



# COUNTY OF HUMBOLDT

For the meeting of: 9/21/2021

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File #: 21-1304

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

Public Hearing on Draft Amendments to the Commercial Cannabis Land Use Ordinance (CCLUO);  
Case No.: PLN-2020-17147

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Receive and consider the staff report, open the public hearing, and accept public comment; and
2. Close the public hearing; and
3. Deliberate on the proposed ordinance amendments; and
4. Adopt the proposed ordinance by taking the following actions:
  - a. Adopt Resolution No. \_\_\_\_ [Attachment 1] considering the Addendum to the certified Program Environmental Impact Report (PEIR) for the CCLUO (SCH # 2017042022) in Attachment 4, making findings that no new information has been presented that changes the findings of the PEIR pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, and making all the required findings for consistency with the General Plan, and Zoning Ordinance; and
  - b. Adopt Ordinance No: \_\_\_\_ [Attachment 2] amending the Commercial Cannabis Land Use Ordinance (CCLUO) (Section 314-55.4 of Chapter 4, Division 1 of Title III of the Humboldt County Code) to require a Special Permit for locating more than two Retirement, Remediation and Relocations (RRRs) on a single receiving site, and to eliminate the enhanced setback requirements for cannabis distribution and testing and research facilities; and
  - c. Direct the Clerk of the Board to publish a Summary of the Ordinance Amendments within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance [Attachment 3] 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 amendments along with the names of those Supervisors voting for and against the ordinance (Government Code section 25124); and
  - d. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and

Office of Planning and Research.

SOURCE OF FUNDING:

The salary funding for preparing this staff report is included in the General Fund contribution to the Long-Range Planning unit, 1100-282.

DISCUSSION:

This item involves proposed amendments to the CCLUO to require a discretionary permit for more than two RRR's on a single receiving site and to eliminate the enhanced setback requirements for cannabis distribution and testing and research facilities. Presently RRR's are allowed with issuance of a Zoning Clearance Certificate upon finding the site complies with the provisions of the ordinance. The ZCC is ministerial and requires no public notice. There is no limit to the number of RRR's which can be moved onto a site (subject to compliance with other ordinance provisions), and since they are allowed with a zoning clearance certificate, there is no opportunity for public review of these projects regardless of their size. In addition to the lack of public review, allowing many RRRs to be located on a single site with ministerial review may result in cultivation sizes larger than contemplated in the CMMLUO or CCLUO. The amendment would require a discretionary permit which allows the public to request a hearing by the Planning Commission.

The proposed amendments are consistent with the Board's direction from the Oct. 27, 2020, meeting when the Board directed the department to amend the CCLUO to require that stacking of more than two RRR's on a single receiving site is required to apply for a discretionary permit, and to require applications submitted under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) to also be subject to this provision.

In addition, the proposed amendment will eliminate the enhanced setback requirements for cannabis distribution and testing and research facilities. The enhanced setbacks were applied in the CCLUO consistent with the setback requirements for cultivation. This 600-foot setback from schools, churches parks and bus stops is to minimize the visibility of the cannabis activity on the surrounding area. In the case of Cannabis Support Facilities these are conducted completely within a building which minimizes any impact to the community either by seeing cannabis activity or because of odor. In addition, these uses are most appropriately placed within community areas as a centralized area out of the hills. Unfortunately, these are also the location of these other sensitive receptors. There have been instances where cannabis support facilities have been rejected under the CCLUO due to the requirement of this setback. In instances where these facilities have been approved in community areas under the CMMLUO there have not been complaints.

***Planning Commission Review***

Attachment 5 contains the Planning Commission Resolution of approval and staff report. The proposed amendments initially being considered by the Planning Commission in July included a broader scope of ordinance changes. In addition to the two amendments now being considered by the Board, staff was recommending the Planning Commission also approve ordinance amendments to allow the propagation area for cultivation sites to be 25% of the size of the cultivation area, and to allow low-wattage lighting accessory to outdoor cultivation to maintain immature cannabis plants in a vegetative

state.

Both additional amendments were intended to align the ordinance with industry practices. However, the Planning Commission received considerable public opposition to these amendments, including from the cannabis industry. To allow these simple modifications to be adopted and provide time to work out details on the other changes the modifications for lighting and nursery area were removed from consideration.

***Environmental Review***

An Addendum to the certified Program Environmental Impact Report (PEIR) for the CCLUO (SCH # 2017042022) was prepared and is included herein as Attachment 4.

**FINANCIAL IMPACT:**

Staff costs and other expenses related to preparation and review of these ordinance amendments total approximately \$5,000. These costs are supported by the General Fund contribution to the Planning and Building Department, Long Range Planning Unit's FY 2020-21 budget. The proposed amendments are not anticipated to have significant financial impacts.

**STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

**OTHER AGENCY INVOLVEMENT:**

Agriculture Commissioner

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

Board discretion.

**ATTACHMENTS:**

1. Resolution No. \_\_\_\_\_ considering the Addendum to the certified Program Environmental Impact Report (PEIR) for the CCLUO (SCH # 2017042022) in Attachment 4, making findings that no new information has been presented that changes the findings of the PEIR pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, and making all the required findings for consistency with the General Plan, and Zoning Ordinance 2. Ordinance No: \_\_\_\_\_ amending the Commercial Cannabis Land Use Ordinance (CCLUO) (Section 314-55.4 of Chapter 4, Division 1 of Title III of the Humboldt County Code) to require a Special Permit for locating more than two Retirement, Remediation and Relocation (RRR) sites on a single receiving site, and to eliminate the enhanced setback requirements for cannabis distribution and testing and research facilities 3. Post Adoption Ordinance Summary 4. CEQA Addendum 5. Planning Commission Resolution and Staff report for August 5, 2021 meeting

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: [Click or tap here to enter text.](#)

Meeting of: October 27, 2020

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**File #:** 21-1304

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File No.: 20-1357