

Attachment 5

**Inland and Coastal Amendments to the CCLUO for Financial Security
(Financial Security Zoning Amendments – Part 1)**

Attachment 5A

Inland Amendments to the CCLUO for Financial Security

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4
(REGULATIONS OUTSIDE THE COASTAL ZONE) OF THE HUMBOLDT
COUNTY CODE FOR FINANCIAL SECURITY.**

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS

Amendments to the Inland Zoning Regulations adding section 314-55.4.12.2.9 to Chapter 4 of Division 1 of Title III of the HCC to better align the CCLUO with the requirements of the County's cannabis tax ordinance.

SECTION 2. ZONING REGULATION AMENDMENTS

Subdivision 314-55.4.12.2.9 of Title III, Division 1, Chapter 4 of the Humboldt County Code is added as follows:

314-55.4.12.2.9 This performance standard shall apply to all permittees, regardless of whether an application was submitted prior to or after December 31, 2016. Permittees shall provide and maintain security in an amount the Department determines to be sufficient to secure timely payment of annual taxes imposed by Chapter 9 of Division 1 of Title VII of this Code. Permittees shall provide and maintain such security in one of the following forms:

1. Cash, or a cash equivalent;
2. A bond or bonds duly executed by an admitted surety insurer, as defined by section 995.120 of the Code of Civil Procedure, payable to the County; or
3. Written agreement of the record owner of the premises consenting to collection on the property tax roll of all taxes, penalties, and other obligations arising out of Chapter 9 of Division 1 of Title VII, of this Code as to the premises. Upon such consent, the Department shall inform the County Assessor, and the Tax Collector shall collect those sums at the time and in the same manner as ad valorem property taxes.

To maintain a permit or certificate, such security shall be in place by January 1st of each year that the permit or certificate is granted or prior to commencement of cultivation for permits granted after January 1st of that year. If the Planning Department does not receive the security prior to January 1st or commencement of cultivation, the permit or certificate shall be deemed to have expired.

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

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

PASSED, APPROVED, AND ADOPTED the _____ day of _____, 2020, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Estelle Fennell, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: _____
Ryan Sharp, Deputy Clerk

Date:

Attachment 5B

Coastal Amendments to the CCLUO for Financial Security

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 3
(REGULATIONS WITHIN THE COASTAL ZONE) OF THE HUMBOLDT
COUNTY CODE FOR FINANCIAL SECURITY.**

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

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS

Amendments to the Coastal Zoning Regulations adding section 313-55.4.12.2.9 to Chapter 4 of Division 1 of Title III of the HCC to better align the CCLUO with the requirements of the County's cannabis tax ordinance.

SECTION 2. ZONING REGULATION AMENDMENTS

Subdivision 313-55.4.12.2.9 of Title III, Division 1, Chapter 3 of the Humboldt County Code is added as follows:

313-55.4.12.2.9 This performance standard shall apply to all permittees, regardless of whether an application was submitted prior to or after December 31, 2016. Permittees shall provide and maintain security in an amount the Department determines to be sufficient to secure timely payment of annual taxes imposed by Chapter 9 of Division 1 of Title VII of this Code. Permittees shall provide and maintain such security in one of the following forms:

4. Cash, or a cash equivalent;
5. A bond or bonds duly executed by an admitted surety insurer, as defined by section 995.120 of the Code of Civil Procedure, payable to the County; or
6. Written agreement of the record owner of the premises consenting to collection on the property tax roll of all taxes, penalties, and other obligations arising out of Chapter 9 of Division 1 of Title VII, of this Code as to the premises. Upon such consent, the Department shall inform the County Assessor, and the Tax Collector shall collect those sums at the time and in the same manner as ad valorem property taxes.

To maintain a permit or certificate, such security shall be in place by January 1st of each year that the permit or certificate is granted or prior to commencement of cultivation for permits granted after January 1st of that year. If the Planning Department does not receive the security prior to January 1st or commencement of cultivation, the permit or certificate shall be deemed to have expired.

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

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective only upon certification by the Coastal Commission.

PASSED, APPROVED, AND ADOPTED the _____ day of _____, 2020, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Estelle Fennell, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: _____
Ryan Sharp, Deputy Clerk

Date: