijuana collectives, cooperatives and delivery services. Other issues would be addressed separately by other ordinances in the future. The Board further directed staff to present the draft ordinance to the Planning Commission at their January 6<sup>th</sup> meeting, and to continue the discussion to a future meeting, with the option of scheduling one or more public workshops on the subject.

The Planning Commission has considered the current draft ordinance at three separate meetings. Most recently, on May 12<sup>th</sup> the Commission expressed uncertainty as to whether the scope of the draft ordinance was sufficient or whether it should be expanded to include other issues, specifically outdoor cultivation. Alternately, some concerns were expressed that certain areas of regulation are not related to land use and thus should not fall under the purview of the Planning Commission.

To address these questions, the Medical Marijuana Subcommittee is recommending that the Board reaffirm its previous direction to develop a series of separate ordinances and request the Planning Commission complete their review of the current draft ordinance. The subcommittee further recommends that the Board direct it to meet with the CAO, Sheriff and other department heads to determine appropriate departmental responsibility for other areas of regulation and return to the Board with a workplan.

In its investigations the subcommittee has become familiar with the outdoor cultivation ordinance that Mendocino County has developed and implemented over the last few years (Medicinal Marijuana Cultivation Regulation Section 9.31). The subcommittee believes that this ordinance, or one closely based on it, could be well-suited for addressing similar issues with outdoor cultivation here in Humboldt County. The subcommittee would like to invite representatives from Mendocino County to make a presentation on their ordinance to our Board.

**Requested Action:**

1. Receive an update from the Subcommittee and from Planning Staff on the development of the County's Medical Marijuana Land Use Code
2. Reaffirm direction to develop a series of separate ordinances to address individual issues
3. Request Planning Commission complete their review of the draft ordinance addressing indoor cultivation within residences and dispensaries and provide their recommendation to the Board
4. Direct the Subcommittee to meet with the CAO, Sheriff and other department heads to determine appropriate departmental responsibility for other areas of regulation and return to the Board with a workplan.



\_\_\_\_\_  
**Signature**

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**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**  
Upon motion of Supervisor \_\_\_\_\_ Secended by  
Supervisor \_\_\_\_\_

Ayes  
Nays  
Abstain  
Absent

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**Kathy Hayes, Clerk of the Board**