

HCRI Restrictions on “Expansion” Include an Effective Prohibition on New Structures For Existing Farms

The HCRI defines “expansion” to include “an increase in the number or size of any structures used in connection with cultivation.”

• “Expanded,” when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean an increase in the size, intensity, or resource usage of commercial cannabis cultivation activities on a parcel or premises where such activities have previously been permitted, regardless of whether authorization for expanded uses is sought by way of an application for a new permit or zoning clearance or an application for a modification to an existing permit or zoning clearance. Examples of “expanded” uses include, but are not limited to, an increase in cultivation area, water usage, energy usage, or the number or size of any structures used in connection with cultivation.

Any “expansion” under the HCRI triggers a requirement for Category 4 roads.

CC-P13: **Roads.** Where any parcel on which a permit for new or expanded commercial cannabis cultivation activities is proposed is served by a private road without a centerline stripe, a licensed engineer’s report shall be required to support a conclusion that the road meets or exceeds the Category 4 standard (or same practical effect).

The HCRI prohibits “expansion” for any farms over 10,000 square feet.

CC-P2: **Limitations on Cultivation Types, Methods and Area for New and Expanded Permits.** Except for pending applications that the County determines were complete on or before March 4, 2022, the following limitations shall apply to any application for a permit, permit modification, or zoning clearance for new or expanded commercial cannabis cultivation that is approved following the Effective Date of the Humboldt Cannabis Reform Initiative:

(a) The County shall not approve an application if the total cultivation area that would result from approval exceeds 10,000 square feet.

(b) The County shall not approve an application that proposes a type of cultivation other than Outdoor Cultivation, Mixed-light-Tier 1 Cultivation, or Nursery.

The limitations in this Policy CC-P2 shall not apply to an application for renewal of an existing permit or zoning clearance that does not propose or involve any expanded use.

The HCRI requires a discretionary review process for any “expansion” on any farms over 3,000 square feet.

CC-P8: **Discretionary Review.** An application for commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall not be approved by way of a zoning clearance or other ministerial approval. Commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall require a conditional use permit, special permit, or equivalent discretionary permit, and a coastal development permit where applicable. The County may by ordinance require a conditional use permit, special permit, or equivalent discretionary permit for commercial cannabis cultivation with a total cultivation area of less than 3,000 square feet. This policy shall apply to all applications for new or expanded commercial cannabis cultivation activities regardless of the size, land use designation, or zoning classification of the parcel on which cultivation is proposed.

The HCRI Prohibits Cultivators from Obtaining Additional Permits for Ancillary Activities

The HCRI prohibits cultivators from holding “more than one active permit” approved after the effective date of the initiative.

CC-P5: **Multiple Permits.** No approval of a permit for commercial cannabis cultivation shall result in either of the following: (a) any one person holding more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative at the same time, or (b) more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative on the same legal parcel at the same time.

The HCRI Prohibits the County from Issuing New Licenses for Processing

The HCRI defines “cultivation” to include drying, curing, grading, and trimming. These are activities that would be authorized under a “processing” license at the county and state level.

- “Commercial Cannabis Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries, that is intended to be processed, manufactured, distributed, dispensed, delivered, and sold. For purposes of this Section 4.9, “Commercial Cannabis Cultivation” shall not include either of the following: (a) cultivation, processing, or storage of cannabis for a single person or household’s exclusive use; or (b) cultivation, processing, or storage of medical marijuana or cannabis for a single qualified patient’s use..

The HCRI prohibits a cultivation permit from being issued unless it’s for outdoor cultivation, mixed-light 1 cultivation, or a nursery. Processing licenses are not permitted.

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(a) The County shall not approve an application if the total cultivation area that would result from approval exceeds 10,000 square feet.

(b) The County shall not approve an application that proposes a type of cultivation other than Outdoor Cultivation, Mixed-light-Tier 1 Cultivation, or Nursery.

The limitations in this Policy CC-P2 shall not apply to an application for renewal of an existing permit or zoning clearance that does not propose or involve any expanded use.

The HCRI Amends the General Plan to State that All Farms Over 10,000 Square Feet Inherently “Damage the Environment and Harm the Community”

CC-G2: **Prevent large-scale grows that damage the environment and harm the community.** Limit new and expanded commercial cannabis cultivation permits to Outdoor Cultivation, Mixed-light Tier 1 Cultivation, and Nurseries with a maximum cultivation area of 10,000 square feet.

The HCRI Prohibits Annual Renewal of a Cultivation Permit Based on any Outstanding Complaint, Regardless of Whether the Complaint has been Validated

CC-P4: **Permit Renewal Conditions.** Permits shall not be renewed unless all of the following conditions are satisfied:

(a) The County has conducted at least one on-site, in-person inspection of the premises within one year prior to the permit expiration date. The County may provide up to 24 hours' advance notice of any such inspection, but advance notice is not required. On-site inspection by the permittee, or by any employee or agent of the permittee, shall not be sufficient to satisfy this requirement.

(b) The County determines that any and all violations of permit conditions or applicable laws have been corrected.

(c) The County has considered and investigated any and all comments or complaints received from members of the public concerning the commercial cannabis cultivation operation's compliance with permit conditions or applicable laws.

The HCRI Redefines Mixed-Light Cultivation to Include Any Use of a Structure, Therefore Increasing Measure S Taxes

• “Mixed-Light Cultivation” means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of:

(1) Natural light and light deprivation, and either of the models listed below:

(A) “Mixed-light Tier 1,” without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot;

(B) “Mixed-light Tier 2,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot; or

(2) Natural light and either of the models listed below:

(A) “Mixed-light Tier 1,” the use of artificial light at a rate above zero, but no more than six watts per square foot;

(B) “Mixed-light Tier 2,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

The HCRI Can Only be Amended By Another Ballot Initiative

SECTION 2: HUMBOLDT COUNTY GENERAL PLAN AMENDMENTS

This Initiative hereby amends the Humboldt County General Plan (“General Plan”), as amended through March 4, 2022, the date that the notice of intention to circulate this Initiative was submitted to the elections official of the County of Humboldt (“Submittal Date”). Except as specifically provided in this Initiative, the amendments in subsections A.1 and A.2 of this Section 2 may be changed only by a vote of the people