

ATTACHMENT 7

PLANNING COMMISSION STAFF REPORT



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

3015 H Street Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: Meeting of December 3, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: Public Hearing on Draft Amendments to the Cannabis Dispensaries Ordinance; Case No.: PLN-2020-16688

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Please contact Lana Adler, Planner, at 445-7541, or by email at eadler@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date December 3 rd , 2020	Subject Amendments to the Coastal and Inland Dispensary Ordinances	Contact Lana Adler
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Project Description: This item involves proposed amendments to the Coastal and Inland Dispensary Ordinances (Section 313-55.3 and 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code) to modify the allowed hours of operation for cannabis dispensaries to conform to state law and to ensure information is provided to both employees and the public about the danger of cannabis use during pregnancy and while breastfeeding. The Planning and Building Department is recommending the Planning Commission approve of the proposed changes to the Zoning Regulations. The Planning Commission will be making recommendations to the Board of Supervisors for final action.

Project Location: The proposed ordinance amendments would apply throughout the unincorporated areas of Humboldt County, including the Coastal Zone.

Present Plan Designations: Various.

Present Zoning: Various.

Environmental Review: This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines, which states an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly.

Also, adoption of the Coastal Dispensary Ordinance Amendments is statutorily exempt from CEQA pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251 (f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).

State Appeal Status: The Coastal Dispensary ordinance amendments that affects land use within the coastal zone must be certified or otherwise approved by the Coastal Commission prior to taking effect.

AMENDMENTS TO THE COASTAL AND INLAND CANNABIS DISPENSARY ORDINANCES

Recommended Commission Action

1. Open the public hearing.
2. Request that staff present the staff report.
3. Receive public testimony.
4. Deliberate and comment on the draft ordinance amendments, public input, and alternatives presented.
5. Take the following action:

“Based on evidence in the staff report and public testimony, adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and 15265 of the State CEQA Guidelines; and that the Board of Supervisors adopt the Cannabis Dispensary Ordinance amendments.”

Executive Summary: The first proposed amendment to the Cannabis Dispensary Ordinance (Section 313-55.3 and 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code) would allow dispensary operating hours to align with State Guidelines. Currently dispensaries within the unincorporated areas of the County are allowed to be open between the hours of 10 a.m. and 7:00 p.m. daily. However, state law (California Code of Regulations, Title 16, Division 42, Section 5403 Hours of Operation), allows dispensaries to be open between 6:00 a.m. and 10:00 p.m. daily - eight hours longer than the County's ordinance. Both the Inland and Coastal Dispensary Ordinances are proposed to be amended to allow the longer open hours provided by the state.

The second amendment will align the ordinance with Board of Supervisors Resolution No. 19-83 that was passed on August 20, 2019. The Resolution recognizes that consumption of cannabis during pregnancy and while breast feeding can have health impacts on the child. The proposed amendments will require information be made available to employees of cannabis dispensaries and to clients warning them of about the danger of cannabis use during pregnancy and while breastfeeding. The Department of Health and Human Services has compiled informational brochures, palm cards, and rack cards to be made available in dispensaries.

Environmental Review

This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines, which states an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly.

The County's adoption of the Coastal Dispensary Ordinance Amendments is statutorily exempt from CEQA pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a

regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).

Public Comment

Attachment 3 includes a letter dated September 1st, 2020 from the Humboldt County Growers Alliance (HCGA) to the Board of Supervisors to request that an amendment be made to the Dispensary Ordinance to be consistent with State Law. The letter states that state regulations allow dispensaries to be open from 6:00AM to 10:00PM and advocates for aligning the County requirements with those of the state.

Alternatives: The Planning Commission could include different hours of operation in the ordinance provided they are not outside the parameters set by the state. This alternative is not recommended as there is no evidence has been presented supporting this alternative and the Board of Supervisors has signaled its desire for the County to align its ordinance with state law.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

Case Number PLN-2020-16688

RECOMMENDS THAT THE BOARD OF SUPERVISORS CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPT THE AMENDMENTS TO SECTION 313-55.3 AND 314-55.3 OF CHAPTER 4 OF DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE - THE DISPENSARIES ORDINANCE.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, on October 20, 2020, the Board of Supervisors directed staff to bring forward amendments to the County's Cannabis Dispensary Ordinance 2554 to allow for longer operating hours aligned with State Guidelines; and

WHEREAS, the proposed amendment will also align the ordinance with Board of Supervisors Resolution No. 19-83 which recognizes that consumption of cannabis during pregnancy and while breast feeding can have health impacts on the child, and directs ordinance amendments to require information be made available to employees of cannabis dispensaries and to clients warning them of about the danger of cannabis use during pregnancy and while breastfeeding; and

WHEREAS, the proposed Dispensary Ordinance Amendments align with these directives of the Board of Supervisors;

WHEREAS, Exhibit A to this resolution includes substantial evidence in support of making all the required findings for approving the proposed amendments to the zoning text; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on December 3, 2020, during which the Planning Commission reviewed the staff report, took public comments, and deliberated on the draft Cannabis Dispensary Ordinance amendments;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings are hereby made:

1. The proposed ordinance amendments are in the public interest; and
2. The proposed ordinance amendments are consistent with the General Plan; and
3. The proposed ordinance amendments do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
4. The Planning Commission makes the findings in Exhibit A of this resolution, which is incorporated fully herein, based on the evidence provided.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the ordinance amending the Zoning Regulations of the Coastal Zoning Ordinance (Section 313 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 1 of this staff report and summarized as follows:
 - (a) Sets forth standards for dispensaries, in accordance with state law, for hours of operation, and standards for warning clients and employees of the danger of cannabis use during pregnancy and while breastfeeding.
3. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of this staff report and summarized as follows:
 - (a) Sets forth standards for dispensaries, in accordance with state law, for hours of operation, and standards for warning clients and employees of the danger of cannabis use during pregnancy and while breastfeeding.
4. Direct Planning staff to submit the Coastal Zoning Ordinance and amendments to the Coastal Plans to the Coastal Commission for certification.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk.
6. Direct the Clerk of the Board to publish within 15 days of approval a post approval summary in a newspaper of general circulation and give notice of the decision to interested parties.

Adopted after review and consideration of all the evidence on _____, 2020.

The motion was made by Commissioner . and seconded by Commissioner .

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford
Director, Planning and Building Department

A. Required Findings for Amendments to the Zoning Regulations

State Planning and Zoning Law (Government Code Section 65000 et seq.), and Section 312-50 of the Humboldt County Code (HCC) state the following findings must be made to approve changes in the Zoning Maps and Regulations:

- (1) The proposed amendment is in the public interest;
- (2) The proposed amendment is consistent with the General Plan;
- (3) The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

B. Required Findings for Consistency with the Coastal Act

Amendments to Local Coastal Plans must conform with the Coastal Act. Title 14, Section 13551 of the Coastal Commission's Administrative Regulations, Public Resources Code, Section 30200.

- (4) Section 312-50.3.3 HCC requires proposed amendments to conform to the policies contained in Chapter 3 of the Coastal Act, which sets forth policies regarding the following issues:

Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)

Recreation (including protection of water-oriented activities, ocean- front land protection for

recreational uses, aqua- cultural uses, and priority of development purposes)

Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)

Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)

Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)

Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

C. California Environmental Quality Act (CEQA)

The proposed Inland and Coastal Ordinances are exempt from environmental review This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines as

detailed in the Evidence section below. The ordinance amendments in the coastal zone are exempt from environmental review because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program

Facts Supporting the Required Findings

A. Findings for Amendments to the Zoning Regulations:

The following table identifies facts which supports finding that the proposed zoning ordinance amendment meets all the required findings in the zoning ordinance.

Section(s)	Required Finding
1. Public Interest §312-50 of Humboldt County Code (Zoning Ordinance)	The proposed Cannabis Dispensaries Ordinance amendment is in the public interest.
<p>Facts. The proposed Cannabis Dispensary Ordinance Amendment is in the public interest because it removes an antiquated constraint on the operation of cannabis dispensaries. When the County first adopted local regulations for dispensaries in 2016, the hours of operation in the ordinance – 10 a.m. to 7 p.m. reflected standard business practice at the time. Currently, state law allows longer hours cannabis dispensaries can be open for business – 6am to 10pm. Removal of the unnecessary limitations on business hours for cannabis dispensaries is in the public interest because it allows more access for cannabis dispensary clients to make their purchases, and for dispensaries to expand their market. The proposed Cannabis Dispensary Ordinance Amendment related communicating the danger of consuming cannabis while pregnant or while breastfeeding is in the public interest because it will result in communicating information that may improve the health and well-being of cannabis consumers.</p>	
Section(s)	Required Finding
2. General Plan Consistency §312-50 of Humboldt County Code	That the proposed zoning change is consistent with the General Plan.
<p>Facts. One purpose of the proposed Dispensary Amendment is to allow longer hours of operation for dispensaries in accordance with state law. This is consistent with the Economic Development Element of the General Plan Implementation Measure ED-IM4, Permit Streamlining for Business Growth, which supports updating ordinances addressing constraints to business growth. When the County first adopted local regulations for dispensaries in 2016, the hours of operation in the ordinance – 10 a.m. to 7 p.m. reflected the standard business model at the time. Currently, state law allows longer hours cannabis dispensaries can be open for business – 6 a.m. to 10 p.m. Removal of the unnecessary limitations on business hours for cannabis dispensaries supports business growth in that sector because it allows dispensaries to expand their market.</p>	

Section(s)	Required Finding
2. General Plan Consistency §312-50 of Humboldt County Code	That the proposed zoning change is consistent with the General Plan.
<p>The proposed Coastal and Inland Dispensary Amendment is also intended to require dispensaries to communicate health warnings for women who may become pregnant, are pregnant or breastfeeding. These proposed “clean up” amendments to fill a void in the County’s cannabis ordinances are consistent with the Land Use Element of the General Plan Policy UL-P21 which states cultivation of medical cannabis shall be regulated by ordinance to provide for the health, safety, and welfare of the community, but shall not interfere with the patient’s right to medical cannabis.</p>	
Finding and Section(s)	Required Finding
3. Consistency with Housing Element Densities §312-50 of Humboldt County Code	That the proposed ordinance will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation)
<p>Facts. The proposed ordinance amendment will not affect Housing Element densities because it only involves properties zoned commercial, and does not involve parcels zoned Residential Single Family or Residential Multifamily that are included in the residential land inventory used the by the Department of Housing and Community Development in determining compliance with housing element law.</p>	

C. Findings for Consistency with the Coastal Act.

The following table identifies the evidence which supports finding that the proposed Coastal Dispensary Ordinance is consistent with the Coastal Act.

Section(s)	Required Finding
<p>C. Consistency with the Coastal Act</p> <p>Title 14, § 13551 and Public Resources Code, § 30200 (Coastal Act)</p>	<p>That the proposed zoning ordinance amendment comply with the requirements of the Coastal Act with respect to coastal access, recreation, marine resources, land resources, development, and industrial development.</p>
<p>Evidence Supporting Finding C.</p>	
<p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p> <p><u>Facts.</u> The proposed ordinance amendment allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. For new businesses, impacts on coastal resource access would be evaluated under the same controls and conditions that currently apply to cannabis dispensaries. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact coastal resources.</p>	
<p>Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)</p> <p><u>Facts.</u> The proposed ordinance allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. Impacts on coastal recreation for new businesses would be evaluated under the same controls and conditions that currently apply to dispensaries. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact coastal recreation facilities.</p>	
<p>Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p><u>Facts.</u> The proposed ordinance allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact marine resources. For new dispensaries, impacts on marine resources would be evaluated under the same controls and conditions that currently apply to dispensaries.</p>	
<p>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p><u>Facts.</u> The proposed ordinance does not affect agricultural and timber land because dispensaries are only allowed in commercial zones.</p>	

Section(s)	Required Finding
<p>C. Consistency with the Coastal Act</p> <p>Title 14, § 13551 and Public Resources Code, § 30200 (Coastal Act)</p>	<p>That the proposed zoning ordinance amendment comply with the requirements of the Coastal Act with respect to coastal access, recreation, marine resources, land resources, development, and industrial development.</p>
<p>Evidence Supporting Finding C.</p>	
<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	
<p>Facts. The proposed ordinance allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact scenic resources, public works facilities, safety, and priority of coastal dependent developments. Impacts of new dispensaries on scenic resources, public works facilities, safety, and priority of coastal dependent developments would be evaluated under the same controls and conditions that currently apply to dispensaries.</p>	
<p>Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p>	
<p>Facts. The proposed ordinance allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. Impacts on location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants would be evaluated under the same controls and conditions that currently apply to dispensaries. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact industrial development in the coastal zone.</p>	

D. Environmental Review.

The proposed Accessory Dwelling Unit Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.

The County's adoption of the Coastal Accessory Dwelling Unit Ordinance is statutorily exempt from CEQA pursuant to 21080.5 and 21080.9 of the Public Resources Code and

Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).

ATTACHMENT 1

DRAFT COASTAL CANNABIS DISPENSARY ORDINANCE AMENDMENTS

ORDINANCE AMENDING SECTIONS 313-55.3.11 OF THE CANNABIS DISPENSARIES ORDINANCE IN CHAPTER 3 - ZONING REGULATIONS (TITLE III OF HUMBOLDT COUNTY CODE) WITH UPDATED HOURS AND IMPLEMENTATION OF RESOLUTION NO. 19-83 REGARDING CANNABIS USE DURING PREGNANCY AND BREASTFEEDING

ORDINANCE NO. _____

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE. The ordinance will amend the existing Cannabis Dispensaries Ordinance to expand the hours of operations consistent with state law and to ensure information is provided to both employees and the public about the danger of cannabis use during pregnancy and while breastfeeding.

SECTION 2. TEXT AMENDMENTS.

Section 313-55.3 of Chapter 3 of Division 1 of Title III of the Humboldt County Code is hereby amended as follows (additions are shown in highlighted underline and deletions are shown in highlighted ~~strikeout~~ text):

55.3 MEDICAL-CANNABIS DISPENSARIES

55.3.11 Operating Standards. Notwithstanding any other regulations or requirements, cannabis dispensaries shall comply with all of the following operating standards:

55.3.11.4 The hours of operation of cannabis dispensaries shall be no earlier than ~~10:00~~ 6:00 a.m. and no later than ~~7:00~~ 10:00 p.m.; and

55.3.11.15 The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card and Cannabis Rack Card". This information shall also be provided to all employees as part of the employee orientation.

55.3.11.16 The brochures from the Department of Health and Human Services titled "Cannabis Palm Card and Cannabis Rack Card" shall be printed and made available to all customers where transactions are completed.

55.3.11.17 Prior to operation, the operator shall work with the Department of Health and Human Services to provide signage notifying customers of the potential health effects of cannabis consumption during pregnancy and upon nursing children.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective immediately upon certification by the Coastal Commission.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021, by the following vote,
to wit:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

_____,
Chair
Board of Supervisors of the County of Humboldt
State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: Ryan Sharp, Deputy

ATTACHMENT 2

DRAFT INLAND CANNABIS DISPENSARY ORDINANCE AMENDMENTS

ORDINANCE AMENDING SECTIONS 314-55.3.11, OF THE COMMERCIAL CANNABIS LAND USE ORDINANCE FOR MEDICAL DISPENSARIES IN CHAPTER 3 - ZONING REGULATIONS (TITLE III OF HUMBOLDT COUNTY CODE) WITH UPDATED HOURS AND IMPLEMENTATION OF RESOLUTION NO. 19-83 REGARDING CANNABIS USE DURING PREGNANCY AND BREASTFEEDING

ORDINANCE NO. _____

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE. The ordinance will amend the existing Cannabis Dispensaries Ordinance to expand the hours of operations consistent with state law and to ensure information is provided to both employees and the public about the danger of cannabis use during pregnancy and while breastfeeding.

SECTION 2. TEXT AMENDMENTS.

Section 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code is hereby amended as follows (additions are shown in highlighted underline and deletions are shown in highlighted ~~strikeout~~ text):

55.3 MEDICAL-CANNABIS DISPENSARIES

55.3.11 **Operating Standards.** Notwithstanding any other regulations or requirements, medical cannabis Dispensaries shall comply with all of the following operating standards:

55.3.11.4 The hours of operation of medical-cannabis Dispensaries shall be no earlier than 10-6 a.m. and no later than 7-10 p.m.; and

55.3.11.17 The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled “Cannabis Palm Card and Cannabis Rack Card”. This information shall also be provided to all employees as part of the employee orientation.

55.3.11.18 The brochures from the Department of Health and Human Services titled “Cannabis Palm Card and Cannabis Rack Card” shall be printed and made available to all customers where transactions are completed.

55.3.11.19 Prior to operation, the operator shall work with the Department of Health and Human Services to provide signage notifying customers of the potential health effects of cannabis consumption during pregnancy and upon nursing children.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days following adoption.

PASSED, APPROVED, AND ADOPTED the _____ day of _____, 2021, on the following vote, to wit:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors

Chair
Board of Supervisors of the County of Humboldt
State of California

ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____
Ryan Sharp, Deputy Clerk

Date:

ATTACHMENT 3
PUBLIC COMMENTS



HUMBOLDT COUNTY GROWERS ALLIANCE

September 1, 2020

Humboldt County Board of Supervisors
825 Fifth Street
Eureka, CA 95501

RE: Request to Amend Humboldt County Dispensary Ordinance to be Consistent with State Law

Dear Supervisors,

On July 19, 2016, the Board of Supervisors adopted Ordinance 2554 Medical Marijuana Land-use Ordinance Title III 313-55.3 Medical Cannabis Dispensaries.

Since then, the state legislature passed the Medical Cannabis Regulation Safety Act and Prop. 64, the Adult-Use of Marijuana Act (AUMA), was approved by voters. Subsequently the current state law that governs California cannabis is the Medical and Adult-Use Regulation Safety Act (MAUCRSA).

State regulations from the Bureau of Cannabis Control allow cannabis dispensaries to be open from 6:00 AM to 10:00 PM. Section 5403. Hours of Operation. "A licensed retailer shall sell and deliver cannabis goods only between the hours of 6:00 AM (pst) and 10:00 PM (pst)." https://bcc.ca.gov/law_regs/cannabis_order_of_adoption.pdf

Humboldt County's Dispensary Ordinance only allows dispensaries to remain open from 10 AM to 7 PM. Section 55.3.114 "The hours of operation of medical cannabis dispensaries shall be no earlier than 10 AM and no later than 7 pm."

Given the time that has passed, it seems appropriate to update Humboldt County's Dispensary Ordinance to be consistent with state law.

On behalf of HCGA's members, we ask you to bring this question forward as an agenda item for public consideration. We are available to answer any questions you may have.

With kind regards,

Natalynne DeLapp
Operations Director