



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 21, 2017

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Zoning Ordinance Amendments**
Commercial Cannabis Land Use Ordinance (CCLUO)
Case Number OR-17-002
Assessor Parcel Number (APN): 000-000-000 [countywide]

The following information is provided in response to questions raised by Commissioners during the Thursday, September 7th initial Planning Commission workshop on the draft amendments.

Treatment of existing sites within the RA zone

The RA zone was inadvertently excluded from the list of zones where Pre-Existing Cultivation Sites may be permitted. Staff recommends the RA zone be added to the list of zones that allow Pre-Existing Cultivation activities in both the inland and coastal versions. Staff will bring forward for discussion the topic of whether the RA Zone should be allowed to host new cultivation sites.

300 foot setback from residences

Staff notes the need to correct section 55.4.6.4.4 "Setbacks" to reflect that this setback requirement only applies to residences on adjacent parcels under separate ownership. The ordinance does not need a setback for cultivation areas near residences on the same property since the location of the cultivation area is under the control of the applicant.

Calculation of cultivation area within greenhouses and concerns over ADA accessibility

As discussed during the meeting, greenhouses are not required to be ADA accessible so there is no need to provide areas for wheelchair access within greenhouses.

Definition of Public Park

The Public park definition has been carried over from the existing regulations. We take note of the awkward language and recommend the following revision:

"Public Park" means land that is publicly owned or controlled and managed for recreational public use, open space, or wildlife habitat. ~~for the purpose of providing recreation and/or open space for public use and/or wildlife habitat.~~

Permit Limits & Permit Counting – definition of "interest"

Section 55.4.5.4.1 of the draft ordinance limits the number of cannabis activity permits that can be issued to any person or company to four permits. The draft ordinance is written so a person owning any interest in a company doing a cannabis activity would count toward that person's permit allowance of four permits. A question was raised about whether the County should align this section of the ordinance with the draft state licensing requirements which define owner as "An individual that has an aggregate ownership interest, other than a security interest, lien, or encumbrance, of 20 percent or more in the commercial cannabis business". In drafting the ordinance we have been working to avoid too much reliance on state language as it is subject to change and rather focusing on internal consistency of the ordinance. The issue of ownership has its primary implication relative to how many permits and owner/applicant can hold. The current definition is broad in order to minimize abuse. If there is less concern about the number of permits held, the definition is less critical.

Requiring use of Renewable energy-based grid power for cultivation-related electrical use

A question was raised about the draft ordinance's requirements for renewable energy for cannabis activities, noting this is the only industry subject to that standard. The renewable energy standards of the draft ordinance have been carried over from the existing regulations. Originally applicable only to Indoor Cultivation activities, it has been extended to "Mixed-Light" activities under the draft amendments in concert with the new requirement that new cultivation sites utilize grid power or on-site renewable energy sources. The energy source requirements were carried over to Mixed-Light because of the high energy demand associated with artificial light.

Limitation on use of Prime Soils

The 20% limitation on the use of prime agricultural soils for all cannabis cultivation on a site was carried over from the existing ordinance, and is intended to reserve the majority of the site's prime farmland for food and other crops.

Myers Flat Provisions for Existing Sites

As discussed at the workshop, the Myers Flat area is unique in the high percentage of properties currently used for cannabis cultivation activities. Myers Flat is also a community served by public water, grid power and paved roads which make it an appropriate location for encouraging cannabis cultivation activities. Since the majority of these sites would not qualify for permits because they would not conform to one or more of the eligibility and siting criteria, the ordinance includes special provisions that relax the eligibility and siting criteria for that community as a whole.

Road Standard for Cannabis Support Facilities and Microbusinesses

To enable cannabis activity infrastructure and support services to be rapidly permitted and developed in the coming years, the draft ordinance allows Cannabis Support Facilities as a principally permitted use in a broad variety of zones where the road system to the site is paved with a centerline stripe or paved meeting the Category 4 standard. This includes AE, AG, FR, and U zones –where parcels near the trunk of rural public and private road systems would likely qualify to host these types of activities. Below is a summary of the Road Systems Performance Standards.

55.4.12.1.8 Performance Standard for Road Systems

a) Standard 1 – Dead End Road Length

Projects must be located within 2-miles (measured in driving distance) from the nearest intersection with a Category 4 road that is part of a system providing secondary access.

b) Standard 2 - Functional Capacity

Road systems providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect).

c) Standard 3 – Private Road Systems - Protections for Water Quality and Biological Resources

Road systems and driveways must be designed and maintained in accordance with Five Counties Salmonid Conservation Roads Maintenance Manual.

The Category 3, Category 4, and Category 5 road standards have been included as attachments to this report. Staff will be providing an overview of the basis for this approach during the larger discussion of Performance Standards at the upcoming workshop.

Balancing regulatory changes which may result in new costs to applicants

The following permit requirements could potentially result in additional costs to applicants for cannabis activities:

- Road improvements and engineering
- Water metering
- Water storage
- Connection to power grid
- Use of renewable energy or purchase of carbon offsets
- Permit fees
- Enhanced noticing requirements within the Rural Residential Neighborhood Areas.

To maximize participation in the County's cannabis program, the ordinance allows provisionally permitting sites, which can delay compliance with the above standards for applicants to help manage permitting costs. Provisional approval is reserved for pre-existing sites, and requires the applicant to submit and agree to a plan to achieve full compliance with all the ordinance requirements within a specified timeframe.

Applicability of the new ordinance to existing applicants

The draft ordinance is written to apply to new applicants and existing applicants that have not received approval prior to the effective date. The draft ordinance could be revised to not apply to existing applicants regardless of whether or not they have received approval. The ordinance could also be revised to require existing applicants conform to certain provisions of the new ordinance, such as odor control requirements for outdoor cultivation activities in Rural Residential Neighborhood Areas, Spheres of Influence, and buffers from cities. To avoid legal challenges, these provisions should probably include amortization features to provide an appropriate amount of time to comply with the new requirements or accept permit sunset.

DESIGN STANDARDS

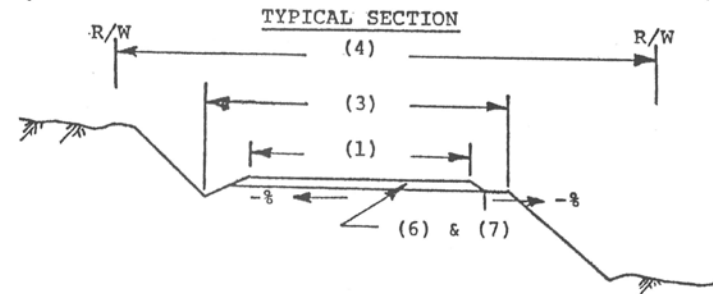
ROADWAY CATEGORY 3 (ONE LANE-WIDE TRAVELED WAY)

Service Provided:

Mobility	Volume
25-35 MPH Safe Driving Speed	Low 0-100 ADT

Notes:

- (1) Traveled Way Width: 16 feet
- (2) Shoulder Width: 4 feet, when required by the Department of Public Works
- (3) Roadbed Width: As approved by the Dept. of Public Works
- (4) Right of Way Width: Minimum 40 feet.
- (5) Drainage: Must be adequate to protect road and adjacent properties, and approved by Dept. of Public Works



- (6) Structural Section: Depends upon results of engineering analysis of materials and soil, and approval by the Department of Public Works.
- (7) Surface: Gravel, Seal Coat (double) or A.C.
- (8) No Parking on Travelled Way

Notes: Gutter and backup will vary to suit conditions (3'min)

Superelevation requirements see Section 2-312 of the Roadway Design Manual

Geometric Standards:

ELEMENT	DESIGN SPEED/TERRAIN								
	Flat			Rolling			Mountainous		
	30	40	50	20	30	40	20	30	40
Grade (1)	7	7	6	10	9	8	12	10	9
Maximum Grade * (2)	11	11	9	15	14	12	18	15	14
Sight Distance	20	30	40	50					
Stopping	150	200	275	350					
Passing		1100	1500	1800					
Intersection	200	300	400	500					
Minimum Curve Radius	120	300	550	850					
Horizontal Clearance to Obstructions	10	10	10	10					
Surface Cross Slope	2%*	2%*	2%*	2%*					

- * For short distances. (300' maximum and/or approved by the Department of Public Works)
- ** If surfaced with Seal Coat or A.C. - 4% if gravel and 4% higher if paved
- (1) minimum Grade is
- (2) Maximum allowable grades may be 4% steeper for paved road when approved by Dept. of Public Works

Figure 3

DESIGN STANDARDS

ROADWAY CATEGORY 4 (TWO LANE- NARROW TRAVELED WAY)

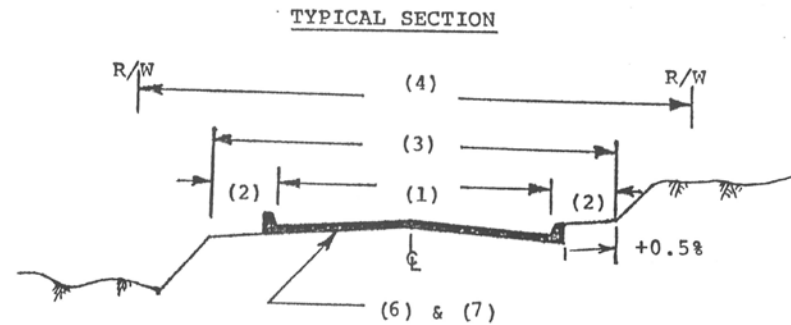
Service Provided:

Mobility	Volume
25-40 MPH Safe Driving Speed	Low to Moderate 0 - 800 ADT

Notes

- (1) Traveled Way Width: 18- 20 ft.
- (2) Shoulder Width: 4 ft. (when required by the Dept. of Public Works)
- (3) Roadbed Width: As approved by the Dept. of Public Works
- (4) Right of Way Width: Minimum 50 ft.

- (5) Drainage: Must be adequate to protect road and adjacent properties and approved by the Department of Public Works
- (6) Structural Section: Depends upon engineering analysis of materials and soil. Approved by the Dept. of Public Works
- (7) Surface: Seal Coat (double) or Asphalt Concrete with dikes as approved by the Department of Public Works
- (8) No Parking On Travelled Way



Geometric Standards

ELEMENT	DESIGN SPEED/TERRAIN								
	Flat			Rolling			Mountainous		
	30	40	50	30	40	50	20	30	40
Grade (1)	9	7	6	12	10	8	15	12	10
Maximum Grade*	13	11	9	18	15	12	22	18	15
Sight Distance	30	40	50						
Stopping	200	275	350						
Passing	1100	1500	1800						
Intersection	300	400	500						
Minimum Curve Radius	300	550	850						
Horizontal Clearance to Obstruction	10	10	10						
Surface Cross Slope	2%* R	2%* R	2%* R						

Notes: Typical paved gutter with asphalt dike is shown in embankment condition but should only be used as required for surface drainage control.

Superelevation requirements see Section 2-312 of the Roadway Design Manual

- * For short distances. (300' maximum and/or approved by the Department of Public Works)
(No gravel allowed)
(1) Minimum Grade 1%

For further information see Humboldt County Road Design Manual

Figure 4

DESIGN STANDARDS

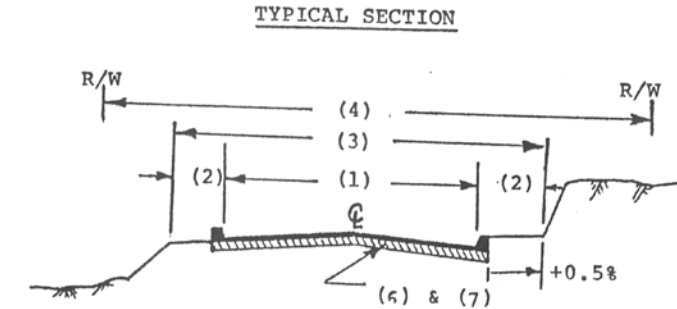
ROADWAY CATEGORY 5 (TWO LANE—WIDE TRAVELED WAY)

Service Provided:

Mobility	Volume
Moderate to High Over 40 MPH	0 - 400 ADT

Notes:

- (1) Traveled Way Width: 24 ft.
- (2) Shoulder Width: 4 feet when required by Dept. of Public Works
- (3) Roadbed Width: As approved by the Dept. of Public Works
- (4) Right of Way Width: Minimum 50 ft.



- (5) Drainage: Must be adequate to protect road and adjacent properties and approved by the Department of Public Works
- (6) Structural Section: Depends upon results of engineering analysis of materials and soil, and approval by Dept. of Public Works
- (7) Surface: Asphalt Concrete (A.C.) or Double Seal with curbs as approved by the DPW
- (8) Parking Permitted as per approval of DPW

Geometric Standards:

ELEMENT	DESIGN SPEED/TERRAIN										
	Flat			Rolling				Mountainous			
	40	50	60	30	40	50	60	30	40	50	20
Grade (1)	7	6	5	12	10	8	6	12	10	9	15
Maximum Grade *	11	9	8	18	15	12	9	18	15	13	22
Sight Distance	30	40	50	65	70						
Stopping	200	275	350	600	See						
Passing	1100	1500	1800	2300	State						
Intersection	300	400	500	650	Design						
Minimum Curve Radius	300	550	850	1500	Manual						
Horizontal Clearance to obstructions	10	10	10	10							
Surface Cross Slope	2%	2%	2%	2%							

Notes: Minimum paved gutter with dike is 2' wide. Shoulder will be paved when specified by Dept. of Public Works

For super-elevation requirements see Section 2-312 of the Roadway Design Manual

- * For short distances (300' maximum and/or approved by the Department of Public Works)
- (1) Minimum Grade 1%
- For further information see Humboldt County Road Design Manual

Figure 5