

Emailed November 13, 2024 to: Planningclerk@co.humboldt.ca.us

Hearing Date November 21, 2024

Re: PLN-11638-CUP, PLN-11642-ZCC, PLN-11643-CUP

ANY CUP APPROVAL TO TRANSPORT CANNABIS

IS A VIOLATION OF FEDERAL LAW.

RESIDENTS OBJECT TO TRANSPORTATION OF CANNABIS

ON PRIVATE EASEMENTS & COUNTY ROADS CLARK, MALLAN & ALDERPOINT.

Introduction

The Humboldt County Planning Commission **cannot approve any CUP** that is engaged in cannabis-related business because “cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law.” *JCCrandall LLC v. County of Santa Barbara*, Case No. B333201, 2024 WL 4599304, Oct. 29, 2024.

Discussion

In a landmark case Second District Court of Appeal’s unanimous decision draws attention to: (1) private property rights where cannabis remains illegal under federal law and (2) permitted cannabis activity under California Civil Code Section 1550.5(b) defies the Supremacy Clause Article VI, Clause 2.

Presiding Justice Albert Gilbert stated, “No matter how much California voters and the Legislature might try, cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law.” *JCCrandall LLC v. County of Santa Barbara*.

Residents’ Objection: Federal Law Prohibits Illegal Transportation of Cannabis

The JCCrandall decision empowers private property owners to refuse to contract with cannabis businesses and restricts local government from approving cannabis operations that implicate the property rights of neighbors who object. Here, property owners of private easements and residents on county roads object to transportation of cannabis on the grounds that it is illegal under federal law. The Planning Commission cannot approve either CUP because “cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law.” *JCCrandall LLC v. County of Santa Barbara*.

Objection: Federal Law Prohibits Cannabis-Related Businesses

Joshua Sweet incorporated the Hills, LLC and the Shadow Light Ranch, LLC to engage in cannabis business. The California Corporations Code Section 202(b)(1)(A) states, "The

purpose of the corporation is to engage in any lawful act or activity . . ."). Under the JJCrandall ruling any corporation engaged in cannabis-related business is illegal. The Planning Commission cannot approve either CUP because "cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law." *JJCrandall LLC v. County of Santa Barbara*.

Federal Law Preempts California Civil Code Section 1550.5(b)

California Civil Code Section 1550.5(b) clearly states neither state nor county can approve cannabis commercial activities that is contrary to "federal law."

The Court of Appeal in JJCrandall, unequivocally ruled that federal law is supreme and preempts Section 1550.5(b):

"The subdivision (1550.5(b)) defies the Supremacy Clause. No matter how much California voters and the Legislature might try, cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law."

In light of this landmark ruling, the Humboldt Planning Department and Commission may want to consider the possible application of 18 U.S.C. § 2(a) when considering whether to approve any commercial activity which defies federal law. Federal law is clear: "Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal."

Summary of Objections and Conclusion

Landowners on non-county and county-roads object to the approval of either CUP on the grounds that "cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law." *JJCrandall LLC v. County of Santa Barbara*

The Humboldt County Planning Commission **cannot approve any CUP** for cannabis-related business because "cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law." *JJCrandall LLC v. County of Santa Barbara*.