



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**OFFICE OF THE DIRECTOR**

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**MEMORANDUM**

Date: September 22, 2016

To: Board of Supervisors, County of Humboldt

cc. Michael T. Downey, Sheriff; Maggie Fleming, District Attorney; Jeff M. Dolf Agriculture Commissioner; Connie Beck Director of Department of Health & Human Services; Jeffrey S. Blanck, County Counsel

From: Rob Wall, Interim Director of Department of Planning and Building

*RSW*

Re: Determination of "Good Standing" with the County of Humboldt for purposes of the Medical Cannabis Regulatory and Safety Act (MCRSA), Business & Professions Code section 19321 (b).

On December 8, 2015, the Humboldt County Board of Supervisors adopted Resolution No. 15-127 (copy attached), establishing the Commercial Cannabis Activity Registry program, in part to provide a means for persons seeking to demonstrate that they had established commercial cannabis activities in operation by January 1, 2016, to enable the County of Humboldt to certify that such operations were in good standing with the County so that the applicant would be entitled to priority license consideration by state licensing authorities pursuant to the MCRSA. The pertinent provision in the statute is found in the last sentence of Business & Professions Code § 19321 (b):

. . . In issuing licenses, the [state] licensing authority shall prioritize any premises or person that can demonstrate to the authority's satisfaction that the premises or person was in operation and in good standing with the local jurisdiction by January 1, 2016.

Resolution 13-127 also provided:

Within thirty (30) days of the adoption of this resolution the Department of Planning and Building shall consult with the County Agricultural Commissioner, the County Department of Public Health, the Humboldt County District Attorney, and the Humboldt County Sheriff, and develop criteria for the determination of what constitutes being "in good standing" with the County of Humboldt as of January 1, 2016, for as many of the 17 commercial cannabis activity license categories under state law as possible, and develop an appropriate form of certification for presentation to state license authorities for priority processing.

We have now completed the consultation process with all departments listed in the Resolution, plus the Department of Health and Human Services (including its Division of Environmental Health), to establish the appropriate standards and process for determination of good standing for purposes of certification to state licensing authorities in order to qualify for priority processing of state license applications.

### Criteria for "Good Standing" Certification by the County of Humboldt

1. The applicant must establish that they were "in operation" on or before January 1, 2016;
2. The applicant must file a Commercial Cannabis Activity Registration Form with the Humboldt County Department of Planning and Building on or before August 23, 2016;
3. The applicant must apply for a zoning clearance certificate, special permit or use permit pursuant to Ordinance No. 2544, on or before December 31, 2016. In the case of a Type 12 transporter only license, the applicant shall apply for a cannabis transporter business license from the Humboldt County Tax Collector, when available;
4. The Department of Planning and Building shall consult with the Humboldt County Sheriff's Office, the District Attorney, the Agricultural Commissioner, and the Environmental Health Division of the Department of Health and Human Services to determine whether or not an applicant eligible for a Certificate of Good Standing has any prior history or outstanding violation of relevant criminal or health and safety violations relating to the proposed activities.

Not all violations will necessarily be disqualifying. Conditions that are acknowledged by the applicant and can be cured or remediated by the applicant as a condition of approval, as agreed by the relevant county department responsible for enforcing the pertinent statute, ordinance, or regulation may not prohibit the applicant from obtaining a Certificate of Good Standing; and

5. The applicant is issued the relevant zoning clearance certificate, special permit, use permit, or business license on or before the date that the state licensing authority begins to accept applications pursuant to MCRSA for the license type being sought.

Applicants who satisfy the above five criteria shall be issued a Certificate of Good Standing for submission to the state licensing authority in conjunction with their state license application. The final determination of whether or not to issue a Certificate of Good Standing shall be made by the Director of the Department of Planning and Building.

The County of Humboldt makes no representation or warranty that the state licensing authorities will extend priority processing to applicants holding a Certificate of Good Standing from the County of Humboldt. The Department of Planning and Building will endeavor to establish with the state licensing authorities within the Bureau of Medical Cannabis Regulation, the Department of Public Health, and the Department of Food and Agriculture, that the Humboldt County Certificate of Good Standing will be a satisfactory demonstration of good standing with the local jurisdiction for purposes of prioritization of license application processing.