

ORDINANCE NO. 2653

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF
HUMBOLDT COUNTY CODE, REGULATIONS OUTSIDE OF THE COASTAL
ZONE, RELATING TO REGULATION OF OUTDOOR CULTIVATION OF
CANNABIS FOR PERSONAL USE ON PARCELS LARGER THAN FIVE
ACRES IN SIZE**

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Inland Amendments to the Outdoor Cultivation of Cannabis for Personal Use on Small Parcel Ordinance, amending section 314-55.2.7 of Chapter 4 of Division 1 of Title III of the HCC. The ordinance will amend the existing Outdoor Cultivation of Cannabis for Personal Use on Small Parcel Ordinance to establish standards for cannabis cultivation for personal use on parcels larger than five acres in size.

SECTION 2. ZONING REGULATION AMENDMENTS

Section 314-55.2.7 of Chapter 4 of Division 1 of Title III of the Humboldt County Code is hereby amended as follows:

314-55.2.7 Outdoor Residential Cultivation for Personal Use. The County shall not interfere with a qualified patient's outdoor cultivation of medical marijuana for that patient's personal use outside the coastal zone, so long as the cultivation is in conformance with this Code and state law.

In order to eliminate the potential nuisance and health and safety impacts to the greatest extent possible, outdoor medical marijuana cultivation and processing for personal use on ~~parcels five (5) acres or less in size~~ shall be in conformance with the following standards:

55.2.7.1 Parcel size shall be determined in accordance with the definition of "Lot Size" found under Section 314-147 of the code.

55.2.7.2 ~~On parcels five (5) acres or less in size, it~~ It shall not be deemed a nuisance per se for a qualified patient to cultivate medical marijuana outdoors for personal use as an alternative to indoor cultivation, as defined herein, if the following restrictions are adhered to:

55.2.7.2.1 On parcels one (1) acre or smaller in size, the total plant canopy of the medical marijuana cultivated outdoors may not exceed one hundred (100) square feet in size, nor may cultivation occur within twenty (20) feet of a property boundary line; and

55.2.7.2.2 On parcels greater than one (1) acre and up to five (5) acres in size, the total plant canopy of medical marijuana cultivated outdoors may not exceed two hundred (200) square feet in size, and on parcels larger than five acres in size, the total plant canopy of medical marijuana cultivated outdoors may not exceed four hundred (400) square feet in size. ~~nor may e~~ Cultivation may not occur within forty (40) feet of a property boundary line, where the neighboring parcel is less than five (5) acres in size, or twenty (20) feet of a property line, where the neighboring parcel is five (5) acres or above in size; and

SECTION 3. SEVERABILITY. The individual parts of this ordinance are severable, such that if one or more parts are determined to be invalid, all the other parts will remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 6th day of October 2020, by the following vote, to wit:

AYES: Supervisors: Bass, Fennell, Bohn, Madrone, Wilson

NOES: Supervisors:

ABSENT: Supervisors:

ABSTAIN: Supervisors:



Estelle Fennell, 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