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September 25, 2016

Via Electronic Mail

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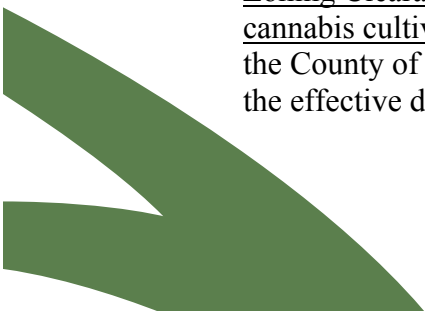
Re: *Amendment of County Ordinance 2544 (CMMLUO) in Violation of Judgment*

Dear Counsel:

Robert Sutherland received correspondence from Mr. Lazar on Saturday morning that included as an attachment Planning and Building Policy Statement No. 16-006. As indicated in my August 29, 2016 correspondence with your office and subsequent discussion with Mr. Lazar and Ms. Duke on September 13, 2016, we consider the policy position described in this Statement to be an amendment and expansion of the CMMLUO in violation of the settlement agreement reached by the Humboldt-Mendocino Marijuana Advocacy Project (HUMMAP) and the County (CV-160171). Unless the policy statement is withdrawn by close of business, Tuesday, September 27, it is our intention on Wednesday, September 28 to file an application for an order to show cause why the County should not be held in contempt for violation of the terms of the settlement agreement pursuant to the court's continuing jurisdiction over this matter. We will also seek attorneys' fees and costs incurred in enforcement of the judgment.

Section CMMLUO section 55.4.9.4 unambiguously requires:

All operators of existing cultivation sites seeking recognition of cultivation activities that occurred on or before January 1, 2016, for purposes of obtaining a Zoning Clearance Certificate or discretionary permit for ongoing commercial cannabis cultivation for medical use pursuant to the CMMLUO shall register with the County of Humboldt Department of Planning & Building within 180 days of the effective date of this ordinance. (emphasis added)



Section 55.4.8.2.2 requires that permits only be issued “when possible to bring the cultivation into compliance with all applicable standards set forth in [the Ordinance]” which must include registration to demonstrate existence as of January 1, 2016.

The ordinance offers no alternative to registration by which a permit applicant may establish existence by January 1, 2016. This interpretation is consistent with the information provided the public by the County *even as of the date of this letter*.

Please confirm by tomorrow, September 27, that the County has not and will not issue commercial grow permits under the CMMLUO to any existing grower that did not register pursuant to CMMLUO section 55.4.9.4 by August 23, 2016.¹

Please consider this letter an invitation to meet and confer regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Rachel S. Doughty".

Rachel S. Doughty
Counsel for HUMMAP

¹ Of course, the County may allow for additional registration or an alternative means of establishing existence as of January 1, 2016. To do so, however, it must prepare an Environmental Impact Report and appropriate public notice and comment.