A CITIZEN’S GUIDE TO THE HUMBOLDT COUNTY COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE

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EPIC

WildCalifornia.org
DISCLAIMER

• The handbook is not exhaustive. We recommend you read the law, ask questions, and consult with professionals.

• The handbook does not provide legal advice and should not be used as a substitute for obtaining legal advice from an attorney licensed to practice in your jurisdiction.

• Note: No application for any Zoning Clearance Certificate, Special Permit, or Use Permit will be processed or approved if it is received after December 31, 2016.
CALIFORNIA LAW
MEDICAL MARIJUANA
REGULATION SAFETY ACT

“Requires that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters.”

“Nothing in the regulation shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.”
THREE STEPS TO LEGALIZE A CANNABIS FARM

1. Register farm;
2. Apply for a permit from the Humboldt County Planning & Building Department; and
3. Meet all Performance Standards.
STEP 1. REGISTER FARM

Humboldt County Registration Program:

• Provision within the MMRSA, “In issuing licenses, the licensing authority shall prioritize any facility or entity that can demonstrate to the authority's satisfaction that it was in operation and in good standing with the local jurisdiction by January 1, 2016” Business and Professions Code section 19321 (c).

• The deadline to submit registration to be recognized as “An existing operation” is July 31, 2016.
STEP 2. APPLY FOR A PERMIT FROM THE HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT

A. Determine what type of certificate or permit you will need

- Zoning Clearance Special, or Use Permit
  - There are five types of permits:
    1) Cultivation
    2) Processing (CUP)
    3) Manufacturing (CUP)
    4) Distribution (CUP)
    5) Nurseries (CUP)

B. Meet standard application requirements
Zoning Clearance Certificate
• “Ministerial.” Complete the checklist

Special Permit
• “Discretionary.” Additional site-specific conditions to ensure operation has a minimal impact to the environment
• Neighbors are noticed
• County staff or neighbors may request a hearing on your application before the Planning Commission

Use Permit
• “Discretionary.” Additional site-specific conditions to ensure operation has a minimal impact to the environment
• Planning staff and the applicant present to the Hearing Officer, Planning Commission, or Board of Supervisors
• Environmental review under CEQA
WHAT IS CULTIVATION AREA?

Cultivation area is defined as “the sum of the area (s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on a single premises.”

- Garden beds or plots
- Exterior dimensions of hoop houses or green houses
- Total area of each of the pots, bags or garden beds containing cannabis plants on the premises
- Maximum anticipated extent of all vegetative growth of cannabis plants to be grown on the premises
WHAT IS YOUR ZONING DISTRICT?

ZONING DISTRICTS for commercial cannabis cultivation include:

- Rural Residential Agriculture (RA)
- General Agriculture (AG)
- Agriculture Exclusive (AE)
- Flood Plain (FP)
- Design Floodway (DF)
- Forestry Recreation (FR)
- Unclassified (U)
- Timber Production Zone (TPZ)
- Community Commercial (C-2)
- Industrial Commercial (C-3)
- Business Park (MB)
- Limited Industrial (ML)
- Industrial General (MG)
- Heavy Industrial (MH)
# Cultivation Permit Types for Outdoor and Mixed Light

## Table of Permit Types

<table>
<thead>
<tr>
<th>Parcel Size</th>
<th>Permit Tier</th>
<th>Cultivated Area Size Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA less than 5 acres</td>
<td>New Commercial Cultivation Not Permitted</td>
<td>0 sq ft</td>
</tr>
<tr>
<td>Existing on AE parcels less than 1 acre in size <strong>Per section A</strong></td>
<td>III – Use Permit</td>
<td>up to 2,500 sq ft</td>
</tr>
<tr>
<td>Existing on AE, AG over 1 acre or RA, FP, DF, FR, TRZ, and U 5 acres and above <strong>Per section B</strong></td>
<td>I - Zoning Clearance Certificate</td>
<td>up to 5,000 sq ft</td>
</tr>
<tr>
<td></td>
<td>II - Special Permit</td>
<td>5,000 - 10,000 sq ft</td>
</tr>
<tr>
<td></td>
<td>III - Use Permit</td>
<td>&gt;10,000 - 43,560 sq ft (outdoor)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&gt;10,000 - 22,000 sq ft (mixed)</td>
</tr>
<tr>
<td>New on AE, AG, FP, DF, and U parcels between 1 and 5 acres in size <strong>Per section C</strong></td>
<td>III - Use Permit</td>
<td>up to 5,000 sq ft</td>
</tr>
<tr>
<td>New on AE, AG, FP, DF, U, and RA parcels 5 acres to 320 acres <strong>Per section D</strong></td>
<td>I - Zoning Clearance Certificate</td>
<td>up to 10,000 sq ft</td>
</tr>
<tr>
<td>New on AE, AG, FP, DF, U, and RA parcels 320 acres and above <strong>Per section E</strong></td>
<td>III – Use Permit for more than 10,000 sq ft, or more than one permit per parcel</td>
<td>See section E</td>
</tr>
</tbody>
</table>

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See page 7 for the General Provisions

**Note:**
- **Per section A**
- **Per section B**
- **Per section C**
- **Per section D**
- **Per section E**
Cultivation shall be located in an existing non-residential structure.

Electrical power for indoor cultivation operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources.
STEP 2A.
APPLICATION REQUIREMENTS

- Evidence of ownership or permission
- Site Plan of entire parcel
- A Cultivation and Operations Plan
- If applicable, a Less-than-3-acre Conversion Permit from CAL-FIRE
- If applicable, a copy of the statement of water diversion from State Water Resources Control Board, Division of Water Rights
- Description of water source, storage, irrigation plan, and projected water usage
- Copy of Notice of Intent filed with the Regional Water Board Order No. 2015-0023
- A copy of the Streambed Alteration Permit from the Department of Fish & Wildlife
- If the source of water is a well, provide a copy of the County well permit
- For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements, and plan for compliance with applicable County Building Codes
FOREST RESOURCE ZONES
TPZ, U, FR

• If cultivation involves the conversion of timberland as defined a copy of a less-than-3-acre conversion exemption approved by CAL-FIRE.

• For existing operations without approved less-than-3-acre conversion exemptions, contact CAL-FIRE.

• No expansion of the existing cultivation area shall be permitted. No permits will be issued for new cultivation (ground disturbance and/or clearing).
STEP 3. MEET PERFORMANCE STANDARDS

- Compliance Agreement
- Valid State License
- Water Source
- Well Water
- Bulk Water Trucking
- Streambed Alteration Permit from DFW
- If the source of water is a well, provide a copy of the County well permit
- Set backs
- Water Board Order
- On-site inspections
- Dangerous chemicals
- Fees
- Special Conditions
- Generator noise
- Storage of fuel
- Artificial lighting
Cannabis cultivation must be conducted in compliance with all laws.

If upon inspection for the initial application:

• Violations of are discovered → an approved Compliance Agreement must be signed by the applicant and the relevant enforcement agencies;

• Violations must be cured as soon as possible, but in no more than two years of date of issuance of provisional permit;

• Applicants shall provide plans for curing violations within one year of issuance of the provisional clearance or permit;

• Once the violations are cured, the permit will no longer be provisional;

• The violations subject to a compliance agreement are only activities related to commercial cannabis activity.
Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, the applicant shall either:

1. Consent to:
   a) No surface water diversions from May 15th to October 31st of each year
   b) Establish on-site water storage sufficient to provide adequate irrigation water for the size of the area to be cultivated

2. Submit a water management plan prepared by a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions.

OR

1. Obtain approval from the NCRWQCB through enrollment pursuant to NCRWQCB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan.
BULK WATER TRUCKING

Bulk Water Trucking: Is prohibited, except for emergencies.

For purposes of this provision, “emergency” is defined as “a sudden, unexpected occurrence demanding immediate action.”
WATERCOURSES, WETLANDS AND ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Maintain required setbacks as described in the County Streamside Management Area Ordinance.

- 100’ from perennial streams
- 50’ from intermittent streams
INSPECTIONS

On-Site Inspection: Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am - 5:00 pm, excluding holidays).
The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences, (no more than 60 decibels measured at the property line).
PERFORMANCE STANDARDS
MIXED LIGHT

Using artificial lighting?

• Shield greenhouses so that little to no light escapes.
• Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
RETIREMENT, REMEDIATION, AND RELOCATION

- Sites eligible for RRR incentives are those that were in operation on or before January 1, 2016 and are located in TC, FR, TPZ, U, RA, AG, or AE zones.
- With source of irrigation water without DWR water right, or DFW streambed alteration permit on parcels
- With slopes in excess of 15%. See section 55.4.14.3 of CMMLUO for more information.
The County shall develop a program for recognition of commercial cannabis cultivators meeting the following criteria:

- Cultivation area of 3,000 sq ft or less
- Operated permit holder who resides on the same parcel as the cultivation site
- Grown exclusively with natural light
- Meets organic standards (1/1/20)
PERFORMANCE STANDARDS SPECIFIC FOR CANNABIS PROCESSING

- Summary of processing practices;
- Description of location where processing will occur;
- Estimated number of employees, if any;
- Summary of employee safety practices;
- Description of toilet and hand-washing facilities;
- Description of plumbing and/or septic system and whether or not the system is capable of handling increased use;
- Description of source of drinking water for employees;
- Description of increased road use resulting from processing and a plan to minimize impacts; and
- Description of on-site housing, if any.
WHY PARTICIPATE?
WHY PARTICIPATE?

• It’s good for forests, fish and rivers
• It’s good business
• Honor the knowledge and craft of North Coast farmers
• Keep police from knocking at the door
MAKE AN APPOINTMENT WITH THE COUNTY

CALL THE CANNABIS HOTLINE
707.268.3795
Thank You to Our Sponsors!