



AGENDA ITEM NO.
L-3

COUNTY OF HUMBOLDT

Hearing Date: July 19, 2016

To: Board of Supervisors

From: Robert Wall, Interim Director of Planning and Building *(RW)*

Subject: **Medical Marijuana Land Use Ordinance (MMLUO) – Phase III**
Medical Marijuana Dispensing Facilities, Removal of Ban and Ordinance
Amendments in Response to the MMRSA
 Case Number OR-15-02 Applies Countywide

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the proposed Ordinance removing Humboldt County Code sections 313-56 and 314-56 and amending Humboldt County Code sections 313-55.3 and 314-55.3 [Attachment A] by title and waive further reading.
2. Open the public hearing, receive and consider the staff report and proposed determination of exempt status under CEQA, accept public comment, and close the public hearing.
3. Deliberate on the proposed Ordinance.
4. Adopt Resolution No. ^{16-85, 16-86} [Attachment B] approving the proposed Zoning Ordinance changes. Approval of the proposed amendments to Chapter 4 of the Zoning Regulations (Outside the Coastal Zone) will become effective 30 days from the date of its passage. Approval of the proposed amendments to Chapter 3 (Inside the Coastal Zone) will become effective upon certification by the California Coastal Commission.

(Recommendations continued next page)

Prepared by *Steve Lazar*
Steven Lazar, Senior Planner

CAO Approval *Cheryl Dillingham*

REVIEW:	Auditor _____	County Counsel <u><i>NAD</i></u>	Personnel _____	Risk Manager _____	Other _____
---------	---------------	----------------------------------	-----------------	--------------------	-------------

TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

PREVIOUS ACTION/REFERRAL:

Agenda Order No. _____ G-3 _____

Meeting of: May 10, 2016

Agenda Order No. _____ L-1 _____

Meeting of: July 28, 2015

Meeting of: June 23, 2015

Meeting of: November 15, 2011

Meeting of: November 15, 2011

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor

Ayes _____

Nays _____

Abstain _____

Absent _____

SEE ACTION SUMMARY

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

Recommendations (continued)

5. Adopt Ordinance removing Humboldt County Code sections 313-56 and 314-56 and Amending Humboldt County Code sections 313-55.3 and 314-55.3.
6. Direct the Planning & Building Department – Current Planning Division to transmit the Local Coastal Program Amendments to the California Coastal Commission for certification in accordance with the Coastal Act.
7. Direct the Clerk of the Board to publish a Summary of the Ordinance within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance [Attachment C] and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance.
8. Direct the Clerk of the Board to
give notice of the decision to any interested parties.

SOURCE OF FUNDING:

General Fund contribution to the Current Planning Division.

DISCUSSION:

This item involves amendments to the Zoning Regulations and Local Coastal Program (LCP), which would remove the currently existing ban on Medical Marijuana Dispensaries (codified at Humboldt County Code sections 313-56 and 314-56) and amend Humboldt County Code sections 313-55.3 and 314-55.3 governing the permitting and operation of Medical Marijuana Dispensaries so that they are consistent with the California Medical Marijuana Regulation and Safety Act (MMRSA) passed by the California legislature on September 11, 2015 and approved by Governor Brown on October 9, 2015.

The third phase of the County's Medical Marijuana Land Use Ordinance, the dispensary regulations, were adopted on August 18, 2015 (Ordinance #2534). Approved unanimously after extensive discussion and deliberation, in the motion to adopt the Board directed staff to complete the procedural requirements to enable removal of the current CCDF ban (Ordinance #2511), linking the effective date of the Phase III Ordinance to the removal of Ordinance 2511.

During the August 18, 2015 meeting the Board also chose to limit the number of permits that may be issued for CCDF (15 total) and chose to implement the Phase III Ordinance through use of a Request For Qualifications (RFQ) process. Staff was directed to develop and present the Board with a draft of an RFQ, coincident with the rescission of Ordinance 2511. The primary purpose of the RFQ was to provide for screening, prioritization, and selection of proposals for CCDF using a scoring system and procedure for review. The RFQ was to be presented to the Board along with the removal of the ban and zoning amendments package and implemented coincident with the removal of the ban.

On October 1, 2015 the proposed removal of the ban was reviewed by the Planning Commission during their regularly scheduled public hearing, where the Commission was asked to make a recommendation to the Board of Supervisors considering possible adoption. During the presentation to the Commission, staff requested that the Commission in their recommendation also consider supporting minor amendments to the Dispensary Regulations (313-55.3 & 314-55.3) to promote and insure consistency with the recently passed Medical Marijuana Regulation and Safety Act (MMRSA) which was then awaiting signature by the Governor. The Commission voted unanimously recommending repeal of the ban and MMRSA-

related modifications to the dispensary regulations. The resolution and relevant portions of the Action Summary for this meeting are included under "Attachment E".

The proposed amendments to Humboldt County Code sections 313-55.3 and 314-55.3 are non-substantive amendments designed to remedy inconsistencies in terminology between the Ordinance and MMRSA. Deleted or amended text has been shown in ~~strike through~~ font and text additions have been shown in **bold italics**.

On May 10, 2016, during their regularly scheduled meeting, in light of the MMRSA, the Board chose to revisit the prior direction to staff concerning the aforementioned cap on dispensaries and implementation of an RFQ process. A successful motion was made and seconded by Supervisors Fennell and Sundberg, to "move forward with the ordinance, to lift the prohibition, to not include caps as discussed at an earlier time, and to not include Request for Proposal." Relevant portions of the Action Summary for this meeting are included under "Attachment F". During deliberation on this matter prior to the vote, several members of the Board expressed interest in possibly revisiting the idea of a sunset on new applications after a certain amount of time had elapsed or after a certain number of permit applications had been received or approved.

Per the recent Board direction, the ordinance is being presented for adoption without the cap and RFQ provisions. A supplemental resolution has been provided for the Board's consideration. The supplemental resolution would direct staff to return to the Board for additional direction after passing specific milestones (eg. time since adoption or number of permit applications received/permits approved). The resolution may be modified to fit the Board's vote, if any, on revisiting the application period.

It should also be noted, as the County's legislative body, the Board may compel amendments to County Code at any time. The legislative process for amendments to the Zoning Ordinance requires that the legislative body receive a recommendation from the Planning Commission before they may take action on the matter.

CEQA Compliance

The primary purpose of Humboldt County Code sections 313-55.3 and 314-55.3 is to regulate the siting and processing of permits for Medical Marijuana Dispensaries. The only changes to the previously-adopted code sections are non-substantive changes designed to promote consistency between the code and the MMRSA. Section 314-55.3 will become effective thirty days following the adoption of the amendments and removal of the currently existing ban. Section 313-55.3 will become effective upon certification by the Coastal Commission.

Sections 313-55.3 and 314-55.3 of the Code place limits on the zoning districts where medical marijuana dispensaries may be permitted, require dispensary operators to secure discretionary land use permits, and require compliance with operational standards and requirements designed to help prevent nuisance impacts and potentially significant environmental impacts. Since compliance with the ordinance will protect the environment, staff believes the activity covered by the ordinance is not subject to CEQA.

Pursuant to section 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly. Furthermore, staff believes the activity covered by the ordinance does not constitute a "project" as defined under section 15378 of the CEQA Guidelines, in that the adoption of the removal of the ban will not result in a reasonably foreseeable direct or indirect physical change in the environment.

Staff believes that even if the activity governed by the Humboldt County Code sections 313-55.3 and 314-55.3 is a project under CEQA the ordinance may be found to be exempt from CEQA under the following sections: § 15061 (b)(3) 'General Rule': ' a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment', § 15308 'Class 8: Actions taken by a regulatory agency to assure protection of the environment where the regulatory process involves procedures for protection of the environment', and § 15321 'Class 21: Enforcement Actions by Regulatory Agencies'. Lastly, the LCP Amendments are statutorily exempt from environmental review per Section 15265 of the CEQA Guidelines. The Coastal Commission's review and development process for LCP's and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of environmental review required by CEQA. This staff report has considered the relevant coastal resources issues with the proposed ordinance, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. It should be noted that similar efforts undertaken by neighboring cities and counties have occurred under many of the same CEQA exemptions cited above.

For the above-stated reasons, staff believes the proposed ordinance is exempt from environmental review under CEQA.

Staff Recommendation

Staff recommends that your Board adopt the ordinance as presented [Attachment A].

FINANCIAL IMPACT:

The cost of preparing the proposed ordinance is being paid by the General Fund contribution to the Current Planning Division and County Counsel. If these regulations are adopted, future applicants seeking permits to operate Dispensaries will be responsible for the costs of permit processing.

OTHER AGENCY INVOLVEMENT:

Consultation with a number of agencies occurred during the initial public review of the Ordinance during 2011. Minimal additional involvement with other agencies has occurred in association with the most recent request of the Board.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Alternative 1: Adopt with Supplemental Resolution

Your Board may choose to adopt the supplemental resolution in addition to the ordinance. The resolution may be modified to reflect the desires of the Board, if any, with respect to imposition of a possible sunset on the acceptance of new applications for dispensaries, or the adoption of a cap on the number of permits that are issued.

Alternative 2: Modify

Your Board may choose to modify the proposed ordinance amendments. If substantial revisions are suggested or contemplated, staff requests that this matter be continued to a future meeting to provide sufficient time to make the suggested changes. This may also require that the change be referred to the Planning Commission for report and recommendation prior to ordinance adoption, pursuant to sections 65853-65857 of the Government Code.

Alternative 3: Not adopt

Your Board may choose not to adopt the proposed removal of the ban on Medical Marijuana Dispensaries. In this event, the prohibition of new Dispensaries will remain in place.

Your Board may also choose not to adopt the proposed ordinance amendments, however, this is not recommended because the local ordinance would be inconsistent with state law.

Alternative 4: Continue

Your Board may also choose to continue this matter to a future meeting to provide for the receipt of additional public comment. You may also wish to direct staff to respond to public comments received.

ATTACHMENTS:

Attachment A: Ordinance No. 2554; removing Sections 313-56 and 314-56 of the Humboldt County Zoning Regulations, and amending Sections 313-55.3 and 314-55.3 of the Humboldt County Zoning Regulations (Chapter 3 and Chapter 4 of Division 1 of Title III of the Humboldt County Code).

Attachment B: Resolution No. 16-85

Attachment C: Supplemental Resolution 16-86

Attachment D: Post-Adoption Summary of Ordinance

Attachment E: Findings for Adoption of Zoning Text Amendments

Attachment F: Resolution from October 1st, 2015 Planning Commission Meeting

Attachment G: Action Summary from October 1st, 2015 Planning Commission Meeting

Attachment H: Action Summary from May 10th, 2016 Board of Supervisors Meeting

ATTACHMENT A

Ordinance No. 2554

Rescinding Ordinance No. 2511, removing Sections 313-56 and 314-56 from the Humboldt County Zoning Regulations and amending Sections 313-55.3 and 314-55.3 of the Humboldt County Zoning Regulations

(Chapter 3 and Chapter 4 of Division 1 of Title III of the Humboldt County Code)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 19, 2016

AN ORDINANCE OF THE COUNTY OF HUMBOLDT REMOVING SECTIONS 313-56 AND 314-56 RELATING TO THE PROHIBITION OF STOREFRONT-BASED MEDICAL CANNABIS COLLECTIVE OR COOPERATIVE DISPENSING FACILITIES, AND AMENDING SECTION 313-55.3 AND 314-55.3 OF THE HUMBOLDT COUNTY CODE, RELATING TO THE REGULATION OF STOREFRONT-BASED MEDICAL CANNABIS DISPENSARIES

ORDINANCE NO. 2554

The Board of Supervisors of the County of Humboldt do ordain as follows:

- SECTION 1. Section 313-56 et seq. of Chapter 3 of Division 1 of Title III is hereby deleted as shown on the attached pages.
- SECTION 2. Section 314-56 et seq. of Chapter 4 of Division 1 of Title III is hereby deleted as shown on the attached pages.
- SECTION 3. Section 313-55.3 et seq. of Chapter 3 of Division 1 of Title III is hereby amended as shown on the attached pages.
- SECTION 4. Section 314-55.3 et seq. of Chapter 4 of Division 1 of Title III is hereby amended as shown on the attached pages.
- SECTION 5. Amendments to 314-56 et seq. and 314-55.3 et seq. (Regulations Outside the Coastal Zone) shall take effect and be in force thirty (30) days following adoption. Amendments to 313-56 et seq. and 313-55.3 et seq. (Regulations Inside the Coastal Zone) shall take effect immediately upon certification of the proposed amendments to the local coastal program by the California Coastal Commission.

PASSED, APPROVED, AND ADOPTED this 19th day of July, 2016 on the following vote, to wit:

AYES: Supervisors Sundberg, Fennell, Lovelace, Bohn, Bass
NOES: Supervisors -
ABSENT: Supervisors -



MARK LOVELACE, 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: 
Ana Hartwell, Deputy

SECTION 1. Section 313-56.1 entitled, Medical Marijuana Collective or Cooperative Dispensing Facility, of Chapter 3 of Division 1 of Title III is hereby deleted as follows:

~~“313-56.1 MEDICAL MARIJUANA COLLECTIVE OR COOPERATIVE DISPENSING FACILITY~~

~~56.1.1 **Purpose.** The purpose of these regulations is to prohibit the establishment of any medical marijuana collective or cooperative dispensing facility in all zones, and to prohibit the operation of any unpermitted medical marijuana collective or cooperative dispensing facilities in all zones.~~

~~56.1.2 **Applicability.** These regulations shall apply in all zones. However, these regulations shall not apply to any medical marijuana collective or cooperative dispensing facilities that are operating under valid conditional use permits granted by the County of Humboldt at the time of the passage of this ordinance. These regulations shall not affect the ability of these permitted facilities from applying for new conditional use permits prior to the expiration of their current permit.~~

~~56.1.3 **Definitions.** A “medical marijuana collective or cooperative dispensing facility” is any facility or location, whether fixed or mobile, where a primary caregiver, a person with identification cards or a qualified patient makes available, sells, transmits, gives or otherwise provides marijuana to five or more primary caregivers, persons with identification cards or qualified patients, as defined in California Health and Safety Code section 11362.5 *et. seq.*, or any facility where qualified patients, persons with identification cards and primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the purported authority of California Health and Safety Code section 11362.5 *et. seq.*~~

~~56.1.3.1 “Medical marijuana collective or cooperative dispensing facility” shall not include the following uses, so long as such uses comply with this Code, Health and Safety Code Section 11362.5 *et seq.*, and other applicable law:~~

~~56.1.3.1.1 A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.2 A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.3 A residential care facility for persons with chronic life threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.4 A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.5 A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.6 A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.~~

~~56.1.4 **Establishment and Operation of Medical Marijuana Collective or Cooperative Dispensing Facilities Prohibited.** The establishment of a medical marijuana collective or cooperative dispensing facilities, as defined in this Chapter, is declared to be unlawful and a prohibited use in all zones. The operation of a medical marijuana collective or cooperative dispensing facility, as defined in this Chapter, without a conditional use permit validly issued by the County is declared to be unlawful and a prohibited use in all zones.~~

~~56.1.5 **Violation.** Any person or entity in violation of this Chapter shall be subject to the enforcement remedies as set forth in Chapter 2, Division 1 of Title III; Division 13 of Title II; Division 12 of Title II; and any and all other remedies available to the County.”~~

SECTION 2. Section 314-56.1 entitled, Medical Marijuana Collective or Cooperative Dispensing Facility, of Chapter 4 of Division 1 of Title III is hereby deleted as follows:

~~**“314 56.1 MEDICAL MARIJUANA COLLECTIVE OR COOPERATIVE DISPENSING FACILITY**~~

~~56.1.1 **Purpose.** The purpose of these regulations is to prohibit the establishment of any medical marijuana collective or cooperative dispensing facility in all zones, and to prohibit the operation of any unpermitted medical marijuana collective or cooperative dispensing facilities in all zones.~~

~~56.1.2 **Applicability.** These regulations shall apply in all zones. However, these regulations shall not apply to any medical marijuana collective or cooperative dispensing facilities that are operating under valid conditional use permits granted by the County of Humboldt at the time of the passage of this ordinance. These regulations shall not affect the ability of these permitted facilities from applying for new conditional use permits prior to the expiration of their current permit.~~

~~56.1.3 **Definitions.** A “medical marijuana collective or cooperative dispensing facility” is any facility or location, whether fixed or mobile, where a primary caregiver, a person with identification cards or a qualified patient makes available, sells, transmits, gives or otherwise provides marijuana to five or more primary caregivers, persons with identification cards or qualified patients, as defined in California Health and Safety Code section 11362.5 *et. seq.*, or any facility where qualified patients, persons with identification cards and primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the purported authority of California Health and Safety Code section 11362.5 *et. seq.*~~

~~56.1.3.1 “Medical marijuana collective or cooperative dispensing facility” shall not include the following uses, so long as such uses comply with this Code, Health and Safety Code Section 11362.5 *et seq.*, and other applicable law:~~

~~56.1.3.1.1 A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.2 A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.3 A residential care facility for persons with chronic life threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.4 A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.5 A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.~~

~~56.1.3.1.6 A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.~~

~~56.1.4 **Establishment and Operation of Medical Marijuana Collective or Cooperative Dispensing Facilities Prohibited.** The establishment of a medical marijuana collective or cooperative dispensing facilities, as defined in this Chapter, is declared to be unlawful and a prohibited use in all zones. The operation of a medical marijuana collective or cooperative dispensing facility, as defined in this Chapter, without a conditional use permit validly issued by the County is declared to be unlawful and a prohibited use in all zones.~~

~~56.1.5 **Violation.** Any person or entity in violation of this Chapter shall be subject to the enforcement remedies as set forth in Chapter 2, Division 1 of Title III; Division 13 of Title II; Division 12 of Title II; and any and all other remedies available to the County.”~~

SECTION 3. Section 313-55.3 of Chapter 3 of Division 1 of Title III is hereby amended as follows:

313-55.3 Medical Cannabis Dispensaries

55.3.1 Authority and Title

This section applies to all medical Cannabis Dispensaries, as defined in this Code, that are located in the coastal zone.

55.3.2 Purpose and Intent

The purpose of this Section is to minimize the negative land use impacts that can be associated with the dispensing of medical cannabis by a Dispensary, as defined herein, to a qualified patient and to facilitate local implementation of the California Medical Cannabis Regulation and Safety Act ("MCRSA").

55.3.3 Applicability and Interpretation

55.3.3.1 These regulations shall apply to the locating and permitting of medical cannabis Dispensaries in zoning districts which authorize this use, as specified under Section 55.3.8.2 of this Code.

55.3.3.2 The distribution of medical cannabis by medical cannabis Dispensaries within the jurisdiction of the County of Humboldt shall be controlled by the provisions of this Code, regardless of whether the distribution existed or occurred prior to the adoption of this Code.

55.3.3.3 All distribution of medical cannabis by medical cannabis Dispensaries, as defined herein, regardless of whether the use was previously approved by the Humboldt County Planning Commission or the Humboldt County Board of Supervisors, shall come into full compliance with these regulations within one (1) year of the adoption of the ordinance establishing this Code.

55.3.3.4 Nothing in this Code is intended, nor shall it be construed, to exempt the dispensing of medical cannabis by a dispensary or delivery service, as defined herein, from compliance with the Humboldt County zoning and land use regulations, as well as other applicable provisions of the County Code, or compliance with the MCRSA and any other applicable state laws.

55.3.3.5 Nothing in this Code is intended, nor shall it be construed, to exempt medical cannabis Dispensaries, as defined herein, or other cannabis-related activities governed by these regulations from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

55.3.3.6 Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting medical cannabis Dispensaries.

55.3.3.7 The definitions in this Code are intended to apply solely to the regulations herein. Applicable definitions in Humboldt County Code section 313-135 et seq. and section 111-1 et seq. may also apply to this Code.

55.3.4 Severability

If any provision of this Code, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Code that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Code are severable.

55.3.5 Release of Liability and Hold Harmless

As a condition of approval for any conditional use permit and coastal development permit approved for medical cannabis Dispensaries, as defined herein, the owner or permittee shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the operations of medical cannabis Dispensaries and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the handling or dispensing of medical cannabis.

55.3.6 Penalties

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative, civil, or criminal remedy available to the County under the applicable state and county laws.

55.3.7 Definitions

Except as otherwise provided, when used in this Code, the following terms shall have the following meanings:

Church: a non-profit organization that operates exclusively for religious purposes and is an organization as described in section 501(c) (3) of the Internal Revenue Tax Code, as amended. For purposes of this Code, "church" includes a church, synagogue, temple, mosque, or other place of worship and related church property, such as a school or a youth camp.

Dispensing: any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

Medical Cannabis: cannabis (as defined in Business and Professions Code section 19300.5(f)), including marijuana and cannabis concentrate (as defined in Business and Professions Code section 19300.5(g)), that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

Medical Cannabis Dispensary: a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or

in any combination, for retail sale, including an establishment that delivers, medical cannabis and medical cannabis products as part of retail sale. This does not include Medical Cannabis Research Laboratories and Testing Facilities, and Medical Cannabis Business Offices, as described under 55.3.15 and 55.3.16 of this code.

Medical Cannabis Delivery Service: A medical cannabis Dispensary, as defined herein, that delivers medical cannabis to qualified patients from a “store-front” base of operations located in a commercial or industrial zone within the unincorporated area of Humboldt County. A medical cannabis delivery service shall not be operated from a residential-zoned parcel and is not eligible for an address of convenience.

Personal Medical Cannabis: medical cannabis that is cultivated, processed, or stored for a single qualified patient’s use.

Place Where Children Congregate: may include, but is not limited to, a school bus stop, park, playground, a school as defined herein, tutoring facility, or any establishment that either advertises in a manner that identifies it as providing services primarily intended for minors or the individuals who regularly patronize, congregate, or assemble at the establishment are primarily minors.

Primary Caregiver: an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

Qualified Patient: a person who has a recommendation for medical cannabis by a licensed physician and is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who may or may not have an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of medical cannabis.

Residential Treatment Facility: a facility, whether residential or non-residential, providing treatment for drug or alcohol dependency.

School: public or private institution of learning for minors offering a regular course of instruction as required by the California Education Code, or any child or day care facility licensed by the State of California. This includes a nursery school, kindergarten, Head Start program, elementary school, middle school, high school, continuation or vocational school for minors, or any special institute of education, but it does not include a vocational or professional institution of higher education primarily intended for students over eighteen (18), such as a community or junior college, college, or university.

Testing laboratory: facility, entity, or site that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.
- (2) Registered with the State Department of Public Health.

55.3.8 General Provisions

This section applies to all medical cannabis Dispensaries, as defined in this Code.

55.3.8.1 All medical cannabis Dispensaries shall operate in compliance with this Code, the MCRSA, and all other applicable state and local laws.

55.3.8.2 Medical cannabis dispensaries shall only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit and coastal development permit, issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are CN, CG, MB, ML, and MG.

55.3.8.3 The fact that an applicant possesses other types of state or county or city permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining a coastal development permit and a conditional use permit from the County of Humboldt to operate a Dispensary within the jurisdiction of the County.

55.3.8.4 Dispensaries shall at all times be operated in such a way as to ensure the safety of patients and staff; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes.

55.3.9 Medical Cannabis Dispensary Requirements

In addition to all other requirements for a conditional use permit and coastal development permit, all of the following terms and provisions must be met in order for the Planning Commission to consider granting or renewing a conditional use permit or coastal development permit to operate a medical cannabis Dispensary:

55.3.9.1 Preparation of a hazardous materials storage, handling, and disposal plan approved by the Division of Environmental Health, if applicable.

55.3.9.2 The Planning Commission shall specifically regulate the location of medical cannabis Dispensaries by considering the potential impacts and cumulative impacts of proposed medical cannabis Dispensaries to the community area as a whole and specifically on the following existing uses located within a 600 foot radius of a proposed Dispensary, regardless of whether those existing uses are located within the jurisdiction of the County. The Planning Commission shall have the discretion to deny a conditional use permit or a coastal development permit for any proposed medical cannabis Dispensary within 600 feet of the following uses if the Commission determines that the impacts of a proposed Dispensary have the potential to be significant on the following uses:

55.3.9.2.1 Residential neighborhoods and their inhabitants;

55.3.9.2.2 Church, as defined herein;

55.3.9.2.3 Playgrounds, public parks, libraries, licensed day care facilities, and places where children congregate, as defined herein;

55.3.9.2.4 Residential treatment facilities, as defined herein; and

55.3.9.2.5 The cumulative impacts resulting from the addition of another cannabis dispensary, delivery service or other distribution or transfer facility when there are others within a 600 foot radius of the proposed new facility.

55.3.9.3 No medical cannabis Dispensaries, operators, establishments, or providers who possess, cultivate, or distribute medical cannabis shall be located within a 600-foot radius of a school [Health & Safety Code section 11362.768 (b)]. This distance shall be measured in a straight

line from the property line of the school to the property line of the medical cannabis dispensing facility, operator, establishment, or provider.

55.3.9.4 Submission of an Operations Manual and compliance with the Operating Standards, pursuant to sections 55.3.10 and 55.3.11 of this Code.

55.3.10 Operations Manual

Notwithstanding any other regulations or requirements for submitting an application for a conditional use permit or a coastal development permit, medical cannabis Dispensaries shall submit to the Planning Commission an Operations Manual which provides for the following:

- 55.3.10.1 Authorization for the County, its agents, and employees, to seek verification of the information contained within the conditional use permit and coastal development permit applications, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit and coastal development permit are issued; and
- 55.3.10.2 A description of the staff screening processes, which shall include a requirement for criminal background checks; and
- 55.3.10.3 The hours and days of the week when the Dispensary will be open; and
- 55.3.10.4 Text and graphic materials showing the site, floor plan and facilities. The material shall also show structures and land uses within a 600 foot radius; and
- 55.3.10.5 A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification, and how these will assure the safety of staff and clients and secure the medical cannabis against diversion for non-medical purposes; and
- 55.3.10.6 A description of the screening, registration and validation process and procedures for qualified patients and primary caregivers; and
- 55.3.10.7 A description of qualified patient records acquisition and retention procedures and policies; and
- 55.3.10.8 A description of the processes, procedures and inventory controls for tracking the disparate strains, the source of supply, and amounts of medical cannabis that come in and go out of the Dispensary; and
- 55.3.10.9 Description of measures taken to minimize or offset the carbon footprint from operational activities; and
- 55.3.10.10 Description of chemicals stored, used and any effluent discharged as a result of operational activities; and
- 55.3.10.11 The procedure, documentation, and notice process for assuring the quality and safety of all medical cannabis distributed; and

55.3.10.12 The procedure and documentation process for determining patient dosage, including any testing for the major active agents in medical cannabis offered to qualified patients, such as cannabinoids tetrahydrocannabinol (THC), Cannabidiol (CBD), and Cannabinol (CBN); and

55.3.10.13 Any other information as may be requested by the County, its employees, and/or by the Planning Commission; and

55.3.10.14 Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change.

55.3.11 Operating Standards

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

55.3.11.1 Dispensaries that function as medical cannabis delivery services shall not operate from an address of convenience located in a residential zone, as this category of business is not eligible for an address of convenience. Medical cannabis delivery services shall only operate from a “store-front” Dispensary in a commercial or industrial zone with an approved conditional use permit and coastal development permit; and

55.3.11.2 Medical cannabis Dispensaries may not be operated by any persons who have been convicted of a felony in the last five (5) years; and

55.3.11.3 No dispensing of medical cannabis to an individual qualified patient shall be permitted more than twice a day; and

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

55.3.11.5 Medical cannabis Dispensaries shall only provide medical cannabis to an individual qualified patient who has a valid, verified physician’s recommendation issued in the State of California. Dispensaries shall verify on an annual basis, or more frequently if required by the State of California, that the physician’s recommendations of their clients are current and valid; and

55.3.11.6 Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Dispensary. A copy of the client rules and/or regulations shall be provided to the qualified patient by a medical cannabis delivery service; and

55.3.11.7 Smoking, ingesting or otherwise consuming medical cannabis products on the premises of a medical cannabis Dispensary is prohibited. Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that smoking,

ingesting or consuming medical cannabis or medical cannabis edibles on the premises or in the vicinity of the Dispensary is prohibited; and

55.3.11.8 Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian; and

55.3.11.9 No medical cannabis Dispensary or delivery service shall provide medical cannabis to any qualified patient or holder of a medical cannabis recommendation who is under 18 unless their parent or guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of medical cannabis; and

55.3.11.10 All medical cannabis Dispensaries shall display a copy of the inspection receipt issued by the Humboldt County Sealer of Weights and Measures for all weighing and measuring devices; and

55.3.11.11 All medical cannabis dispensed by Dispensaries must be obtained in accordance with the MCRSA and other applicable state and local laws; and

55.3.11.12 All signs for medical cannabis Dispensaries must comply with sections 313-87.3 and 314-87.2 of the County Zoning Regulations; and

55.3.11.13 An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the medical cannabis Dispensary with a copy of this inventory provided to the Humboldt County Division of Environmental Health; and

55.3.11.14 Medical cannabis Dispensaries shall maintain all necessary permits, and pay all required taxes and fees. Dispensaries shall also provide invoices to vendors to ensure vendor's tax liability responsibility; and

55.3.11.15 Medical cannabis Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual or in the Operating Standards must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change; and

55.3.11.16 Medical cannabis Dispensaries shall comply with any and all conditions of their conditional use permit and coastal development permit.

55.3.12 Performance Review Reports

55.3.12.1 Medical cannabis Dispensaries shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Zoning Administrator at the time of the initial hearing or at any time thereafter. This annual "Performance Review Report" is intended to identify the

effectiveness of the approved conditional use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific CCDF that could potentially lead to revocation of the associated conditional use permit and coastal development permit pursuant to section 312-14 of the Humboldt County Code, the Planning Commission may require the submittal of more frequent "Performance Review Reports."

55.3.12.2 Medical cannabis Dispensaries shall be inspected by the Humboldt County Sheriff or his/her designee, and/or employees of the Humboldt County Planning and Building Department and/or the Code Enforcement Investigator on an annual basis, or more frequently as requested by the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1), to determine if the Dispensary is in compliance with its conditional use permit and coastal development permit, Operating Standards, and Operations Manual. After payment of the inspection fees as indicated in the following section, a copy of the results from this inspection shall be given to the Dispensary for inclusion in their "Performance Review Report" to the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1).

55.3.12.3 Inspection and review fees pursuant to the County's adopted schedule of fees and charges, as amended from time to time by the Board of Supervisors, shall be paid by medical cannabis Dispensaries and accompany the "Performance Review Report" for costs associated with the inspection and the review of the report by County staff.

55.3.12.4 Non-compliance by medical cannabis Dispensaries in allowing the inspection by the above-mentioned County personnel, or refusal to pay the required fees, or non-compliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the conditional use permit and coastal development permit and/ or subject the holder of the permit(s) to the penalties outlined in this Code, above.

55.3.13 Permit Revocation & Transfer

55.3.13.1 A conditional use permit and coastal development permit shall be revoked or modified according to Humboldt County Code Section 312-14 (Revocation Procedures). Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, for failure to comply with the requirements of the Humboldt County Certified Unified Program Agency (CUPA), or for the grounds listed in Section 312-14.1 and any successor provisions.

55.3.14.1 Conditional use permits and coastal development permits to operate a medical cannabis Dispensary may be transferred upon approval by the Planning Commission after a noticed public hearing.

55.3.15 Medical Cannabis Testing Laboratories, Business and Research Institutions

Testing laboratories, as defined herein, and businesses and research institutions engaged in the research of medical cannabis, medical cannabis products, or devices used for the medical use of cannabis

products at which no commercial cannabis cultivation (as defined in section 55.4.7, Title III, Division I, Chapters 3 and 4 of the Humboldt County Code), or distribution, manufacture, dispensing, or sale of medical cannabis occurs shall be allowed in any zone in which medical laboratories and medical testing facilities are permitted. Medical cannabis testing laboratories shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Humboldt County Code and the MCRSA.

55.3.16 Medical Cannabis Business Offices

Business offices for medical cannabis Dispensaries at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Medical cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Humboldt County Code.

SECTION 4. Section 314-55.3 of Chapter 4 of Division 1 of Title III is hereby amended as follows:

314-55.3 Medical Cannabis Dispensaries

55.3.1 Authority and Title

This section applies to all medical cannabis Dispensaries, as defined in this Code.

55.3.2 Purpose and Intent

The purpose of this Section is to minimize the negative land use impacts that can be associated with the dispensing of medical cannabis by a Dispensary, as defined herein, to a qualified patient and to facilitate local implementation of the California Medical Cannabis Regulation and Safety Act (“MCRSA”).

55.3.3 Applicability and Interpretation

55.3.3.1 These regulations shall apply to the locating and permitting of medical cannabis Dispensaries in zoning districts which authorize this use, as specified under Section 55.3.8.2 of this Code.

55.3.3.2 The distribution of medical cannabis by medical cannabis Dispensaries within the jurisdiction of the County of Humboldt shall be controlled by the provisions of this Code, regardless of whether the distribution existed or occurred prior to the adoption of this Code.

55.3.3.3 All distribution of medical cannabis by medical cannabis Dispensaries, as defined herein, regardless of whether the use was previously approved by the Humboldt County Planning Commission or the Humboldt County Board of Supervisors, shall come into full compliance with these regulations within one (1) year of the adoption of the ordinance establishing this Code.

55.3.3.4 Nothing in this Code is intended, nor shall it be construed, to exempt the dispensing of medical cannabis by a dispensary or delivery service, as defined herein, from compliance with the Humboldt County zoning and land use regulations, as well as other applicable provisions of the County Code, or compliance with the MCRSA and any other applicable state laws.

55.3.3.5 Nothing in this Code is intended, nor shall it be construed, to exempt medical cannabis Dispensaries as defined herein, or other cannabis-related activities governed by these regulations from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

55.3.3.6 Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting medical cannabis Dispensaries.

55.3.3.7 The definitions in this Code are intended to apply solely to the regulations herein. Applicable definitions in Humboldt County Code section 314-135 et seq. and section 111-1 et seq. may also apply to this Code.

55.3.4 Severability

If any provision of this Code, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Code that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Code are severable.

55.3.5 Release of Liability and Hold Harmless

As a condition of approval for any conditional use permit and coastal development permit approved for medical cannabis Dispensaries, as defined herein, the owner or permittee shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the operations of medical cannabis Dispensaries and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the handling or dispensing of medical cannabis.

55.3.6 Penalties

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative, civil, or criminal remedy available to the County under the applicable state and county laws.

55.3.7 Definitions

Except as otherwise provided, when used in this Code, the following terms shall have the following meanings:

Church: a non-profit organization that operates exclusively for religious purposes and is an organization as described in section 501(c) (3) of the Internal Revenue Tax Code, as amended. For purposes of this Code, "church" includes a church, synagogue, temple, mosque, or other place of worship and related church property, such as a school or a youth camp.

Dispensing: any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

Medical Cannabis: cannabis (as defined in Business and Professions Code section 19300.5(f)), including marijuana and cannabis concentrate (as defined in Business and Professions Code section 19300.5(g)), that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

Medical Cannabis Dispensary: a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, medical cannabis and medical cannabis products as part of retail sale. This does not include Medical Cannabis Research Laboratories and Testing Facilities, and Medical Cannabis Business Offices, as described under 55.3.15 and 55.3.16 of this code.

Medical Cannabis Delivery Service: A medical cannabis Dispensary, as defined herein, that delivers medical cannabis to qualified patients from a “store-front” base of operations located in a commercial or industrial zone within the unincorporated area of Humboldt County. A medical cannabis delivery service shall not be operated from a residential-zoned parcel and is not eligible for an address of convenience.

Personal Medical Cannabis: medical cannabis that is cultivated, processed, or stored for a single qualified patient’s use.

Place Where Children Congregate: may include, but is not limited to, a school bus stop, park, playground, a school as defined herein, tutoring facility, or any establishment that either advertises in a manner that identifies it as providing services primarily intended for minors or the individuals who regularly patronize, congregate, or assemble at the establishment are primarily minors.

Primary Caregiver: an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

Qualified Patient: a person who has a recommendation for medical cannabis by a licensed physician and is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who may or may not have an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of medical cannabis.

Residential Treatment Facility: a facility, whether residential or non-residential, providing treatment for drug or alcohol dependency.

School: public or private institution of learning for minors offering a regular course of instruction as required by the California Education Code, or any child or day care facility licensed by the State of California. This includes a nursery school, kindergarten, Head Start program, elementary school, middle school, high school, continuation or vocational school for minors, or any special institute of education, but it does not include a vocational or professional institution of higher education primarily intended for students over eighteen (18), such as a community or junior college, college, or university.

Testing laboratory: facility, entity, or site that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.
- (2) Registered with the State Department of Public Health.

55.3.8 General Provisions

This section applies to all medical cannabis Dispensaries, as defined in this Code.

55.3.8.1 All medical cannabis Dispensaries shall operate in compliance with this Code, the MCRSA, and all other applicable state and local laws.

55.3.8.2 Medical cannabis Dispensaries shall only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are C-1, C-2, C-3, MB, ML, MH.

55.3.8.3 The fact that applicants possess other types of state or county or city permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining a conditional use permit from the County of Humboldt to operate a Dispensary within the jurisdiction of the County.

55.3.8.4 Dispensaries shall at all times be operated in such a way as to ensure the safety of patients and staff; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes.

55.3.9 Medical Cannabis Dispensary Requirements

In addition to all other requirements for a conditional use permit and coastal development permit, all of the following terms and provisions must be met in order for the Planning Commission to consider granting or renewing a conditional use permit or coastal development permit to operate a medical cannabis Dispensary:

55.3.9.1 Preparation of a hazardous materials storage, handling, and disposal plan approved by the Division of Environmental Health, if applicable.

55.3.9.2 The Planning Commission shall specifically regulate the location of medical cannabis Dispensaries by considering the potential impacts and cumulative impacts of proposed medical cannabis Dispensaries to the community area as a whole and specifically on the following existing uses located within a 600 foot radius of a proposed Dispensary, regardless of whether those existing uses are located within the jurisdiction of the County. The Planning Commission shall have the discretion to deny a conditional use permit for any proposed medical cannabis Dispensary within 600 feet of the following uses if the Commission determines that the impacts of a proposed Dispensary have the potential to be significant on the following uses:

55.3.9.2.1 Residential neighborhoods and their inhabitants;

55.3.9.2.2 Church, as defined herein;

55.3.9.2.3 Playgrounds, public parks, libraries, licensed day care facilities, and places where children congregate, as defined herein;

55.3.9.2.4 Residential treatment facilities, as defined herein; and

55.3.9.2.5 The cumulative impacts resulting from the addition of another cannabis dispensary, delivery service or other distribution or transfer facility when there are others within a 600 foot radius of the proposed new facility.

55.3.9.3 No medical cannabis Dispensaries, operators, establishments, or providers who possess, cultivate, or distribute medical cannabis shall be located within a 600-foot radius of a school

[Health & Safety Code section 11362.768 (b)]. This distance shall be measured in a straight line from the property line of the school to the property line of the medical cannabis dispensing facility, operator, establishment, or provider.

55.3.9.4 Submission of an Operations Manual and compliance with the Operating Standards, pursuant to sections 55.3.10 and 55.3.11 of this Code.

55.3.10 Operations Manual

Notwithstanding any other regulations or requirements for submitting an application for a conditional use permit, medical cannabis Dispensaries shall submit to the Planning Commission an Operations Manual which provides for the following:

- 55.3.10.1 Authorization for the County, its agents, and employees, to seek verification of the information contained within the conditional use permit application, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit is issued; and
- 55.3.10.2 A description of the staff screening processes, which shall include a requirement for criminal background checks; and
- 55.3.10.3 The hours and days of the week when the Dispensary will be open; and
- 55.3.10.4 Text and graphic materials showing the site, floor plan and facilities. The material shall also show structures and land uses within a 600 foot radius; and
- 55.3.10.5 A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification, and how these will assure the safety of staff and clients and secure the medical cannabis against diversion for non-medical purposes; and
- 55.3.10.6 A description of the screening, registration and validation process and procedures for qualified patients and primary caregivers; and
- 55.3.10.7 A description of qualified patient records acquisition and retention procedures and policies; and
- 55.3.10.8 A description of the processes, procedures and inventory controls for tracking the disparate strains, the source of supply, and amounts of medical cannabis that come in and go out of the Dispensary; and
- 55.3.10.9 Description of measures taken to minimize or offset the carbon footprint from operational activities; and
- 55.3.10.10 Description of chemicals stored, used and any effluent discharged as a result of operational activities; and

- 55.3.10.11 The procedure, documentation, and notice process for assuring the quality and safety of all medical cannabis distributed; and
- 55.3.10.12 The procedure and documentation process for determining patient dosage, including any testing for the major active agents in medical cannabis offered to qualified patients, such as cannabinoids tetrahydrocannabinol (THC), Cannabidiol (CBD), and Cannabinol (CBN); and
- 55.3.10.13 Any other information as may be requested by the County, its employees, and/or by the Planning Commission; and
- 55.3.10.14 Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change.

55.3.11 Operating Standards

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

- 55.3.11.1 Dispensaries that function as medical cannabis delivery services shall not operate from an address of convenience located in a residential zone, as this category of business is not eligible for an address of convenience. Medical cannabis delivery services shall only operate from a “store-front” Dispensary in a commercial or industrial zone with an approved conditional use permit; and
- 55.3.11.2 Medical cannabis Dispensaries may not be operated by any persons who have been convicted of a felony in the last five (5) years; and
- 55.3.11.3 No dispensing of medical cannabis to an individual qualified patient shall be permitted more than twice a day; and
- 55.3.11.4 The hours of operation of medical cannabis Dispensaries shall be no earlier than 10 a.m. and no later than 7 p.m.; and
- 55.3.11.5 Medical cannabis Dispensaries shall only provide medical cannabis to an individual qualified patient who has a valid, verified physician’s recommendation issued in the State of California. Dispensaries shall verify on an annual basis, or more frequently if required by the State of California, that the physician’s recommendations of their clients are current and valid; and
- 55.3.11.6 Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Dispensary. A copy of the client rules and/or regulations shall be provided to the qualified patient by a medical cannabis delivery service; and

- 55.3.11.7 Smoking, ingesting or otherwise consuming medical cannabis products on the premises of a medical cannabis Dispensary is prohibited. Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming medical cannabis or medical cannabis edibles on the premises or in the vicinity of the Dispensary is prohibited; and
- 55.3.11.8 Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian; and
- 55.3.11.9 No medical cannabis Dispensary or delivery service shall provide medical cannabis to any qualified patient or holder of a medical cannabis recommendation who is under 18 unless their parent or guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of medical cannabis; and
- 55.3.11.10 All medical cannabis Dispensaries shall display a copy of the inspection receipt issued by the Humboldt County Sealer of Weights and Measures for all weighing and measuring devices; and
- 55.3.11.11 All medical cannabis dispensed by Dispensaries must be obtained in accordance with the MCRSA and other applicable state and local laws; and
- 55.3.11.12 Dispensaries must comply with sections 313-87.3 and 314-87.2 of the County Zoning Regulations; and
- 55.3.11.13 An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the Dispensary with a copy of this inventory provided to the Humboldt County Division of Environmental Health; and
- 55.3.11.14 Medical cannabis Dispensaries shall maintain all necessary permits, and pay all required taxes and fees. Dispensaries shall also provide invoices to vendors to ensure vendor's tax liability responsibility; and
- 55.3.11.15 Medical cannabis Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual or in the Operating Standards must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change; and
- 55.3.11.16 Medical cannabis Dispensaries shall comply with any and all conditions of their conditional use permit.

55.3.12 Performance Review Reports

- 55.3.12.1 Medical cannabis Dispensaries shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning

Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Zoning Administrator at the time of the initial hearing or at any time thereafter. This annual "Performance Review Report" is intended to identify the effectiveness of the approved conditional use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific CCDF that could potentially lead to revocation of the associated conditional use permit pursuant to section 312-14 of the Humboldt County Code, the Planning Commission may require the submittal of more frequent "Performance Review Reports".

55.3.12.2 Medical cannabis Dispensaries shall be inspected by the Humboldt County Sheriff or his/her designee, and/or employees of the Humboldt County Planning and Building Department and/or the Code Enforcement Investigator on an annual basis, or more frequently as requested by the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1) to determine if the Dispensary is in compliance with its conditional use permit, Operating Standards, and Operations Manual. After payment of the inspection fees as indicated in the following section, a copy of the results from this inspection shall be given to the Dispensary for inclusion in their "Performance Review Report" to the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1).

55.3.12.3 Inspection and review fees pursuant to the County's adopted schedule of fees and charges, as amended from time to time by the Board of Supervisors, shall be paid by medical cannabis Dispensaries and accompany the "Performance Review Report" for costs associated with the inspection and the review of the report by County staff.

55.3.12.4 Non-compliance by medical cannabis Dispensaries in allowing the inspection by the above-mentioned County personnel, or refusal to pay the required fees, or non-compliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the conditional use permit and/ or subject the holder of the permit to the penalties outlined in this Code, above.

55.3.13 Permit Revocation & Transfer

55.3.13.1 A conditional use permit shall be revoked or modified according to Humboldt County Code Section 312-14 (Revocation Procedures). Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, for failure to comply with the requirements of the Humboldt County Certified Unified Program Agency (CUPA), or for the grounds listed in Section 312-14.1 and any successor provisions.

55.3.14.1 Conditional use permits to operate a medical cannabis Dispensary may be transferred upon approval by the Planning Commission after a noticed public hearing.

55.3.15 Medical Cannabis Testing Laboratories, Business and Research Institutions

, as defined herein, and businesses and research institutions engaged in the research of medical cannabis, medical cannabis products, or devices used for the medical use of cannabis products at which

no commercial cannabis cultivation (as defined in section 55.4.7, Title III, Division I, Chapters 3 and 4 of the Humboldt County Code), or distribution, manufacture, dispensing, or sale of medical cannabis occurs shall be allowed in any zone in which medical laboratories and medical testing facilities are permitted. Medical cannabis testing laboratories shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Humboldt County Code and the MCRSA.

55.3.16 Medical Cannabis Business Offices

Business offices for medical cannabis Dispensaries at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Medical cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Humboldt County Code.

ATTACHMENT B

Resolution No. 16-85

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 19, 2016

RESOLUTION NO. 16-85

RESOLUTION MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING AN ORDINANCE REMOVING SECTIONS 313-56 AND 314-56 AND AMENDING SECTIONS 313-55.3 AND 314-55.3 RELATING TO THE REGULATION OF STOREFRONT-BASED MEDICAL CANNABIS DISPENSARIES

WHEREAS, California Government Code Section 65853 and Section 312-50 et seq. of the Humboldt County Code sets forth the manner in which Zoning Regulations may be amended; and

WHEREAS, the Planning & Building Department has reviewed and circulated a draft ordinance which amends Chapter 3 and Chapter 4 of Title III of the Humboldt County Code, Regulations Inside and Outside the Coastal Zone, removing sections 313-56 and 314-56 and amending sections 313-55.3 and 314-55.3, which relate to the regulation of Medical Cannabis Dispensaries; and

WHEREAS, the Planning and Building Department has submitted evidence showing that, pursuant to section 15060(c)2 and 15060(c)3 of the CEQA Guidelines, the proposed amendments to the County Regulations are not subject to CEQA, as they show no potential to result in a physical change to the environment either directly or indirectly. Furthermore, they do not constitute a "project" as defined under section 15378 of the CEQA Guidelines, and may also be found exempt from CEQA under the following sections: 15061(b)3 'General Rule,' 15308 'Actions taken by local ordinance to assure protection of the environment,' and 15321 'Enforcement Actions by Regulatory Agencies.' Lastly, the LCP Amendments are statutorily exempt from environmental review per Section 15265 of the CEQA Guidelines; and

WHEREAS, the Planning & Building Department's staff report includes evidence in support of finding that the proposed ordinance is consistent with requirements of Section 65853 of the California Government Code and Section 312-50 et seq. of the Humboldt County Code; and

WHEREAS, on October 1, 2015, the Humboldt County Planning Commission held a public hearing on the proposed removal of the ban on medical cannabis dispensaries to receive other evidence and testimony; and

WHEREAS, the Planning Commission has reviewed and considered said reports and other testimony presented to the Commission, and on October 1, 2015, recommended that the Board of Supervisors approve the removal of the ban on Medical Cannabis Dispensaries, as well as implementation of minor amendments to Ordinance #2534 to ensure consistency with the California Medical Cannabis Regulation and Safety Act (MCRSA); and

WHEREAS, in light of the MCRSA, staff has proposed non-substantive amendments to the text of Humboldt County Code sections 313-55.3 and 314-55.3.

NOW, THEREFORE, be it resolved, determined, and ordered by the Board of Supervisors, based on the Planning & Building Department's staff report, testimony and evidence presented at the public hearing, and having considered the recommendation of the Planning Commission, that the Board:

1. Finds that the removal of Humboldt County Code sections 313-56 and 314-56 has been reviewed for compliance with CEQA and found to not be subject to environmental review pursuant to section 15061(b)(3) of the CEQA Guidelines and found exempt from environmental review per sections 15265, 15308, and 15321 of the CEQA Guidelines;

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 19, 2016

RESOLUTION NO. 16-85

2. Finds that the amendments to Title III, Division 1, Chapter 3, sections 313-55.3 and Title III, Division 1, Chapter 4, sections 314-55.3 have been reviewed for compliance with CEQA and found to be not subject to environmental review pursuant to section 15061(b)(3) of the CEQA Guidelines and found exempt from environmental review per sections 15265, 15308, and 15321 of the CEQA Guidelines;
3. Makes the findings for approval of the amendments to the Zoning Regulations (Case No.: OR-15-01) based on the evidence submitted and further finds that the Local Coastal Program Amendment will be carried out in accordance with the Coastal Act; and
4. Approves and adopts Ordinance No. 2554 amending Chapters 3 and 4 of Title III of the Humboldt County Code, Regulations Inside and Outside the Coastal Zone, removing sections 313-56 and 314-56 (ban on Medical Cannabis Dispensaries) and amending sections 313-55.3 and 314-55.3 (regulations governing the establishment and operation of Medical Cannabis Dispensaries in all zones).

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The Planning & Building Department – Current Planning Division is hereby directed to transmit the Local Coastal Program Amendment to the California Coastal Commission for certification in accordance with the Coastal Act, the Local Coastal Program Amendment to become effective upon approval by the Coastal Commission;
2. The Planning & Building Department – Current Planning Division is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research pursuant to California Environmental Quality Act;
3. The Clerk of the Board is hereby directed to give notice of the decision to any interested party; and
4. The Clerk of the Board is hereby directed to publish the Post-Adoption Summary of Ordinance fifteen (15) days after its passage.

Dated: July 19, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 19, 2016

RESOLUTION NO. 16-85

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 19, 2016

RESOLUTION NO. 16-86

RESOLUTION DIRECTING PLANNING DEPARTMENT STAFF TO PLACE THE DISPENSARIES ORDINANCE ON THE AGENDA OF THE BOARD OF SUPERVISORS IN SIX (6) MONTHS OR WHEN FIFTEEN (15) APPLICATIONS TO OPERATE MEDICAL CANNABIS DISPENSARIES ARE RECEIVED BY THE DEPARTMENT, WHICHEVER OCCURS FIRST

WHEREAS, the Humboldt County Board of Supervisors has an interest in tracking the number of medical cannabis dispensaries that are permitted in Humboldt County because of the highly regulated nature of medical cannabis and medical cannabis products; and

WHEREAS, the California Medical Cannabis Regulation and Safety Act (MCRSA) was enacted and approved by the Governor on October 9, 2015 and amended by Senate Bill 837; and

WHEREAS, the MCRSA authorizes for profit commerce in the medical cannabis industry; and

WHEREAS, at this time, it is unknown how many people intend to apply for a medical cannabis dispensary permit through the Planning and Building Department; and

WHEREAS, the Board of Supervisors may wish to revisit the idea of a cap or sunset date, depending upon the level of interest in medical cannabis dispensary permits in the County.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Humboldt, State of California as follows:

Planning Department staff is directed to place the Dispensaries Ordinance on the Agenda of the Board of Supervisors in six (6) months or when fifteen (15) applications for Medical Cannabis Dispensaries are received by the Department, whichever occurs first.

Dated: July 19, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 19, 2016

RESOLUTION NO. 16-86

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT D

Post-Adoption Summary of Ordinance

SUMMARY OF ORDINANCE

(To be published within fifteen days after adoption of this ordinance.)

On July 19, 2016, during its regularly scheduled Board meeting, the Humboldt County Board of Supervisors adopted Ordinance No. 2554, which amended the Humboldt County Zoning Code, Title III, Division 1 of Humboldt County Code. The ordinance amends section 313-55.3 et seq. to Title III, Division I, Chapter 3, Section B, Part 1 (Coastal Zoning Regulations), and section 314-55.3 et seq. of Title III, Division 1, Chapter 4, Section B, Part I (Inland Zoning Regulations) to the Humboldt County Code, regulating storefront-based medical marijuana dispensaries. The ordinance also removes section 313-56 of Title III, Division I, Chapter 3 (Coastal Zoning Regulations), and section 314-56 of Title III, Division I, Chapter 4 (Inland Zoning Regulations) from the Humboldt County Code to remove the currently existing ban on the permitting of new storefront-based medical marijuana dispensaries. The regulations govern the authorized locations, application requirements, operating standards, performance reviews, and permit approval, revocation and transfer for medical marijuana dispensaries which may be located in the unincorporated areas of the County of Humboldt. The regulations are applicable to all unincorporated areas of Humboldt County, including the Coastal Zone. Section 313-55.3 of the regulations will be transmitted as a Local Coastal Program Amendment to the California Coastal Commission for certification in accordance with the Coastal Act, with the Local Coastal Program Amendment becoming effective upon certification by the Coastal Commission.

The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, Room 111, 825 Fifth Street, Eureka, California.

ATTACHMENT E

Findings for Adoption of Zoning Text Amendments

ADMINISTRATIVE PROCEDURES ZONING TEXT AMENDMENT

Findings:

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve an amendment to the Zoning Regulations and the Implementation Plan for the certified Local Coastal Program. The required findings are as follows:

1. *The proposed change is in the public interest.*
2. *The proposed change is consistent with the General Plan.*
3. *That amendment to the County's Certified LCP may be approved where the California Coastal Commission finds, upon submittal by the County, that the amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 commencing with Section 30200 of the Public Resources Code, and the implementing ordinances are in conformity with and carry out the provisions of the certified LCPs.*
4. *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.*

Public Interest and General Plan, Coastal Act and Housing Element Consistency.

1. Public Interest: The following table identifies the evidence which supports finding that the proposed Zoning Ordinances and LCP Amendments are in the public interest.

Applicable Requirements	Evidence Supporting the Finding
<p>Government Code Section 65356.1 and §1452.2 of the Framework Plan.</p> <p><i>The General Plan Amendment must be in the public interest.</i></p>	<p>The project applies countywide. The implementation measures (zoning ordinance changes) will establish guidance on a unique form of land use not previously anticipated by the Zoning Regulations. The development of these new policies and performance standards will assist with the administration of local land use control consistent with the Medical Marijuana Regulation and Safety Act (AB243, AB266, and SB 643), the Compassionate Use Act (Proposition 215), as well as the Medical Marijuana Program (SB 420), providing new tools to address land use issues surrounding siting and operational standards for storefront-based medical marijuana dispensaries and associated delivery services. This third phase of the MMLUO will help prevent conflicts between medical marijuana cultivation and neighboring land uses through careful siting of retail distribution facilities to ensure adequate separation from sensitive receptors, as well as the application of operational restrictions to ensure compatibility with nearby development. Therefore, the proposed changes can be found to be in the public interest.</p>

2. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed Zoning Ordinance and LCP Amendments are consistent with a comprehensive view of the General Plan Volume 1 (Framework Plan).

Applicable Requirements	Evidence Supporting Finding
§ 1330 Consistency	
<p>The elements of the General Plan must be consistent.</p> <p>All the goals, policies and standards must be consistent.</p> <p>The General Plan text and diagrams must support each other and show the same conclusions.</p> <p>The data base must be consistent for all the elements.</p> <p>When a portion of the plan is amended, then the rest of the plan and its implementing programs must be brought into conformity.</p> <p>Zoning or the implementation of the plan is required to be consistent with the plan.</p>	<p>The project applies countywide. The implementation measures (zoning ordinance changes) will provide guidance on a unique form of land use not previously anticipated by the Zoning Regulations. The development of these new policies and performance standards provides guidance and new tools to control the siting and operation of retail storefront-based distribution facilities (dispensaries) providing qualified patients with access to medical cannabis. To ensure adequate separation from sensitive receptors and compatibility with nearby development, the third phase of the MMLUO (Medical Marijuana Land Use Ordinance) controls the siting of dispensaries. The regulations also provide for the application of operational restrictions to help protect neighboring land uses. Therefore, the proposed changes can be found to be consistent with the goals, policies, and standards of the current General Plan.</p>
§ 1452.2 Required Findings	
<p>Base information or physical conditions have changed; or</p> <p>Community values and assumptions have changed; or</p> <p>There is an error in the plan; or</p> <p>To maintain established uses otherwise consistent with a comprehensive view of the plan.</p>	<p>The base information of the General Plan changed with the passage of The Compassionate Use Act (Proposition 215) in 1995, the adoption of the Medical Marijuana Program (Senate Bill 420) in 2004, and especially following the recent passage of the Medical Marijuana Regulation & Safety Act (MMRSA – AB243, AB266, and SB643).</p> <p>The new implementing ordinances and LCP Amendments are required to bring the other elements of the General Plan in line with the provisions of state law that pertain to medical cannabis.</p> <p>Medical Cannabis uses can be considered 'established' when considering that over 20 years have passed since the decriminalization of Medical Marijuana occurred under a statewide ballot initiative. An initiative proposing to open up California to recreational marijuana use by adults (21+) will once again be appearing on the ballot in November as "The Adult Use of Marijuana Act" (AUMA / Proposition 64).</p>

3. Consistency with State Laws: The following table identifies the evidence which supports finding that the proposed Zoning Ordinance and LCP Amendments are consistent with State Laws.

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200 (Coastal Act)</p> <p>The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding the following issues:</p>	<p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</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>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>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</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>The proposed Zoning Ordinance and Local Coastal Program amendments will help regulate a unique form of land use not previously anticipated by the Zoning Code. Dispensaries share many similar features with more conventional retail uses and are therefore potentially compatible in a variety of zoning districts. The development of new policies and performance standards will provide guidance and new tools to address land use issues surrounding the siting and operational standards for storefront-based dispensing facilities. As such, no impact on coastal access concerns, recreational uses, marine or land resources, and industrial development is anticipated.</p> <p>The proposed new regulations would permit storefront-based medical marijuana distribution facilities (dispensaries) to be operated in Commercial and Industrial zones, subject to a discretionary permit. Coastal Dependent Industrial (MC) zones were specifically excluded. It is therefore not expected that development would result that would interfere with coastal industrial development opportunities or existing uses. In addition to needing a Conditional Use Permit, all dispensaries would be required to secure a Coastal Development Permit where Coastal Act consistency would be evaluated on a case-by-case basis.</p>
<p>30510(a) of the Act.</p> <p>Submission to the Commission</p> <p>The LCP Amendment shall be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.</p>	<p>The LCP Amendments will be carried out in accordance with § 30510(a) of the Coastal Act. The amendment(s) shall be forwarded to the Coastal Commission for review and certification, following adoption by the Board of Supervisors, and including sufficient materials to ensure a 'thorough and complete review'.</p>	

4. IMPACT ON RESIDENTIAL DENSITY TARGET: The following table identifies the evidence which supports finding that the proposed project 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.

§ 312-17.1.5 Housing Element Densities	
Applicable Requirements	Evidence Supporting Finding
<p>The proposed development 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 (the mid-point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>	<p>The proposed Zoning Ordinance and Local Coastal Program amendments will help regulate a unique form of land use not previously anticipated by the Zoning Code. The development of these new policies and performance standards will provide guidance and new tools to address siting and operational standards for storefront-based medical cannabis retail distribution facilities (dispensaries). As these uses are only authorized in commercial and industrial zoning districts, the provisions will have minimal potential to affect the number of housing units available within the county.</p>

ATTACHMENT F

Resolution from October 1, 2015 Planning Commission Meeting

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 15-34B**

Case Number OR-15-002

RECOMMENDS THAT THE BOARD OF SUPERVISORS CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPT THE AMENDMENTS TO TITLE III, CHAPTER 3 AND CHAPTER 4 OF THE HUMBOLDT COUNTY CODE - REGULATIONS INSIDE THE COASTAL ZONE AND REGULATIONS OUTSIDE THE COASTAL ZONE, REPEALING THE CURRENT PROHIBITION ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE AND COOPERATIVE DISPENSING FACILITIES (CCDF), AND MAKING MINOR CHANGES IN ASSOCIATION WITH IMPLEMENTATION OF NEW REGULATIONS GOVERNING CCDF PERMITTING AND OPERATION.

WHEREAS, California Government Code Section 65853 authorizes counties to amend their zoning ordinances and sets forth procedures governing these amendments; and

WHEREAS, Ordinance 2511 was adopted by the Board of Supervisors on January 7, 2014 and placed a prohibition on the permitting of new Collective or Cooperative storefront-based Dispensing Facilities (CCDF), which was codified under section 313-56 et seq. and 314-56 et seq. of the Zoning Regulations, Chapter 3 and Chapter 4 of Humboldt County Code, Division 1, Title III; and

WHEREAS, Ordinance 2511 was adopted following the lapse of 2 years of urgency ordinances prohibiting the permitting and establishment of CCDF, and, as discussed in the Board resolution adopting the prohibition ordinance, was intended to provide more time "...while the County develops and adopts an ordinance regulating the establishment of medical marijuana collective and cooperative dispensing facilities...in a manner that will lessen adverse impacts on neighborhoods and provide for clear operating standards and local regulations..."; and

WHEREAS, on August 18, 2015 the Board of Supervisors adopted Ordinance 2534 adding sections 313-55.3 et seq. and 314-55.3 et seq. to the Humboldt County Code, which provide for the permitting and regulation of storefront-based Medical Marijuana Collective or Cooperative Dispensing Facilities (CCDF); and

WHEREAS, on August 18, 2015, when adopting Ordinance 2534, the Board of Supervisors also chose to place a cap on the number and distribution of permits for CCDF, and make new applications subject to an Request For Qualifications (RFQ) process; and

WHEREAS, in association with their decision to adopt Ordinance 2534 at their meeting on August 18, 2015, the Board chose to make Ordinance 2534 take effect upon the repeal of Ordinance 2511, and directed staff to draft an ordinance to effectuate this repeal, as well as develop the RFQ process; and

WHEREAS, the County has proposed amendments to Title III, Chapter 3 and Chapter 4 – Regulations inside the Coastal Zone and Regulations Outside the Coastal Zone, repealing the provisions of Section 313-56 et seq. and 314-56 et seq., which currently prohibit the establishment and permitting of Medical Marijuana Collective or Cooperative Dispensing Facilities (CCDF); and

WHEREAS, consistent with the August 18, 2015 Board action, the County is proposing additional amendments to Title III, Chapter 3 and Chapter 4 – Regulations Inside the Coastal Zone and Regulations Outside the Coastal Zone, adding clarifying language to sections 313-55.3 et seq.

and 314-55.3 et seq., and codifying the decision to implement an RFQ process and cap on number and distribution of CCDF permits; and

WHEREAS, the Planning Division has reviewed and made available to the public the draft Ordinance (Attachment 2); and

WHEREAS, the repeal of Ordinance 2511 is linked to and prompted by an earlier action made by the Humboldt County Board of Supervisors, during their recent adoption of Phase III of the Medical Marijuana Land Use Ordinance (Ordinance #2534) on August 18 2015; and

WHEREAS, the project was determined exempt and a Notice of Exemption was filed with the Humboldt County Recorder on August 20th, in association with this. Additionally, Local Coastal Plan (LCP) Amendments are statutorily exempt from environmental review per section 15265 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed Ordinance on October 1, 2015 to receive a report on the draft ordinance, as well as evidence and testimony; and

WHEREAS, during the hearing the Planning Commission was briefed on the Medical Marijuana Regulation and Safety Act (MMRSA), a series of three bills (AB243, AB266, and SB 643) passed by the California legislature on September 11, 2015, and that were awaiting signature by the Governor; and

WHEREAS, staff further explained that while Ordinance #2534 is largely consistent with the regulatory paradigm further developed under MMRSA, some additional minor technical amendments to the ordinance may be necessary to ensure compatibility between the Ordinance and pending state regulations; and

WHEREAS, the Planning Commission has reviewed and considered the report, evidence, and other testimony presented to the Commission.

NOW, THEREFORE, be it resolved and determined that the Planning Commission hereby recommends that the Board of Supervisors of Humboldt County:

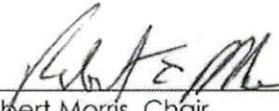
1. Find that the amendments to Title III, Chapter 3, sections 313-56.1 and 313-55.3 (Regulations inside the Coastal Zone) and Chapter 4, sections 314-56.1 and 314-55.3 (Regulations Outside the Coastal Zone) have been reviewed for compliance with CEQA and found to be not subject to environmental review pursuant to sections 15378, 15060(c)(2), and 15060 (c)(3) of the CEQA Guidelines; and
2. Adopt the Draft Ordinance as presented herein, amending Title III, Chapter 3, removing sections 313-56 et seq. (Regulations Inside the Coastal Zone), removing sections 314-56 et seq. (Regulations Outside the Coastal Zone), amending sections 313-55.3 et seq. (Regulations Inside the Coastal Zone), and amending sections 314-55.3 et seq. (Regulations Outside the Coastal Zone); and
3. Direct the Clerk of the Board of Supervisors to publish the ordinance summary within ten (10) days of the adoption of the Ordinances, and to give notice of the decision to all persons requesting such notice; and

4. Adopt a Resolution transmitting the Amendment package, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 30514.

Adopted after review and consideration of all the evidence October 1, 2015.

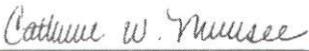
The motion was made by Commissioner Shepherd and seconded by Commissioner McKenny with the following ROLL CALL vote.

AYES: Commissioners: Levy, McKenny, Morris, Shepherd, Bongio
NOES: Commissioners: None
ABSTAIN: Commissioners:
ABSENT: Commissioners: Ulansey, Edmonds
DECISION: Motion carries 5/0.



Robert Morris, Chair

I, Catherine Munsee, Clerk 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.



Catherine Munsee, Clerk

ATTACHMENT G

Action Summary from October 1st, 2015 Planning Commission Meeting

HUMBOLDT COUNTY PLANNING COMMISSION
Board of Supervisors' Chambers
County Courthouse
825 Fifth Street
Eureka CA 95501

Action Summary

October 1, 2015
6:00 pm

CALL TO ORDER Chair Morris called the meeting to order at 6:05 p.m.

COMMISSIONERS PRESENT Levy, McKenny, Morris, Shepherd, Bongio

COMMISSIONERS ABSENT Ulansey, Edmonds

STAFF PRESENT Bob Bronkall, Deputy Director of Public Works Land Use Division; Joel Ellinwood, Deputy County Counsel; Kevin R. Hamblin, Director of Planning and Building Department; Steve Werner, Supervising Planner; Trevor Estlow, Senior Planner; Karen Meynell, Planner; Steve Lazar, Senior Planner; Catherine Munsee, Clerk.

APPROVAL OF ACTION SUMMARY
September 3, 2015, Regular Meeting

Action: Approve the September 3, 2015, Regular Meeting action summary.
Motion: Commissioner Shepherd
Second: Commissioner McKenny
Ayes: Commissioners McKenny, Morris, Shepherd, Bongio
Nays: None
Abstain: Commissioners Levy
Absent: Commissioners Ulansey and Edmonds
Decision: Motion carries 4/0.

AGENDA MODIFICATIONS

At the request of the Planning Commission Chair, items 1 (van Eck) and 3 (Loleta Community Services District) on the Consent Agenda were pulled and placed for Public Hearing.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Laurie Baraich, question regarding ancillary businesses to marijuana cultivation

CONSENT AGENDA

2. Grosjean Lot Line Adjustment and Zone Boundary Adjustment

15 Glendale Drive, Glendale Area

Case Numbers LLA-15-002, ZBA-15-001; Assessor's Parcel Numbers 504-021-007, 501-021-017. A Lot Line Adjustment between two parcels where 1.8 acres will be adjusted from APN 504-021-017 to APN 504-021-007. The new lot line will approximately follow a new road that will serve APN 504-021-016. Also included is a Zone Boundary Adjustment to

adjust the Agriculture General (AG) and Agriculture General with a five-acre minimum parcel size (AG-B-5(5)) zone boundary between the two involved parcels such that it follows the new dividing line. Both parcels will be served with individual wells and on-site wastewater treatment systems.

(TE)

Action: Move to make all of the required findings for approval based on evidence in the staff report and public testimony, and recommend the project to the Board of Supervisors for approval as described in the Agenda Item Transmittal, subject to the recommended conditions of approval.

Motion: Commissioner Shepherd

Second: Commissioner McKenny

Ayes: Commissioners Levy, McKenny, Morris, Shepherd, Bongio

Nays: None

Abstain: None

Absent: Commissioners Ulansey and Edmonds

Decision: Motion carries 5/0.

CONTINUED PUBLIC HEARINGS

None

PUBLIC HEARINGS

1. Fred M. van Eck Forest Foundation General Plan Amendment and Zone

Reclassification Fieldbrook Area

Case Numbers GPA-15-001, ZR-15-001; Assessor's Parcel Numbers 512-171-009, 512-181-038, 512-181-039, 516-011-006, 516-011-010, 516-011-014, 516-011-015, 516-011-019, 516-011-020, 504-021-007, 501-021-017. A General Plan Amendment to amend the General Plan designations of nine parcels owned by the Fred M. Van Eck Forest Foundation from their various plan designations to Timber. The parcels total approximately 142 acres. Also included is a Zone Reclassification to rezone the parcels Timberland Production Zone (TPZ). This will be consistent with the surrounding parcels owned by the Foundation. The parcels are currently encumbered by a Conservation Easement and part of a larger tract that is managed for timber production. (TE)

Public Comment

Forester for landowner

Action: Move to make all of the required findings for approval based on evidence in the staff report and public testimony, and recommend adoption of the *modified* General Plan Amendment and Zone Reclassification to the Board of Supervisors as described in the Agenda Item Transmittal subject to the recommended conditions.

Motion: Commissioner Shepherd

Second: Commissioner McKenny

Ayes: Commissioners Levy, McKenny, Shepherd, Bongio

Nays: Commissioner Morris

Abstain: None

Absent: Commissioners Ulansey and Edmonds

Decision: Motion carries 4/1.

3. Loleta Community Services District (LCSD), General Plan Conformance Review

Four sites within the community of Loleta: 77 Puegh Road, East side of Highway 101 approximately 660 feet north of Echo Lane and 1200 feet west of Singley Road; NE corner of Perrot Avenue and Loleta Drive, and 282 Loleta Drive.

Case Number GPC 15-003; Assessor's Parcel Number (APNs) 309-041-012, 309-042-007, 309-081-022, 309-124-002. The project is a General Plan Conformance Review pursuant to Government Code Section 65402 involving the Loleta Community Services District's (LCSD) Resolution No. 15-01 declaring real property surplus to the needs of the LCSD and authorizing its sale. The land the District has deemed surplus consists of four non-adjacent parcels totaling approximately 1.41 acres in size. Three of the parcels are located in the Coastal Zone, one of which is developed with an office/storage building. The other properties are vacant except for the existence of a capped well and/or retired spring location. The intent is to sell the properties to adjacent owners or the highest bidder. No development of the land is proposed at this time. (KM)

Public Comment

None

Action: Move to find the project to be in conformance with the General Plan based on findings in the staff report.

Motion: Commissioner Shepherd

Second: Commissioner Levy

Ayes: Commissioners Levy, McKenny, Morris, Shepherd, Bongio

Nays: None

Abstain: None

Absent: Commissioners Ulansey and Edmonds

Decision: Motion carries 5/0.

4. Zoning Ordinance Amendments

Repeal of Ordinance #2511 – removing prohibition on the permitting of new storefront-based Medical Marijuana Collective or Cooperative Dispensing Facilities

Amendments to Ordinance #2534

Medical Marijuana Land Use Ordinance – Phase III – Collective and Cooperative Dispensing Facilities

Case Number OR-15-002; Assessor Parcel Number (APN) 000-000-000. Amendments to the Zoning Ordinance and Local Coastal Program (LCP) involving repeal of Ordinance #2511, as well as revisions to Ordinance #2534. Ordinance #2511 was adopted by the Board of Supervisors on January 7, 2014 and currently prohibits in all zones, the establishment of new storefront-based Medical Marijuana Collective or Cooperative Dispensing Facilities (CCDF). These amendments are being performed to enable implementation of Phase III of the Medical Marijuana Land Use Ordinance (Ordinance #2534), which was recently adopted by the Board of Supervisors on August 18, 2015, and becomes effective upon the repeal of Ordinance #2511. If adopted, these amendments to the Zoning Regulations will remove section 313-56 et seq., and section 314-56 et seq., as well as amend section 313-55.3 et seq. and 314-55.3 et seq., of the Coastal and Inland Zoning Regulations. Because the Coastal Zoning Regulations are an

implementation of the Local Coastal Program (LCP), changes to the Coastal Zoning Regulations constitute an amendment to the LCP requiring certification by the California Coastal Commission before they become effective. (SL)

Public Comment

Luke Bruner
Christopher Larson
Representative of Hummingbird Healing Center
Lily Dubois
Representative of Co-op of sustainable farmers
Steve, Hummingbird Healing Center
Laurie, attorney

Action: Make all of the required findings, based on evidence in the staff report; adopt the Resolution recommending approval of the *modified* proposed ordinance; and forward this matter to the Board of Supervisors for further action.

Motion: Commissioner Shepherd
Second: Commissioner McKenny
Ayes: Commissioners Levy, McKenny, Morris, Shepherd, Bongio
Nays: None
Abstain: None
Absent: Commissioners Ulansey and Edmonds
Decision: Motion carries 5/0.

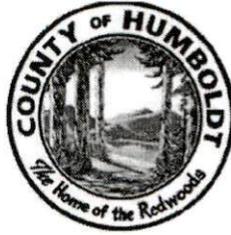
CORRESPONDENCE None

ATTACHMENT H

Action Summary from May 10th, 2016 Board of Supervisors Meeting

BOARD OF SUPERVISORS

REX BOHN
First District
ESTELLE FENNEL
Second District
MARK LOVELACE
Chair - Third District
VIRGINIA BASS
Vice Chair - Fourth District
RYAN SUNDBERG
Fifth District



COUNTY STAFF

AMY S. NILSEN
County Administrative Officer
JEFFREY S. BLANCK
County Counsel
KATHY HAYES
Clerk of the Board

**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT
825 FIFTH STREET
EUREKA, CA 95501
SUPERVISORS' CHAMBER, FIRST FLOOR
ACTION SUMMARY**

Tuesday, May 10, 2016

9:00 AM

Regular Meeting

G. MATTERS INITIATED BY BOARD MEMBERS

Board of Supervisors

3. Give Further Direction to Staff as it Relates to the Proposed Medical Marijuana (MMJ) Dispensary Ordinance (Supervisor Ryan Sundberg)

Recommendation: That the Board of Supervisors give further direction to staff as it relates to the proposed MMJ Dispensary Ordinance.

A motion was made by Supervisor Fennell, seconded by Supervisor Sundberg, to move forward with the ordinance, to lift the prohibition, to not include caps as discussed at an earlier time, and to not include Request for Proposal. The motion carried by the following vote:

Aye: 4 - Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

Nay: 1 - Rex Bohn