

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF HUMBOLDT COUNTY CODE Sections 314-55.4.8.2 and 314-55.4.10.3; adjusting the listed permit requirements for cannabis microbusinesses, to codify permitting them as Zoning Clearance Certificates when applicable; and adding permit requirements for nonvolatile manufacturing uses, to codify permitting them as Zoning Clearance Certificates in agricultural zones when applicable.

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 4 of the Planning Regulations, addressing Section 314-55.4.10.3 - Microbusiness, adding that microbusinesses may be permitted as a Zoning Clearance Certificate when the proposed uses may all be permitted via Zoning Clearance Certificate, and addressing Section 314-55.4.8.2 – Manufacturing, adding that nonvolatile manufacturing activities may be permitted as a Zoning Clearance Certificate when associated with a cultivation permit. The intent is to enable applicants to more easily apply for microbusiness permits when the associated uses would otherwise be permissible with only a Zoning Clearance Certificate and to permit non-volatile extraction activities with a Zoning Clearance Certificate in order to broaden the applicability of the microbusiness applications.

SECTION 2. Manufacturing Standards

Section 314-55.4.8.2, regarding Nonflammable Extraction in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

314-55.4

55.4.8

55.4.8.2.2 Nonflammable Extraction.

55.4.8.2.2.1 Manufacturing activities involving nonflammable extraction may be principally permitted subject to issuance of a zoning clearance certificate within the C-3, ML, and MH Zones, as well as the U zoning district, when accompanied by an industrial land use designation.

55.4.8.2.2.2 Manufacturing activities involving nonflammable extraction may also be permitted with a special permit within CH, C-2, C-3, MB, ML, and MH Zones, as

well as the U zoning district, when accompanied by a commercial or industrial land use designation, or where previously developed for a lawful industrial or commercial use.

55.4.8.2.2.3 Manufacturing activities involving nonflammable extraction may be permitted with a special permit within those zones specified under Section 314-55.4.6.1.1 (AE, AG, FR, and U).

55.4.8.2.2.4 Manufacturing activities involving nonflammable extraction may be permitted with a Zoning Clearance Certificate in association with a cannabis cultivation permit without onsite customer traffic, subject to the Eligibility Criteria and Siting Criteria required for the cultivation. Manufacturing activities permitted pursuant to this subsection are exempt from the Locational Criteria established in Section 55.4.8.2.4. Manufacturing activities permitted pursuant to this subsection are limited to the use of cannabis grown on the same parcel(s) or premises.

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~~55.4.8.2.43.3~~ **Locational Criteria.** Manufacturing activities shall be located on roads that are paved with centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a use permit. Where an exception is sought, the use permit application shall include an evaluation of the local road network and relevant segments prepared by a licensed engineer. The engineer's report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met.

SECTION 3. Microbusiness Standards

Section 314-55.4.10.3, regarding cannabis Microbusinesses in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

314-55.4

55.4.10 Other Provisions.

55.4.10.3 **Microbusiness.** Microbusiness activities are a permitted use, subject to a Special Permit, in any of the zones in which authorized cannabis activities is a

permitted use (except on parcels zoned FP or TPZ). In cases where the highest level of required permit among the proposed uses is a Zoning Clearance Certificate, the microbusiness may be permitted with a Zoning Clearance Certificate instead.

55.4.10.3.1 FP and TPZ Zones. Parcels zoned FP or TPZ may not host microbusinesses, except in cases fulfilling all the following requirements:

55.4.10.3.2.1 All new commercial cannabis activities occur within existing structures;

55.4.10.3.2.2 All cannabis product utilized onsite is grown onsite; and

55.4.10.3.2.3 The site features no onsite customer traffic.

55.4.10.3.2 Uses requiring a microbusiness permit per other sections of this code shall be presumed to require a Special Permit, unless otherwise stated.

55.4.10.3-14 Locational Criteria. Adult Use Retail Sales, Farm Based Retail Sales with on-site customer traffic, and Microbusinesses with on-site customer traffic shall be located on roads that are paved with centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a use permit. Where an exception is sought, the use permit application shall include an evaluation of the local road network and relevant segments prepared by a licensed engineer. The engineer's report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met. Sites for Microbusinesses that involve visitor-serving uses must also comply with the public accommodation standard. Microbusinesses shall also comply with all performance standards applicable to any of the uses combined under a single Microbusiness license.