



AGENDA ITEM NO.

L-1

## COUNTY OF HUMBOLDT

Hearing Date: August 18, 2015  
To: Board of Supervisors  
From: Kevin R. Hamblin, Director of Planning and Building  
Subject:

*[Handwritten signature: R. Wall for KH]*

**Medical Marijuana Land Use Ordinance (MMLUO) – Phase III**  
**Collective or Cooperative Dispensing Facilities (CCDF)**  
Case Number OR-15-01 Applies Countywide

### RECOMMENDATION(S):

That the Board of Supervisors:

1. Reintroduce the Ordinance No. 2534 by title and waive further reading [Attachment C]
2. Reopen the public hearing, receive and consider the staff report, and accept public comment.
3. Deliberate on the Ordinance.
4. Adopt Resolution No. 15-88 [Attachment D] 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.

Prepared by *[Signature]*  
Steven Lazar, Senior Planner

CAO Approval *[Signature]*

REVIEW:  
Auditor \_\_\_\_\_ County Counsel NAD Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
☐ Consent  
☐ Departmental  
☒ Public Hearing  
☐ Other \_\_\_\_\_

### PREVIOUS ACTION/REFERRAL:

Agenda Order No. \_\_\_\_\_ L-4  
Meeting of: July 28, 2015

Agenda Order No. \_\_\_\_\_ M-1  
Meeting of: June 23, 2015

Agenda Order No. \_\_\_\_\_ L-1  
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 No. ~~2534~~ adding sections 313-55.3 and 314-55.3, authorizing the establishment of storefront-based medical marijuana collective or cooperative dispensing facilities in specific zones with a Conditional Use Permit (and Coastal Development Permit, where applicable).
6. Direct the Planning & Building Department – Current Planning Division to transmit the Local Coastal Program Amendment 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 of the ordinance by the Board, along with the names of those Supervisors voting for and against the ordinance [Attachment E] 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 record in the action summary of the Board meeting that the ordinance has been duly published and posted, and to give notice of the decision to any interested parties.
9. Direct the Planning & Building Department – Current Planning Division, to bring before the Planning Commission for consideration and recommendation a separate ordinance rescinding Ordinance No. 2511, removing Sections 313-56 and 314-56 of the Humboldt County Zoning Regulations (Chapter 3 and Chapter 4 of Division 1 of Title III of the Humboldt County Code), and
10. Close the Public Hearing.

### **DISCUSSION:**

This is a continued public hearing concerning review and consideration of draft amendments to the Humboldt County Medical Marijuana Land Use Ordinance. These amendments represent the third phase of the County's ongoing efforts to regulate Medical Marijuana and related land uses, and include rules governing the permitting and operation of storefront-based Medical Marijuana Collective or Cooperative Dispensing Facilities (CCDF).

At the last Board of Supervisors meeting on July 28<sup>th</sup>, a public hearing was held where the draft CCDF regulations were reviewed and discussed. During the hearing, a presentation was made by planning division staff detailing key ordinance components. The Board also received public comments on the Ordinance. After discussing the draft regulations, the Board elected to continue the matter to the next regularly scheduled Board meeting on August 18<sup>th</sup>.

During deliberations at the July hearing, some members of the Board as well as members of the public expressed interest in amendments to ordinance elements, including: substituting the word 'cannabis' wherever 'marijuana' is used under ordinance terminology, eliminating restrictions on CCDF hiring of workers with a record of prior felony conviction or who are currently on probation, and setting a limit on the number of permits that may be issued for CCDF in the County.

In addition to the aforementioned potential ordinance revisions, interest was also expressed in reviewing the possibility of implementing a Request for Qualifications (RFQ) process prior to authorizing the acceptance and processing of new Conditional Use Permit applications for CCDF. Attachment B includes a sample RFQ, recently prepared and circulated by the City of Eureka. The Board could choose to implement a similar procedure, tailored to suit the specific needs of the county.



Attachment A includes a number of suggested minor revisions to the ordinance prepared by staff. These revisions respond to recent feedback from County Counsel. They also help clarify a confusing section and correct a typographical and numbering error.

Staff will be prepared to answer questions about the materials provided, and entertain more detailed discussion during the continued public hearing on August 18th.

### **Staff Recommendation**

Staff recommends that your Board adopt the ordinance [Attachment C], incorporating the suggested minor revisions prepared by staff and included within Attachment A of this supplemental report.

### **ALTERNATIVES TO STAFF RECOMMENDATIONS:**

#### **Alternative 1: Modify**

Your Board may choose to further amend or modify the draft ordinance. 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 will also most likely require that the change be referred to the Planning Commission for report and recommendation prior to ordinance adoption, pursuant to section 65857 of the Government Code. If this occurs, staff recommends that the Board also bundle the rescission of Ordinance #2511 with the remand of the revised Ordinance to the Planning Commission.

#### **Alternative 2: Not adopt**

Your Board may choose not to adopt the proposed ordinance. In this event, the prohibition of new CCDF will remain in place.

#### **Alternative 3: 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: Minor Ordinance Revisions

Attachment B: Sample RFQ - City of Eureka

Attachment C: Ordinance No. 2534 adding Sections 313-55.3 and 314-55.3 to the Humboldt County Code

Attachment D: Resolution No. 15-88

Attachment E: Post-Adoption Summary of Ordinance

Attachment F: Findings for Adoption of Zoning Text Amendments

## **ATTACHMENT A**

### Minor Ordinance Revisions



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**Original (from 7-28-15 Draft):**

55.3.11.13 The cultivation of marijuana by CCDF to the flowering stage is prohibited. However, **CDDF** may distribute pre-flowering live plants to their members only if allowed by an approved conditional use permit and coastal development permit; and

**Revised:**

55.3.11.13 CCDF may engage in on-site cultivation of marijuana to the vegetative pre-flowering stage to provide for distribution of live plants to members, if considered and authorized under the approved and appurtenant conditional use permit and coastal development permit; and

55.3.11.14 CCDF may not engage in on-site cultivation of marijuana to the flowering stage; and

*These changes correct a **typographical error** and serve to clarify that CCDF may only cultivate clones or starts at their storefront location if authorized by the associated Conditional Use Permit, and that full-term cultivation to the flowering stage is prohibited at a storefront location.*

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**Original (from 7-28-15 Draft):**

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

**Revised:**

**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

*This change corrects a **numbering error**.*

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**Original (from 7-28-15 Draft):**

55.3.7 Definitions

*Medical Marijuana:* marijuana, including concentrated cannabis or hashish, 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.

**Revised:**

55.3.7 Definitions

*Medical Marijuana:* marijuana, including cannabis, concentrated cannabis or hashish, 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.

This amendment to the Ordinance definitions has been requested by County Counsel.

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**Original (from 7-28-15 Draft):**

55.3.11.2 Medical marijuana CCDF may not be operated by or employ any persons who have been convicted of a felony or who are currently on probation; and

**Revised:**

55.3.11.2 Medical marijuana CCDF may not be operated by ~~or employ~~ any persons who have been convicted of a felony ~~or who are currently on probation~~; and

This amendment to the Ordinance has been requested by County Counsel.

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## **ATTACHMENT B**

City of Eureka 2015 Request for Qualifications (RFQ)





**CITY OF EUREKA, CALIFORNIA**

**REQUEST FOR QUALIFICATION (RFQ)**

**TITLE: MEDICAL CANNABIS DISTRIBUTION FACILITIES**

**Release Date:** Monday, July 6, 2015  
**Proposal Deadline:** Friday, August 14, 2015 - No Later than 5:00 P.M.

**Contact Person:** Kristen M. Goetz, Senior Planner  
City of Eureka  
531 K Street  
Eureka, CA 95501  
(707) 441-4160

**Critical Dates and Requirements**

<b>RFQ Announcement Released:</b>	<b>July 6, 2015</b>
<b>Deadline for Submittal of Questions:</b>	<b>July 20, 2015</b>
<b>Addendum #1 (answers to questions):</b>	<b>July 24, 2015</b>
<b>Proposals Due:</b>	<b>August 14, 2015 (No Later than 5:00 P.M.)</b>
<b>Council Action to Award:</b>	<b>October 6, 2015</b>

## NOTICE OF REQUEST FOR QUALIFICATIONS

City of Eureka Bid#: 2016-1

### **TITLE: MEDICAL CANNABIS DISTRIBUTION FACILITIES**

1. The City of Eureka (hereinafter "CITY") is soliciting Requests for Qualifications (Qualifications) for Medical Cannabis Distribution Facilities within the City (outside the Coastal Zone). Interested persons, collectives or cooperatives (Respondent) may submit a business plan and Qualifications to the City. The City will receive Qualifications in the Development Services Department, 531 K Street, Eureka, California, 95501, no later than **5:00 PM, Friday August 14, 2015**.
2. The services to be performed by the successful Respondent(s) (up to two (2) may be selected) are described in the Request for Qualifications. Copies of the Request for Qualifications are available at:

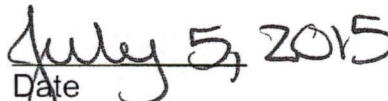
<http://www.ci.eureka.ca.gov/rfps/proposals.asp>

Physical copies can be obtained from the CITY at:

Development Services Department  
531 K Street  
Eureka CA 95501  
(707) 441-4160

3. All responsive Qualifications shall be reviewed and evaluated by the CITY in order to determine which Respondent(s) best meets the CITY's criteria for a Distribution Facility. The criteria by which the CITY shall evaluate Qualifications are set forth in the Scope of Work.
4. The CITY reserves the right to reject any and all Qualifications or waive minor irregularities in any Qualification or the Qualification Process.
5. The City of Eureka is not responsible for any costs incurred in the preparation of Qualifications and/or any business plan.

  
Kristen M. Goetz  
Senior Planner  
Development Services

  
Date



### **Background Information**

The City of Eureka is inviting submittal of a business plan and qualifications from persons, collectives or cooperatives ("Respondents") interested in participating in a Conditional Use Permit (CUP) process to establish a medical cannabis distribution facility within the City of Eureka (outside the Coastal Zone). There is no cost to a Respondent to submit a business plan and Qualifications under this RFQ. The City of Eureka is not responsible for any costs incurred in preparation of Qualifications materials.

The Eureka City Council has adopted a Medical Cannabis Ordinance (Eureka Municipal Code, Chapter 158). **Useful Links** below contains hyperlinks to the Medical Cannabis Ordinance, the zoning map, and to other useful information. The Medical Cannabis Ordinance limits the total number of medical cannabis distribution facilities allowed within the city to two (2). Each of the facilities will require a CUP approved by the City of Eureka Planning Commission.

Each of the two (2) CUP's will be issued to a person, collective or cooperative for a specific facility at a specific location or locations. The CUP will be issued only for the specified location(s), and cannot be transferred to another person, collective or cooperative or to a different location(s) not authorized in the CUP.

The current application fee for a CUP is \$2,245.00; the CUP application will also require Design Review, the fee for which is presently \$265.00. In addition, a deposit of \$2,000.00 may be required for environmental review under the California Environmental Quality Act.

The purpose of this Request for Qualifications (RFQ) is to determine who, based upon their business plan and qualifications, the City Council will invite to apply for each of the two (2) CUP's described above. Only those persons, collectives or cooperatives who are invited by the City Council may submit an application for a medical cannabis facility CUP.

**PLEASE BE ADVISED THAT A CUP IS A DISCRETIONARY PERMIT AND AN INVITATION TO SUBMIT AN APPLICATION FOR A CUP IN NO WAY GUARANTEES OR IMPLIES APPROVAL OF THE CUP**

### **Zoning and Land Use**

The Medical Cannabis Ordinance specifies the zone districts in which distribution of medical cannabis may occur. The Medical Cannabis Ordinance is not currently applicable to the Coastal Zone, and distribution facilities are not allowed at locations located in the Coastal Zone. A hyperlink to the zoning map can be found in **Useful Links**, below.

Medical cannabis distribution is allowed only in the following zone districts:

- Service Commercial (CS)
- Hospital Medical (HM)
- Limited Industrial (ML)

Please note that medical cannabis research labs or medical cannabis testing facilities at which no cultivation, processing, or distribution of medical cannabis occurs are *not* considered medical cannabis facilities subject to the Medical Cannabis Ordinance.



### Qualification Requirements

Qualifications shall include the following information presented in a clear and concise format in order to demonstrate the Respondent's competence and qualifications.

To be considered Respondent's must submit, at a minimum, the following information:

- A. A cover letter (2 pages maximum) outlining Respondent's understanding of Medical Cannabis distribution and the Respondent's interest in establishing a Medical Cannabis distribution facility in Eureka. Cover letter may include additional information.
- B. A detailed business plan.
- C. The business experience of the applicant(s).
- D. Proof of ability to provide insurance and indemnification (**Attachment A**) as required by the Medical Cannabis Ordinance.
- E. The name, location and operator of the cultivation or processing facility(ies) supplying the Medical Cannabis.
- F. How the cultivated and/or processed medical cannabis will be transported to the distribution facility and/or to qualified patients.
- G. A specific location for the facility is not required for submittal of the RFQ; however, it is highly recommended. A specific location for the facility will be required for submittal of the CUP application.
- H. Estimated number of members/qualified patients served by the distribution facility.
- I. Hours and days of the week the distribution facility will be open.
- J. Security measures that will be employed at the premises, including but not limited to: lighting, alarms, and automatic law enforcement notification.
- K. Chemicals stored or used at the premises.
- L. Type and quantity of all effluent discharged into the City's wastewater and/or stormwater system.
- M. A detailed Operations Manual containing, at a minimum:
  - a. The staff screening process including appropriate background checks.
  - b. The process for tracking medical cannabis quantities and inventory controls.
  - c. A description of the screening, registration and validation process for qualified patients.
  - d. A description of qualified patient records acquisition and retention procedures.
  - e. The process for tracking medical cannabis quantities and inventory controls including on-site cultivation, processing, and/or medical cannabis products received from outside sources. (Note that on-site cultivation/processing is not allowed at this time).
- N. A detailed Cannabis Safety Program, which includes at a minimum, the following:

- a. The process for documenting the chain of custody of all cannabis and cannabis products from farm to patient.
- b. The procedure and documentation process for assuring the safety and quality of all medical cannabis and medical cannabis products (including, but not limited to, testing for bacteria, mold, pesticides and other contaminants).
- c. The procedure and documentation process for determining patient dosage including testing for the major active agents in the medical cannabis (e.g., cannabinoids THC, CBD and CBN).

### **Useful Links**

For the RFQ process, the City encourages applications to review the following:

[Medical Cannabis Ordinance, Eureka Municipal Code, Chapter 158](#)

[Zoning Map](#) -

[Application Form](#)

[Conditional Use Permit application packet](#)

[Design Review application packet](#)

[California Environmental Quality Act](#)

[North Coast Small Business Development Center](#)

### **Evaluation Process**

A Medical Cannabis Selection Committee (Committee) appointed by the City Manager will evaluate each submittal to determine if it meets the minimum requirements of this RFQ. The Committee may meet with some or all of the Respondents and may ask some or all of the Respondents to clarify, supplement or modify certain aspects of their submittal. The Committee may request that the most qualified Respondents give a brief presentation to Council.

The Committee will submit to the City Council for the Council's approval the names of those Respondents who the Committee recommends should be invited to submit an application for a CUP. Depending upon the quality of the proposals submitted, the Committee may choose to recommend two Respondents, only one Respondent, or no Respondents.

The Committee will use, at a minimum, the following criteria for making their recommendations to the City Council:

- ✓ Business Experience
- ✓ Business Plan
- ✓ Ability to operate a clean, professional and safe facility

### **PROPOSAL EVALUATION**

All RFQ's will be reviewed and rated according to the following criteria:



<b>CRITERIA AND REQUIREMENTS</b>	<b>MAXIMUM POINTS</b>
Name(s) and Contact Information	Required
Cover letter outlining Respondent's interest/understanding regarding Medical Cannabis Distribution.	5 points
Business Plan	35 points
Experience of Principals	20 points
Detailed Security Measures	10 points
Detailed Operations Manual	10 points
Detailed Cannabis Safety Program	10 points
Optional Requirements (Locally Grown, Clean Green Certified (and/or other clearly-demonstrated commitments to environmental quality), and/or GMO free)	10 points
<b>Maximum points possible</b>	<b>100 Points</b>

The Committee will report its recommendation(s) to the City Manager and City Council.

The Eureka City Council has final approval of all Medical Cannabis Distribution Facility invitations, and the Planning Commission will act on the CUP applications. Selection will be made within six (6) weeks of the RFQ deadline, if possible. The City of Eureka reserves the right to reject any or all RFQ's, to waive minor irregularities in said RFQ's, and/or to negotiate minor deviations with the successful Respondent(s).

The City of Eureka is not responsible for any costs incurred in preparation of the Qualifications.

#### **Delivery of RFQ**

It is the Responder's responsibility to ensure that the RFQ is received by CITY prior to the hour and date for submittal of the RFQ specified in the Request for Qualification. Any RFQ's received by CITY after the hour and date shall be rejected and returned unopened. RFQ shall be mailed or hand-delivered to Kristen M. Goetz, Development Services Department, 531 K Street, Eureka, California, 95501. RFQs shall be received by 5:00 PM, Friday, August 14, 2015. Postmarks will not be accepted. The RFQ must also be submitted by email by 5:00 PM on August 14, 2015, to Maggie Gurley at [mgurley@ci.eureka.ca.gov](mailto:mgurley@ci.eureka.ca.gov). It is the Respondent's responsibility to ensure the RFQ is received by the specified time and date. Any RFQ received after the time and date shall be rejected.

All RFQ's, whether selected or rejected, shall become the property of CITY. CITY is not responsible for RFQ's delivered to a person/location other than specified above.

#### **Format of RFQ:**

All submittals shall be typewritten or printed in ink clearly and legibly, in conformance with this RFQ. Proposals shall be printed double-sided. Seven (7) bound copies and one (1) unbound copy of the RFQ shall be submitted in an envelope plainly marked on the outside: "Request for Qualifications: Medical Cannabis Distribution Facility."



**Submittal of Questions and Release of Addendum #1:**

This RFQ was released on Monday, July 6, 2015. Questions regarding the RFQ shall be submitted to CITY via email ([mgurley@ci.eureka.ca.gov](mailto:mgurley@ci.eureka.ca.gov)) no later than July 20, 2015.

On July 24, 2015, CITY will post Addendum #1 on the City's website. Addendum #1 will answer all questions posed. CITY shall not be responsible for any explanations or interpretations of the Request for Qualification other than by Addendum #1. No oral interpretations of any provision in the Request for Qualifications shall be binding upon CITY.

## ATTACHMENT A

### Insurance/Hold Harmless

Contractor shall procure and maintain for the term of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Contractor's operation and use of the Property. The cost of such insurance shall be borne by the Contractor.

#### Minimum Scope of Insurance

Coverage shall be at least as broad as:

- (a) Insurance Services Office Commercial General Liability coverage ("occurrence: form CG 0001").
- (b) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance (for contractor's with employees).
- (c) Property insurance against all risks of loss to any Contractor improvements or betterments.

#### Minimum Limits of Insurance

CONTRACTOR shall maintain limits no less than:

- (a) General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- (b) Employer's Liability: \$2,000,000 per accident for bodily injury or disease.

#### Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or the Contractor shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

#### Other Insurance Provisions

The general liability policy is to contain, or be endorsed to contain, the following provisions:

- (a) The City, its officers, officials, employees and volunteers are to be covered as insureds with respect to liability arising out of ownership, maintenance or use of that part of the licensed area licensed to the Contract.
- (b) The Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of Contractor's insurance and shall not contribute with it.
- (c) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after ten (10) days prior written notice by certified mail, return receipt requested, has been given to the City.

The worker's compensation policy is to contain, or be endorsed to contain, the following provisions:

- (a) A waiver of subrogation clause indicating the insurance company agrees to waive all rights of subrogation against the CITY, its officers, officials, employees and volunteers for losses paid under the terms of this policy, which arise from the work performed by the named insured for the CITY.
- (b) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.

Policies written with State Compensation Insurance Fund shall include State Fund endorsement numbers 0015, 2065, and 2570.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

Verification of Coverage

Contractor shall furnish City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by City or on other than City's forms, provided those endorsements or policies conform to the requirements. All certificates and endorsements are to be received and approved by City prior to Contractor's use of the Licensed Area. City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

In the case any action or proceeding is brought against City or its respective officers, agents, or employees by reason of any such claim, Contractor, upon written notice from City, shall, at Contractor's expense, resist or defend such action or proceeding counsel selected by Contractor or Contractor's insurance carrier.

**HOLD HARMLESS**

Contractor agrees to indemnify, defend, and hold harmless without limitation the City, its officers, officials, agents, employees, authorized representatives, and volunteers from and against any and all claims, liabilities, costs, charges, liens, damages, losses, expenses, and causes of action, of whatsoever kind or nature including attorney fees arising out of the Contractor's use described herein, which are in any manner directly or indirectly caused, occasioned or contributed to in whole or in part, through any act, omission, fault or negligence, whether active or passive, of Contractor, or anyone directly or indirectly employed or authorized by Contractor or anyone for whose acts any of them may be liable.



## **ATTACHMENT C**

Ordinance No. 2534

**Adding sections 313-55.3 and 314-55.3 to 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 August 18, 2015

**ORDINANCE OF THE COUNTY OF HUMBOLDT ADDING SECTIONS 313-55.3 AND 314-55.3 RELATING TO THE REGULATION OF STOREFRONT-BASED MEDICAL MARIJUANA COLLECTIVE OR COOPERATIVE DISPENSING FACILITIES.**

**ORDINANCE NO. 2534**

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

**SECTION 1.** Section 313-55.3 of Chapter 3 of Division 1 of Title III is hereby added as shown on the attached pages.

**SECTION 2.** Section 314-55.3 of Chapter 4 of Division 1 of Title III is hereby added as shown on the attached pages.

**SECTION 3.** Amendments to 314-55.3 (Regulations Outside the Coastal Zone) shall take effect and be in force immediately upon the repeal of Ordinance No. 2511.  
Amendments to 313-55.3 (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. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published at least once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

**PASSED, APPROVED, AND ADOPTED** this 18<sup>th</sup> day of August, 2015 on the following vote, to wit.

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

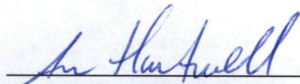


ESTELLE FENNELL, Chair  
Board of Supervisors of the County of  
Humboldt, State of California

(SEAL)

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

By:



Ana Hartwell, Deputy

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

**313-55.3 Medical Marijuana Cooperative or Collective Dispensing Facilities (CCDF)**

**55.3.1 Authority and Title**

This section applies to all Medical Marijuana Cooperative or Collective Dispensing Facilities (CCDF), 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 patient to patient transfers of medical marijuana through CCDF, as defined herein.

**55.3.3 Applicability and Interpretation**

55.3.3.1 These regulations shall apply to the locating and permitting of CCDF 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 marijuana by CCDF 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 marijuana by CCDF, 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 distribution of medical marijuana by a collective, cooperative, 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 any applicable state laws.

55.3.3.5 Nothing in this Code is intended, nor shall it be construed, to exempt CCDF as defined herein, or other marijuana-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 CCDF.



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 marijuana CCDF, 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 marijuana CCDF 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 distribution of medical marijuana.

#### 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.

*Collective or Cooperative Dispensing Facilities ("CCDF")*: a medical marijuana collective, cooperative or delivery service, as defined herein, operating in compliance with all applicable state and local laws. This does not include Medical Marijuana Research Laboratories and Testing Facilities, and Medical Marijuana Business Offices, as described under 55.3.15 and 55.3.16 of this code.



*Medical Marijuana*: marijuana, including cannabis, concentrated cannabis or hashish, 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 Marijuana Collective*: An organization that is jointly owned and operated by its members in order to facilitate and coordinate the processing and distribution of medical marijuana to its members from a “store-front” as a collaborative effort.

*Medical Marijuana Cooperative*: A democratically-controlled entity organized under the laws of the State of California, which includes filing articles of incorporation with the State and conducting its business, the distribution of medical marijuana to its members, as a collaborative effort for the benefit of its members from a “store-front”.

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

*Personal Medical Marijuana*: medical marijuana 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 marijuana 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 marijuana.

*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.

#### 55.3.8 General Provisions

This section applies to all medical marijuana Collective or Cooperative Dispensing Facilities (CCDF), as defined in this Code.

55.3.8.1 All CCDF shall operate in compliance with this Code, as well as all applicable state and local laws.

55.3.8.2 CCDF 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 CCDF 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 CCDF within the jurisdiction of the County.

55.3.8.4 CCDF 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 marijuana; and to safeguard against the diversion of medical marijuana for non-medical purposes. Pursuant to Health & Safety Code Section 11362.765, no profit may be made by CCDF.

#### 55.3.9 CCDF 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 CCDF:

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 CCDF by considering the potential impacts and cumulative impacts of proposed medical marijuana CCDF to the community area as a whole and specifically on the following existing uses located within a 500 foot radius of proposed CCDF, 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 marijuana CCDF within 500 feet of the following uses if the Commission determines that the impacts of proposed CCDF 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 marijuana collective, cooperative, delivery service or other distribution or transfer facility when there are others within a 500 foot radius of the proposed new facility.

55.3.9.3 No medical marijuana CCDF, operators, establishments, or providers who possess, cultivate, or distribute medical marijuana 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 marijuana 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 marijuana CCDF 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 CCDF 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 500 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 members and secure the medical marijuana 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 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, who they were grown by, and amounts of medical marijuana that come in and go out of the CCDF; 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 marijuana 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 marijuana offered to members, 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 CCDF 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 30 days of the change.

55.3.11 Operating Standards

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

- 55.3.11.1 CCDF that function as medical marijuana 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 marijuana delivery services shall only operate from a "store-front" facility in a commercial or industrial zone with an approved conditional use permit and coastal development permit; and
- 55.3.11.2 Medical marijuana CCDF 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 marijuana to an individual qualified patient shall be permitted more than twice a day; and



- 55.3.11.4 The hours of operation of medical marijuana CCDF shall be no earlier than 10 a.m. and no later than 7 p.m.; and
- 55.3.11.5 Medical marijuana CCDF shall only provide medical marijuana to an individual qualified patient who has a valid, verified physician's recommendation issued in the State of California. CCDF shall verify on an annual basis that the physician's recommendations of their members are current and valid; and
- 55.3.11.6 CCDF shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the cooperative or collective. A copy of the client rules and/or regulations shall be provided to the qualified patient by the medical marijuana delivery service; and
- 55.3.11.7 Each building entrance to medical marijuana CCDF shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming medical marijuana or medical marijuana edibles on the premises or in the vicinity of CCDF is prohibited; and
- 55.3.11.8 Each building entrance to medical marijuana CCDF 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 marijuana CCDF or delivery service shall provide medical marijuana to any qualified patient or holder of a medical marijuana 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 marijuana; and
- 55.3.11.10 All medical marijuana CCDF 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 marijuana dispensed by CCDF must be obtained solely from their members in accordance with state law and the California Attorney General's Guidelines; and
- 55.3.11.12 All signs for medical marijuana CCDF must comply with sections 313-87.3 and 314-87.2 of the County Zoning Regulations; and
- 55.3.11.13 CCDF may engage in on-site cultivation of marijuana to the vegetative pre-flowering stage to provide distribution of live plants to members, if considered and authorized under the approved and appurtenant conditional use permit and coastal development permit. CCDF may not engage in on-site cultivation of marijuana to the flowering stage; and



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

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

55.3.11.16 Medical marijuana CCDF 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 30 days of the change; and

55.3.11.17 Medical marijuana CCDF 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 marijuana CCDF shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning Commission. 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 marijuana CCDF 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, to determine if the CCDF 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 CCDF for inclusion in their "Performance Review Report" to the Planning Commission.

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 marijuana CCDF 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 marijuana CCDF 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 CCDF may be transferred upon approval by the Planning Commission after a noticed public hearing.

55.3.15 Medical Marijuana Research Laboratories and Testing Facilities

Research laboratories and testing facilities at which no cultivation, processing, or distribution of medical marijuana occurs shall be allowed in any zone in which medical laboratories and medical testing facilities are permitted. Medical marijuana laboratories and medical marijuana testing facilities shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Humboldt County Code.

55.3.16 Medical Marijuana Business Offices

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



**SECTION 2. Section 314-55.3 of Chapter 4 of Division 1 of Title III is hereby added as follows:**

**314-55.3 Medical Marijuana Cooperative or Collective Dispensing Facilities (CCDF)**

**55.3.1 Authority and Title**

This section applies to all Medical Marijuana Cooperative or Collective Dispensing Facilities (CCDF), 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 patient to patient transfers of medical marijuana through CCDF, as defined herein.

**55.3.3 Applicability and Interpretation**

55.3.3.1 These regulations shall apply to the locating and permitting of CCDF 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 marijuana by CCDF 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 marijuana by CCDF, 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 distribution of medical marijuana by a collective, cooperative, 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 any applicable state laws.

55.3.3.5 Nothing in this Code is intended, nor shall it be construed, to exempt CCDF as defined herein, or other marijuana-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 CCDF.



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 marijuana CCDF, 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 marijuana CCDF 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 distribution of medical marijuana.

#### 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.

*Collective or Cooperative Dispensing Facilities ("CCDF")*: a medical marijuana collective, cooperative or delivery service, as defined herein, operating in compliance with all applicable state and local laws. This does not include Medical Marijuana Research Laboratories and Testing Facilities, and Medical Marijuana Business Offices, as described under 55.3.15 and 55.3.16 of this code.

*Medical Marijuana*: marijuana, including cannabis, concentrated cannabis or hashish, 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 Marijuana Collective*: An organization that is jointly owned and operated by its members in order to facilitate and coordinate the processing and distribution of medical marijuana to its members from a “store-front” as a collaborative effort.

*Medical Marijuana Cooperative*: A democratically-controlled entity organized under the laws of the State of California, which includes filing articles of incorporation with the State and conducting its business, the distribution of medical marijuana to its members, as a collaborative effort for the benefit of its members from a “store-front”.

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

*Personal Medical Marijuana*: medical marijuana 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 marijuana 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 marijuana.

*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.

#### 55.3.8 General Provisions

This section applies to all medical marijuana Collective or Cooperative Dispensing Facilities (CCDF), as defined in this Code.

55.3.8.1 All CCDF shall operate in compliance with this Code, as well as all applicable state and local laws.

55.3.8.2 CCDF 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 CCDF 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 CCDF within the jurisdiction of the County.

55.3.8.4 CCDF 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 marijuana; and to safeguard against the diversion of medical marijuana for non-medical purposes. Pursuant to Health & Safety Code Section 11362.765, no profit may be made by CCDF.

#### 55.3.9 CCDF - 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 CCDF:

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 CCDF by considering the potential impacts and cumulative impacts of proposed medical marijuana CCDF to the community area as a whole and specifically on the following existing uses located within a 500 foot radius of proposed CCDF, 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 marijuana CCDF within 500 feet of the following uses if the Commission determines that the impacts of proposed CCDF 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 marijuana collective, cooperative, delivery service or other distribution or transfer facility when there are others within a 500 foot radius of the proposed new facility.

55.3.9.3 No medical marijuana CCDF, operators, establishments, or providers who possess, cultivate, or distribute medical marijuana 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 marijuana 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 marijuana CCDF 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 CCDF 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 500 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 members and secure the medical marijuana 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 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, who they were grown by, and amounts of medical marijuana that come in and go out of the CCDF; 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 marijuana 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 marijuana offered to members, 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 CCDF 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 30 days of the change.

55.3.11 Operating Standards

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

- 55.3.11.1 CCDF that function as medical marijuana 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 marijuana delivery services shall only operate from a “store-front” facility in a commercial or industrial zone with an approved conditional use permit; and
- 55.3.11.2 Medical marijuana CCDF 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 marijuana to an individual qualified patient shall be permitted more than twice a day; and

- 55.3.11.4 The hours of operation of medical marijuana CCDF shall be no earlier than 10 a.m. and no later than 7 p.m.; and
- 55.3.11.5 Medical marijuana CCDF shall only provide medical marijuana to an individual qualified patient who has a valid, verified physician's recommendation issued in the State of California. CCDF shall verify on an annual basis that the physician's recommendations of their members are current and valid; and
- 55.3.11.6 CCDF shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the cooperative or collective. A copy of the client rules and/or regulations shall be provided to the qualified patient by the medical marijuana delivery service; and
- 55.3.11.7 Each building entrance to medical marijuana CCDF shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming medical marijuana or medical marijuana edibles on the premises or in the vicinity of CCDF is prohibited; and
- 55.3.11.8 Each building entrance to medical marijuana CCDF 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 marijuana CCDF or delivery service shall provide medical marijuana to any qualified patient or holder of a medical marijuana 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 marijuana; and
- 55.3.11.10 All medical marijuana CCDF 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 marijuana dispensed by CCDF must be obtained solely from their members in accordance with state law and the California Attorney General's Guidelines; and
- 55.3.11.12 All signs for medical marijuana CCDF must comply with sections 313-87.3 and 314-87.2 of the County Zoning Regulations; and
- 55.3.11.13 CCDF may engage in on-site cultivation of marijuana to the vegetative pre-flowering stage to provide distribution of live plants to members, if considered and authorized under the approved and appurtenant conditional use permit. CCDF may not engage in on-site cultivation of marijuana to the flowering stage; and



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

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

55.3.11.16 Medical marijuana CCDF 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 30 days of the change; and

55.3.11.17 Medical marijuana CCDF shall comply with any and all conditions of their conditional use permit.

#### 55.3.12 Performance Review Reports

55.3.12.1 Medical marijuana CCDF shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning Commission. 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 marijuana CCDF 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, to determine if the cooperative, collective or delivery service 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 CCDF for inclusion in their "Performance Review Report" to the Planning Commission.

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 marijuana CCDF 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 marijuana CCDF 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 CCDF may be transferred upon approval by the Planning Commission after a noticed public hearing.

55.3.15 Medical Marijuana Research Laboratories and Testing Facilities

Research laboratories and testing facilities at which no cultivation, processing, or distribution of medical marijuana occurs shall be allowed in any zone in which medical laboratories and medical testing facilities are permitted. Medical marijuana laboratories and medical marijuana testing facilities shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Humboldt County Code.

55.3.16 Medical Marijuana Business Offices

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



**ATTACHMENT D**

Resolution No. 15-88

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of August 18, 2015

RESOLUTION NO. 15-88

**RESOLUTION MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING AN ORDINANCE ADDING SECTIONS 313-55.3 AND 314-55.3 RELATING TO THE REGULATION OF STOREFRONT-BASED MEDICAL MARIJUANA COLLECTIVE OR COOPERATIVE DISPENSING FACILITIES**

**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, adding Sections 313-55.3 and 314-55.3, which relate to the regulation of storefront-based medical marijuana collective or cooperative dispensing facilities ("CCDF"); and

**WHEREAS**, the Planning and Building Department have submitted evidence showing that, pursuant to section 15060(c)2 and 15060(c)3 of the CEQA Guidelines, the proposed ordinance amendments to the County Regulations are not subject to CEQA, as it 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 January 6th, February 3rd, May 12th, and August 18th 2011, the Humboldt County Planning Commission held public hearings on the proposed ordinance revisions 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 August 18, 2011 recommended that the Board of Supervisors not approve the proposed ordinance amendments; and

**WHEREAS**, the Board of Supervisors on November 15, 2011 held a public hearing to consider the proposed ordinance amendments at which time all persons wishing to give testimony on the matter were heard; and

**WHEREAS**, the Board of Supervisors directed staff to remove all CCDF-related provisions from the ordinance, and adopted Ordinance #2468, which was confined to regulation of indoor cultivation of medical marijuana within a residence; and

**WHEREAS**, on June 23, 2015, the Board directed staff to bring back the CCDF provisions which were removed from Ordinance #2468 prior to adoption; and

**WHEREAS**, at the request of the Board, the Planning Division of the Planning and Building Department has made non-substantive changes to the CCDF provisions and has presented the CCDF provisions to the Board as a standalone ordinance; and

**WHEREAS**, the Board of Supervisors on July 28, 2015 held a public hearing to consider the proposed ordinance amendments at which time all persons wishing to give testimony on the matter were heard; and



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of August 18, 2015

**RESOLUTION NO. 15-88**

**WHEREAS**, the Board of Supervisors on August 18, 2015 held a continued public hearing to consider the proposed ordinance amendments and minor revisions presented by staff, and at which time all persons wishing to give testimony on the matter were heard.

**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 adoption of 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; and
2. 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.
3. Approves and adopts Ordinance No. 2534 amending Chapters 3 and 4 of Title III of the Humboldt County Code, Regulations Inside and Outside the Coastal Zone, adding Sections 313-55.3 and 314-55.3 regulating the establishment and operation of Medical Marijuana Collective or Cooperative Dispensing Facilities in all zones, as well as the operation of permitted Medical Marijuana Collective or Cooperative Dispensing Facilities 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.
4. The Clerk of the Board is hereby directed to publish the Post-Adoption Summary of Ordinance fifteen (15) days after its passage.

Dated: August 18, 2015



ESTELLE FENNELL, Chair  
Humboldt County Board of Supervisors

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of August 18, 2015

**RESOLUTION NO. 15-88**

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

AYES:	Supervisors	Sundberg, Lovelace, Fennell, 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



## **ATTACHMENT E**

### Post-Adoption Summary of Ordinance

## SUMMARY OF ORDINANCE

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

On July 28, 2015, the Humboldt County Board of Supervisors adopted Ordinance No. \_\_\_\_ which amended the Humboldt County Zoning Code, Title III, Division I, Chapters 3 and 4, adding Sections 313-55.3 and 314-55.3, regulating storefront-based Medical Marijuana Collective or Cooperative Dispensing Facilities within specified zones. The regulations are applicable to the unincorporated areas of Humboldt County, including the Coastal Zone. Section 313-53.1 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 F**

### 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.

<b>Applicable Requirements</b>	<b>Evidence Supporting the Finding</b>
Government Code Section 65356.1 and §1452.2 of the Framework Plan.  <i>The General Plan Amendment must be in the public interest.</i>	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 will provide guidance and new tools to address land use issues surrounding siting and operational standards for collectives, cooperatives, and delivery services. This third phase of the MMLUO will help prevent conflicts between medical marijuana cultivation and neighboring land uses. As well as provide for the placement of operational restrictions and careful siting of distribution facilities to ensure adequate separation from sensitive receptors and compatibility with nearby development. Therefore, the proposed changes can be found to be in the public interest.

**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 will provide guidance and new tools to address land use issues surrounding siting and operational standards for collectives, cooperatives, and delivery services. The third phased of the MMLUO will help provide for the placement of operational restrictions and careful siting of distribution facilities to ensure adequate separation from sensitive receptors and compatibility with nearby development. 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 Proposition 215 in 1995 and adoption of Senate Bill 420 in 2004.</p> <p>The new implementing ordinances and LCP Amendments are required to provide additional time 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.</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>	<b>Access</b> (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)	<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 land use issues surrounding the siting and operational standards for collectives, cooperatives, and delivery services. 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 collectives, cooperatives, and delivery services to be operated in Commercial and Industrial zones. However, 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 collective facilities would be required to secure a Coastal Development Permit where Coastal Act consistency would be evaluated on a case-by-case basis.</p>
	<b>Recreation</b> (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)	
	<b>Marine Resources</b> (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)	
	<b>Land Resources</b> (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)	
	<b>Development</b> (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)	
	<b>Industrial Development</b> (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.	
<p>30510(a) of the Act.</p> <p><b>Submission to the Commission</b></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 insure 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
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.	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 collectives, cooperatives, and delivery services. These provisions will not affect the number of housing units available within the county.