



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

I - 1

For the meeting of: April 11, 2017

Date: March 29, 2017

To: Board of Supervisors

From: John Ford, Director of Planning and Building Department

Subject: Commercial Cannabis Land Use Ordinance (CCLUO) – Project Description Review

RECOMMENDATION(S):

That the Board of Supervisors:

1. Receive the staff report, and
2. Review the attached list of regulatory objectives for the update of the Commercial Cannabis Land Use Ordinance (Phase V) [Attachment 1]

Prepared by

Steven Lazar, Senior Planner

CAO Approval

REVIEW:

Auditor _____ County Counsel JW3 Human Resources _____ Other _____

TYPE OF ITEM:

☐ Consent
☒ Departmental
☐ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. M-1

Meeting of: September 13, 2016

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

SOURCE OF FUNDING:

Budget: General Fund Contingencies (1100-990) and Planning & Building Department – Cannabis Services Division (1100-268). Funding for a portion of this work (\$150,000) has already been included in the FY 2016-17 Budget for the Planning & Building Department – Cannabis Services Division. A request to authorize transfer of an additional \$89,937 from General Fund – Contingencies is included with this request to authorize execution of the contract for services.

DISCUSSION:

Work is beginning on the update of the Commercial Cannabis Land Use Ordinance (CCLUO) and Environmental Impact Report (EIR). Staff has prepared a list of objectives to be accomplished under this effort and is seeking Board concurrence that the list is accurate and complete (Attachment 1). On April 6, the Planning Commission received and reviewed this information.

The County will soon be executing a contract with Ascent Environmental to assist with preparation of an Environmental Impact Report in conjunction with these amendments. The Notice of Preparation for the EIR was recently released in association with this. The Department expects to present draft ordinance amendments to the Planning Commission and Board of Supervisors in October or November of this year.

FINANCIAL IMPACT:

Portions of the cost of the work to be performed is currently provided for in the Planning and Building Department, Cannabis Services Division's FY2016-17 budget, which includes \$150,000 that was previously allocated during adoption of the County Budget in June of 2016. This allocation from the General Fund was initially authorized during the prior fiscal year on February 9, 2016. A request to transfer an additional \$89,937 from General Fund Contingencies to cover the increase in contract cost for the EIR is being requested under a concurrent agenda item. The total potential cost under the Contract for EIR consultant services is \$239,937. A reserve of \$371,980 is being held for Measure S related expenditures, including enforcement and implementation of the Medical Marijuana Land Use Ordinance. This funding is available for the purpose of the EIR and was allocated during the mid-year budget review on February 7, 2017.

This supports the Board's 2017 Strategic Framework by pro-actively evaluating the environmental effects of amendments to the County Code designed to refine and implement ongoing efforts to daylight the local cannabis industry. Success in this endeavor will include support for business, workforce development and creation of private-sector jobs, streamlining of the permit processes, and advancing local interests concerning natural resources while engaging in ongoing discussions of our regional economic future, as well as statewide concern.

OTHER AGENCY INVOLVEMENT:

The EIR and associated amendments to County Code are a continuation of the County's prior efforts to regulate land use activities involving cannabis. During development of the most recent phase of regulations addressing commercial activities, other agency consultation included: North Coast Regional Water Quality Control Board, California Department of Fish & Wildlife, Local

Humboldt County Native American Tribes, California Department of Forestry and Fire Protection, Humboldt County Health & Human Services - Environmental Health Division, and Humboldt County Public Works – Land Use Division. Additionally, it is expected that the following agencies will be consulted during the environmental review and legislative process: Bureau of Medical Cannabis Regulation, Department of Consumer Affairs, Department of Food and Agriculture, Department of Pesticide Regulation, State Water Resource Control Board – Division of Water Rights, North Coast Unified Air Quality Management District, Board of Equalization, Franchise Tax Board, Department of Justice, Department of Public Health, Industrial Welfare Commission, California Coastal Commission, State Board of Forestry, Division of Occupational Safety and Health, California Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, and the California Agricultural Labor Relations Board.

Additionally, the Department has been in communication with County Counsel and the County Administrative office on the transmittal of this draft document.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose to direct additions, modifications, or deletions to the Draft Project Description and list of regulatory objectives.

ATTACHMENTS:

Attachment 1: Draft Project Description & Regulatory Objectives

Attachment 1

Draft Project Description / Regulatory Objectives

PROJECT DESCRIPTION:

The proposed amendments to the Humboldt County Code, including provisions previously established by Ordinance Nos. 2554 and 2559 are intended to achieve the following regulatory objectives:

- Repeal the deadline for applications, and continue to accept applications under Ordinance No. 2559 for medical cannabis without significant changes.
- Expand the scope of the Ordinance Nos. 2554 and 2559 to include commercial marijuana operations for adult recreational use now authorized by AUMA, under the same general regulations as medical cannabis.
- Expand the areas where new cultivation or expansion of existing cultivation sites will be permitted to locations with or without prime agricultural soils that are planned and zoned for agricultural use, meeting specific criteria to be established:
 - natural slopes 15 percent or less
 - in lower portions of principal watersheds where established riparian water rights exist
 - with viable local on-site water source:
 - rainwater capture and storage
 - surface water diversion and storage under standard forbearance period or refined or dynamic period set by flow data or localized water management plan
 - groundwater, where known to be non-hydrologically connected
 - located on or within 1 mile of county-maintained roads
 - or located on private road systems meeting the category 4 road standard
 - with on-grid power or alternative energy source (solar, wind, or micro-hydro)
- Restrict or prohibit generator use
- Limit new cultivation or expansion to areas not requiring conversion of timberland
- Provide for micro-business license type within 2 miles of state highways
- Apply special requirements/limitations for projects located within spheres of influence or community areas
- Develop performance standards for controlling odor impacts from cultivation
- Provide consistency with state law amendments to medical cannabis regulations (MCRSA)
- Provide consistency with state agency regulations to implement MCRSA and AUMA by Departments of Consumer Affairs, Food & Agriculture and Public Health, or other agencies
- Provide consistency with forthcoming interim principles and guidelines for diversion and use of water for cannabis cultivation to be prepared by the State Water Resources Control Board in consultation with the Department of Fish & Wildlife
- Provide for additional amendments to existing ordinance provisions including: application requirements, performance standards, general provisions, and permit types
- Amendments to other relevant provisions of Humboldt County Code including but not limited to:
 - County Code Enforcement provisions
 - Humboldt County Streamside Management Area Ordinance
 - Business License provisions