

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of November 13, 2018

ORDINANCE MAKING CORRECTIVE AMENDMENTS TO PROVISIONS OF TITLE III OF THE HUMBOLDT COUNTY CODE RELATING TO THE COMMERCIAL CULTIVATION, PROCESSING, MANUFACTURING, DISTRIBUTION, TESTING, AND SALE OF CANNABIS FOR MEDICINAL OR ADULT USE OUTSIDE THE COASTAL ZONE

ORDINANCE NO. 2615

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

SECTION 1. Section 314-55.4.6.7 of Chapter 4 of Division 1 of Title III of the County Code is hereby amended to change the date from January 1, 2016 to January 1, 2017 as follows:

55.4.6.7 Zoning Clearance Certificates for Open Air Cultivation submitted under prior ordinance –Provisions for Neighborhood Compatibility

Where located in or within one thousand feet (1000') of any incorporated city, Sphere of Influence (SOI) of any incorporated city, Tribal Lands, or within any of the following mapped Community Planning Areas: Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow Creek, Zoning Clearance Certificate applications submitted prior to January 1, ~~2016~~ 2017 shall be subject to compliance with the following provisions, which are designed to ensure compatibility with surrounding land uses and control of potential nuisance, and are hereby retroactively applicable. For purposes of determining the Trinidad Planning Area, the City of Trinidad General Plan shall be utilized.

55.4.6.7.1 Where there is no public controversy associated with an application, within three months of effective date of this ordinance, the applicant may request the pending permit application or approved permit be considered or reconsidered as a Special Permit. If following appropriate public notice, there is no opposition to the Special Permit, the permit may be approved. In situations where there is public controversy, applicants and operators must choose to comply with one of the following options.

- a) Demonstrate all areas of open air cultivation activities maintain setbacks of 600 feet or greater from any residence(s) located on a separately owned parcel, and are located 600 feet or greater from any residentially zoned area or applicable Community Planning Area boundary.
- b) Confine all open-air cultivation activities to Enclosed structures.
- c) Secure a Conditional Use Permit. In considering the Use Permit request, the Planning Commission shall evaluate whether a reduced setback would result in adverse impacts to surrounding land uses, as well as whether project alternatives or opportunities for additional feasible mitigation exist.
- d) Request permit cancellation. Permit holders shall be eligible for relocation incentives pursuant to the provisions 55.4.6.5.9 and may be required to perform remediation of the site, where necessary.

55.4.6.7.2 Within ten (10) working days of these provisions becoming effective, the Department will provide written notice to all applicants and permit holders of sites subject to these provisions.

The notice will include a 90-day deadline for applicants and permit holders to provide a written decision to the Planning and Building Department declaring which option has been chosen to achieve compliance with this section. Failure to provide a timely response is a violation of the ordinance and shall be grounds for permit cancellation, penalties and enforcement pursuant to 55.4.5.3.

55.4.6.7.3 Permittees must obtain approval of all plans within eighteen (18) months of receiving written notice pursuant to 55.4.6.7.2, and must complete all work within thirty-six (36) months of the effective date of these provisions.

PASSED, APPROVED AND ADOPTED this 13th day of November, 2018 on the following vote, to wit:

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



Ryan Sundberg, 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