

ATTACHMENT 2

**ORDINANCE NO. _____,
AMENDING SECTION 314-55.4 OF
CHAPTER 4 OF DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE
(THE COMMERCIAL CANNABIS LAND USE ORDINANCE)**

ORDINANCE AMENDING SECTION 314-55.4 OF CHAPTER 4 OF DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE (THE COMMERCIAL CANNABIS LAND USE ORDINANCE)

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

SECTION 1. PURPOSE OF ZONING TEXT AMENDMENTS.

Section 314-55.4 is amended to require that stacking of more than two Retirement, Remediation and Relocation (RRR's) on a single receiving site must receive a discretionary permit, and to remove the enhanced setback requirements for cannabis distribution and testing and research facilities.

SECTION 2. RRR ZONING TEXT AMENDMENTS

Section 314-55.4 regarding RRR permits in Chapter 4 of Division 1 of Title III of the Humboldt County Code, is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikethrough~~ text):

55.4.3 Applicability and Interpretation.

55.4.3.1 All facilities and activities involved in the commercial cultivation, processing, manufacturing, and distribution, testing, and sale of cannabis within the jurisdiction of the County of Humboldt outside of the coastal zone shall be controlled by the provisions of this section, regardless of whether those activities existed or occurred prior to the adoption of this section. Applications for commercial cannabis activity land use permits filed on or before December 31, 2016, shall be governed by the regulations in effect at the time of their submittal, except as follows and is otherwise prescribed herein. Zoning clearance certificate applications for open air cultivation filed on or before December 31, 2016, shall be controlled by the provisions of Section 314-55.4.6.7 below. Zoning Clearance Certificate applications for Retirement, Remediation and Relocation sites filed on or before December 31, 2016 shall be controlled by the provisions of Section 55.4.6.5.9.4 below.

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55.4.6 Commercial Cannabis Cultivation, Propagation, and Processing - Open Air Activities.

55.4.6.5.9 Retirement, Remediation, and Relocation of Preexisting Cultivation Sites. In order to incentivize, promote, and encourage the retirement, remediation and relocation of preexisting cannabis cultivation operations occurring in inappropriate, marginal, or environmentally sensitive sites to relocate to environmentally superior sites, the following provisions shall apply:

55.4.6.5.9.1 Cultivation sites eligible for retirement, remediation, and relocation incentives (RRR sites) shall be those that were in operation at any time between January 1,

2006, and January 1, 2016, and are located in TPZ, RA, U, AG, FR or AE zones with a source of irrigation water from surface water diversion without DWR water right or permit or DFW streambed alteration permit, or served by roads which do not conform with one (1) or more access performance standards specified under Section 314-55.4.12, or with slopes in excess of fifteen percent (15%), or where the cultivation area location does not comply with the required setbacks. All applications for RRR sites on tribal land shall be referred to the appropriate tribe for comment prior to approval.

55.4.6.5.9.2 Sites eligible for relocation of RRR sites (relocation sites) shall be those meeting the eligibility criteria specified in Section 314-55.4.6.1 or 314-55.4.6.2 and the siting criteria specified in Sections 314-55.4.6.4 through 314-55.4.6.8, as well as all applicable performance standards specified in Section 314-55.4.12. In addition, RRR sites shall not be located within any special areas listed within Section 314-55.4.5.1.4. Applications for RRR sites shall not be accepted after December 31, 2018.

55.4.6.5.9.3 Operators of RRR sites shall be eligible to receive a zoning clearance certificate or Special Permit for commercial cultivation of cannabis on an eligible relocation site, for an area up to four (4) times the area of the preexisting RRR site, but in no event larger 20,000 square feet. Operators of RRR sites with a cultivation area exceeding 20,000 square feet may transfer all recognized prior cultivation area to an eligible relocation site, on a one (1) for one (1) basis (no multiplier) subject to approval of a special permit.

55.4.6.5.9.4 Relocation sites may be on leased premises for agricultural purposes allowable pursuant to the exclusion from the Subdivision Map Act, Government Code Section 66412(k). More than one (1) Up to two RRR site zoning clearance certificates may be granted on relocation site parcels of ten (10) acres or larger; provided, that the cumulative total cultivation area for all commercial cannabis cultivation zoning clearance certificates issued for that parcel does not exceed twenty percent (20%) of the area of the relocation site parcel. With a Special Permit, more than two RRR sites may be located on relocation site parcels of ten (10) acres or larger provided the cumulative total cultivation area for all commercial cannabis cultivation does not exceed twenty percent (20%) of the area of the relocation site parcel. If the relocation site has prime agricultural soils on that parcel, the area utilized for cannabis cultivation on prime agricultural soils shall not exceed twenty percent (20%) of the area of prime agricultural soils on that parcel. All zoning clearance certificate applications for RRR sites and Relocation sites, including those submitted on or before December 31, 2016, shall be subject to compliance with the provisions of this paragraph.

SECTION 3. CANNABIS SUPPORT FACILITIES ZONING TEXT AMENDMENTS

Section 314-55.4 regarding Cannabis Support Facilities in Chapter 4 of Division 1 of Title III of the Humboldt County Code, is hereby amended as follows (modifications are shown in underline text, deletions are shown in ~~strikethrough~~ text):

55.4.7 Cannabis Support Facilities. Cannabis support facilities include facilities for distribution, off-site processing, enclosed nurseries, community propagation centers and cannabis testing and research laboratories. All cannabis support facilities Off-site processing, enclosed nurseries and community propagation centers must meet or exceed the setbacks from sensitive receptors and all cannabis support facilities must meet or exceed the setbacks from tribal ceremonial sites specified under Sections 314-55.4.6.4.4.1.3 and 314-55.4.6.4.4.1.4, unless waived or reduced pursuant to Section 314-55.4.6.4.4.1.6. Where conducted within an enclosed setting, cannabis support facilities shall not be subject to the setbacks from school bus stops prescribed within Section 314-55.4.6.4.4.1.3.

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective 30 days after its passage.

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass, 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: _____
Kathy Hayes