

IMPARTIAL ANALYSIS OF MEASURE A

INTRODUCTION. This initiative would impose new rules for cannabis (marijuana) grows in Humboldt County.

BACKGROUND. After California voters made cannabis legal, County Supervisors adopted local laws regulating grows.

Every California county must adopt a general plan regulating land uses. Coastal counties also adopt local coastal plans to regulate land uses in the coastal zone. Zoning ordinances must be consistent with general plans. This initiative amends the County general plan, local coastal plan, and zoning ordinance.

Zoning permits are “discretionary,” i.e., issued by the Board of Supervisors, an appointed Commission, or staff after a public hearing; or “ministerial,” which typically means issued by County staff without a hearing.

THE INITIATIVE. The measure would limit the number of grows which can receive permits after it is adopted to roughly one-third those now allowed. It would prohibit new grows larger than 10,000 square feet (a bit less than a quarter-acre). It would allow larger, existing, permitted grows to continue, but would not allow them to be expanded. It would also prohibit permits for new grows using mixed outdoor and indoor cultivation using lights brighter than 6 watts per square foot. Outdoor grows and those using dimmer lights could be permitted.

Under current County laws, ministerial permits can allow up to 5,000-square-foot grows on parcels of 5 acres or larger and up to 10,000-square-foot grows on parcels of 10 acres or larger. The measure would require discretionary permits for new or expanded grows over 3,000 square feet. It would also require permits for an increase in grow area or in the “number or size of any structures used in connection with cultivation.” This would include drying sheds, greenhouses, nursery rooms, water tanks, and solar systems. Growers could not hold more than one new permit.

The measure would forbid the County to waive a public hearing on a new or expanded permit. It would require the County to notify property owners within a mile of a grow of hearings; currently the County must notify those within 300 feet.

The measure requires applications for new or expanded grows on parcels served by private roads without centerline stripes to provide an engineer’s report confirming roads meet Category 4 standards. Those require two lanes along which parking is forbidden and which serve fewer than 100 parcels, each limited to one dwelling. It will require more water storage for some grows, phase out generators, require studies of new wells to show no impact on other wells, and further regulate diversions from streams. It would require the County, before renewing an annual permit, to conduct at least one, on-site, in-person inspection on less than 24 hours’ notice to the grower, to find any permit or law violations at a grow have been fixed, and to investigate any comments or complaints about a grow.

The above statement is an impartial analysis of Measure A. If you desire a copy of the ordinance or measure, please call the elections official’s office at 707-445-7481 and a copy will be mailed at no cost to you.

You may also access the full text of the measure on the county Web site at the following Web site address (www.humboldt.gov/elections).

ARGUMENT IN FAVOR OF MEASURE A

Humboldt County isn't doing enough to protect our communities, water, and wildlife from commercial cannabis cultivation. **Measure A closes loopholes in current ordinances, improves enforcement and public participation, and better protects our watersheds, people, and wildlife.** Measure A also sets fundamental cannabis policy in the County's General Plan and prevents politicians from weakening its protections without a vote of the people.

Measure A would:

- **Protect rivers, streams, and wildlife** by: a) extending the period during which water cannot be diverted from streams and rivers, b) requiring studies to show new water wells will not impact streams, springs, or other wells, c) phasing out generators, and d) improving coordination with state water and wildlife agencies.
- **Add a goal to the General Plan supporting small-scale, high quality cannabis cultivation.**
- **Discourage future large-scale farms** by: a) limiting new and expanded permits to 10,000 square feet of cultivation area, and b) preventing approval of multiple new, active cultivation permits for the same person or on the same legal parcel.
- **Limit the number of permits and acreage under cannabis cultivation** by capping the total number of permits and acreage at levels five percent above those allowed by existing approved, unexpired permits as of March 4, 2022 – a substantial reduction from the County's current cap of 3500 permits.
- **Protect vested rights and property rights.**
- **Improve public participation and official accountability** by requiring public hearings and better notice of permit applications.
- **Support effective enforcement** by requiring annual in-person, on-site inspections, correction of violations, and investigation of public complaints before permits are renewed.

Join us in charting a more sustainable future for Humboldt cannabis. Vote **YES** on Measure A .

www.cannabisinitiative.org

/s/ Mark Thurmond DVM, PhD, Sponsor, Retired Veterinarian, UC Davis Faculty

/s/ Elizabeth Watson PhD, Sponsor, Retired HSU Faculty

/s/ Robert 'Woods' Sutherland, Environmentalist, Small Grower Advocate

/s/ Ken Miller MD, Retired Physician, Director, Salmon Forever

/s/ Mark Wheatley, Former Arcata Mayor, Retired CA DFW

ARGUMENT AGAINST MEASURE A

Humboldt needs a well-regulated legal cannabis industry, and Measure A is not the way! As advocates for our environment, public safety, local businesses, and small cannabis and food farmers, we urge you to vote NO on Measure A.

Crafted behind closed doors by special interests, this 38 page citizen initiative would amend the General Plan to establish complex and unworkable restrictions only for legal cannabis businesses. Most of these broken rules could then never be fixed without an additional ballot measure.

Measure A is anti-cannabis, anti-small business, anti-public safety, and anti-environment, and would put thousands of jobs and millions in tax revenue at risk. An analysis from the Humboldt Planning Department found that Measure A “could [make] compliance so difficult that the legal [cannabis] market is rendered not viable in Humboldt County.”

Measure A is NOT an environmental initiative and would likely produce negative environmental outcomes. The Planning Department’s analysis found Measure A would “discourage existing permit holders from modifying their permits in any way,” including “adding infrastructure intended for environmental protections” such as water storage or solar panels.

An analysis by the non-profit 501(c)(3) environmental group Cannabis for Conservation found the initiative “lacks both environmental and scientific rigor” and would result in increased “regulatory hoop-jumping for farmers, with no measurable, quantifiable, or data-supported conservation benefits.”

Measure A is NOT a public safety initiative. It has unworkable restrictions that would only apply to *permitted* farmers, not unregulated farms, thus further encouraging illegal cultivation. Legal farmers are already heavily regulated by the county, the state Department of Cannabis Control, the Water Board, and Fish & Wildlife.

To protect the environment, small farmers, Humboldt’s economy, and public safety, please join us in voting NO on Measure A.

/s/ Natalynne DeLapp, Executive Director, Humboldt County Growers Alliance

/s/ Nancy Olson, CEO, Greater Eureka Chamber of Commerce

/s/ Destry Henderson, President, Humboldt Deputy Sheriff’s Organization

/s/ Jackee Riccio, Executive Director, Cannabis for Conservation

/s/ Portia Bramble, Executive Director, North Coast Growers Association

REBUTTAL TO ARGUMENT AGAINST MEASURE A

It's time to get past the fear-mongering and focus on the facts about Measure A.

Measure A IS an environmental initiative. Its stated purposes include protecting the County's environment, promoting environmentally responsible cultivation practices, and supporting watershed and ecosystem health.

Measure A supports water conservation and environmental safeguards by limiting further expansion of larger farms, requiring adequate water storage, phasing out generators, reducing stream diversions, and improving analyses of wells and roads.

Measure A must be interpreted in a way that achieves its environmental purpose. The County Planning Department is wrong to say Measure A prohibits environmental improvements like solar panels and water tanks, which contradicts its pro-environment goals.

Measure A bolsters enforcement of existing regulations by improving public and neighborhood notification, inspections, and coordination with water and wildlife agencies.

Measure A does not eliminate legal cannabis cultivation. Existing grows could stay at their current size without expanding, and many smaller existing farms could expand up to a total of 10,000 square feet.

Measure A was not "crafted" by "special interests." It was developed and supported by regular people who are tired of the County's ineffective enforcement of cannabis rules. Volunteers circulated the petitions, which more than 7,000 of your neighbors and fellow residents signed.

The county needs stronger environmental rules for effective oversight. We believe Humboldt County can do better to protect its rivers, habitats, and watersheds. That's what Measure A is all about. Vote **YES** on Measure A.

/s/ Clarence Hostler Sr., Hoopa Tribe Ceremony Family Leader

/s/ Melanie J McCavour MEnv, PhD, Former County Planning Commissioner, Biologist

/s/ St.Clair Adams, Television Broadcaster

/s/ Kristi Wrigley, Friends of Elk River

/s/ Mark Thurmond DVM, PhD, Sponsor, Retired Veterinarian, UC Davis Faculty

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

Don't be fooled: most of the supposedly protective policies in Measure A are addressed by existing regulations, while the critical details are buried in 38 pages of fine print.

Cannabis is already the most highly regulated crop in California. Comprehensive county and state review is already required for every permit, including review by multiple environmental agencies. Rigorous water, energy, permitting, and noticing regulations already exist under county and state law.

Measure A is about micromanaging small farmers, not protecting the public. The real consequences of Measure A are in the fine print, like its definition of "expanded," which restricts increases in "the number or size of any structures used in connection with cultivation."

Independent analysis confirms Measure A's real consequences. The Humboldt Planning Department's analysis states: "[Measure A] has been presented to preclude new large scale grows, but it will actually prevent existing permit holders, regardless of size, from being able to modify their permits to adapt to the evolving cannabis market and make strides towards greater environmental sustainability."

Taxpayers will pay the price. Measure A's vague and poorly written language risks expensive litigation at taxpayer expense, while preventing common sense changes without another voter initiative.

Public safety and the environment will suffer. Undermining Humboldt's legal cannabis framework risks chaos in the hills as legal farmers are pushed out.

Humboldt sees through Measure A's false promises. Stand with environmentalists, public safety officials, city councilmembers, farmers and ranchers, and county supervisors to **VOTE NO on A.**

OpposeMeasureA.com

/s/ Mark Lovelace, former 3rd District Supervisor

/s/ Tasha McKee MCorkle, self, 20-year Sanctuary Forest Water Program Director

/s/ William Honsal, Humboldt County Sheriff

/s/ John Casali, Huckleberry Hill Farms 5,000 square foot permitted cannabis farmer, CDFW fish-friendly certified

/s/ Mario Fernandez, Humboldt Democratic Central Committee Chair & Eureka City Council

MAR 04 2022

HUMBOLDT COUNTY
ELECTIONS

To the Honorable Registrar of Voters of the County of Humboldt: We, the undersigned, registered and qualified voters of the County of Humboldt, hereby propose an initiative measure to amend the Humboldt County General Plan, the Humboldt County Local Coastal Plans, and the Humboldt County Code. We petition you to submit this measure to the Board of Supervisors of the County of Humboldt for adoption without change, or for submission of the measure to the voters of the County of Humboldt at the earliest election for which it qualifies.

The measure provides as follows:

Humboldt Cannabis Reform Initiative

The people of the County of Humboldt do hereby ordain as follows:

SECTION 1: PURPOSE AND FINDINGS

A. Purpose

The purpose of this *Humboldt Cannabis Reform Initiative* (“Initiative”) is protect the County’s residents and natural environment from harm caused by large-scale cannabis cultivation. Specifically, the Initiative seeks to promote environmentally responsible cultivation practices and support watershed health for residents, property owners, and ecosystems affected by cannabis cultivation activities. This Initiative accomplishes its purpose by limiting the number, type and acreage of permits for commercial cannabis cultivation, ensuring greater public participation and official accountability in decision-making, improving permit enforcement and site inspections, reducing potential impacts to streams and watersheds, limiting generator size and usage, and facilitating active coordination with state and federal agencies.

B. Effect

This Initiative amends the County General Plan to: (1) adopt more restrictive caps on the total number of permits and acres under cannabis cultivation in each of the County’s planning watersheds and coastal planning areas, while allowing continued processing of complete permit applications pending as of March 4, 2022; (2) ensure that caps on permits and acres cannot be increased without a vote of the people; (3) limit new and expanded permits for commercial cannabis cultivation to outdoor and low-wattage mixed-light operations and nurseries no more than 10,000 square feet in size; (4) ensure that existing permits are not renewed unless cultivation sites are subject to on-site inspection, all violations are corrected, and public complaints are investigated; (5) expand public notice, public hearing, and discretionary review requirements for commercial cannabis cultivation permits; (6) protect water resources and habitat by extending the period during which diversion of surface waters is prohibited, ensuring adequate water storage, and requiring hydrologic studies to demonstrate that groundwater extraction will not reduce flows in streams, springs, or neighboring wells; and (7) reduce noise impacts and the risk of fuel spills by limiting generator usage in commercial cannabis cultivation operations to a single generator rated at 50-hp or less and used for emergency purposes only.

C. Findings

The people of the County of Humboldt find that this Initiative promotes the health, safety, welfare, and quality of life of County residents based upon the following findings:

1. **The Humboldt County General Plan guides growth in the County.** Humboldt County's General Plan serves as the County's land use "constitution" and functions to safeguard the County's unique and diverse resources. It balances the need for adequate infrastructure, housing, and economic vitality with protection of rural communities, agricultural areas, and scenic open spaces. The Plan reflects the County's commitment to the health, wellbeing, and vitality of the County's local communities, economies, and ecosystems. The Plan also recognizes the importance of cannabis cultivation to the local economy, while acknowledging that cannabis cultivation can result in environmental impacts and land use conflicts. The six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) similarly govern land use within the County's Coastal Zone.
2. **Humboldt County's cannabis economy and reputation for high quality cannabis were shaped by small-scale operations.** Smaller-scale operations have been at the core of the County's cannabis cultivation economy since the crop's introduction into the County. These small-scale operations have shaped the County's culture for decades, and small-scale growers' innovation and attention to craft have made "Humboldt" synonymous with high quality cannabis. Smaller-scale operations also tend to create fewer environmental impacts due to their more limited footprint and resource usage.
3. **Humboldt County's cannabis ordinances allow large-scale operations that threaten to displace small-scale cultivators.** Over the years, the County's cannabis ordinances have allowed approval of numerous permits for larger-scale cultivation operations. Many residents believe that the ordinances' allowance of larger-scale grows has come at the expense of the smaller-scale cultivation that made Humboldt famous worldwide for the high quality of its cannabis products.
4. **The transition from small-scale to large-scale cannabis cultivation is adversely affecting the community and the natural environment.** Many residents believe larger-scale cannabis cultivation poses unacceptable risks to community and local ecosystem health, safety, and welfare. Concerns voiced by residents include: dust, noise, odor, glare, unsightly structures damaging scenic views, reductions in stream flows and water well production, adverse effects on wildlife, dangerous road conditions, and road deterioration.
5. **Continued growth in the number of commercial cannabis cultivation permits and the amount of acreage under cultivation threatens the community and the environment.** This Initiative reduces the caps on permits and acreage under cultivation previously adopted by the Board of Supervisors. For inland areas, County Board of Supervisors Resolution No. 18-43 (attached to this Initiative as Exhibit A) established caps on the total number of permits and acres for commercial cannabis cultivation in each

of the planning watersheds listed in the Resolution. Humboldt County Code section 313-55.4.6.8 established similar caps on permits and acres within each of the areas of the County's Coastal Zone covered by the County's six Local Coastal Plans. Many residents believe the County's current caps are far higher than they should be. In inland areas alone, the County's current caps could allow the total number of approved permits and acres under cultivation to *more than triple* compared to approved permit and acreage levels as of November 2021. This expansion could increase impacts to the community and the environment. This Initiative strikes a better balance between allowing commercial cannabis cultivation and protecting the community and the environment by setting caps on new permits at slightly above the current number of permits and total permitted acreage of cultivation, while still allowing the County to work through a backlog of pending, complete applications and to approve the renewal of existing permits where appropriate. This Initiative also ensures that the caps cannot be increased without voter approval.

6. **New commercial cannabis cultivation should be limited to smaller outdoor and lower-wattage mixed-light grows and nurseries.** Studies have shown that the use of artificial light in cannabis cultivation is extremely energy-intensive. Using less artificial light reduces both the demand on resources and the environmental impacts associated with electricity production. Larger grows also generally require more water, more fertilizers, and potentially more land disturbance. This Initiative limits new and expanded commercial cannabis cultivation permits to outdoor and lower-wattage mixed-light grows and nurseries with less than 10,000 square feet of cultivation area.
7. **Humboldt County residents should be notified of cannabis permit applications and should be given the power to engage meaningfully in the permit approval process.** The people of Humboldt County, whose quality of life is at stake, should have the information necessary to meaningfully discuss health, safety, and welfare concerns related to cannabis permitting with the Planning Department, Planning Commission, and elected officials. Too often, residents who may be affected by commercial cannabis cultivation operations are neither notified of proposed permit applications nor given a meaningful opportunity to participate in the County's review process. This Initiative strengthens notification requirements, expands the range of commercial cannabis cultivation applications that are subject to discretionary County review, and prevents the County from waiving public hearing requirements.
8. **Operators are not verifiably complying with applicable regulations and permit conditions.** Residents are concerned that the County's current ordinances do not do enough to ensure that regulatory standards are met before permits are issued and renewed. Current ordinances do not clearly require in-person, on-site inspections before permit renewal. Applicants also currently are allowed to self-certify whether private roads serving cannabis cultivation sites meet County standards without an engineer's evaluation. This Initiative requires on-site inspections before permits can be renewed and requires an engineer to confirm that private roads meet certain standards.
9. **Coordination between the County and state wildlife and water quality agencies has been lacking.** Numerous government agencies play critical roles in protecting Humboldt

County’s environment. This Initiative requires that the County actively coordinate with other agencies that play a role in mitigating environmental harm caused by commercial cannabis cultivation.

10. **Large-scale cannabis cultivation contributes to strains on water resources.** Although California’s North Coast historically has been blessed with abundant rain in the winter, summers have always been dry. In recent years, sustained periods of drought—which many scientists believe are exacerbated by climate change—have placed even more stress on rivers, streams, and the fish and wildlife that depend on clean and plentiful water. As of February 2022, the U.S. Drought Monitor identified most of Humboldt County as suffering from moderate to extreme drought. Another study published in February 2022 concluded that the 20-plus year “megadrought” currently affecting southwestern North America is one of the longest and driest periods in the last 1,200 years—and that climate change has played a substantial role in the drought’s severity. Residents have observed that perennial streams are drying up earlier every year and that even portions of major tributaries like the South Fork Eel River have gone dry. However, under the County’s current permitting scheme, the water needs of commercial cannabis cultivation are driven more by the cultivator’s desires than by a watershed’s or aquifer’s capacity to support cultivation without adverse impacts to other water users, water quality, habitat, and fish and wildlife. Cannabis cultivation often relies on diversions of water from streams or groundwater from wells, yet the County’s cannabis cultivation ordinances do not require adequate study of the resulting effects on fish, wildlife, habitat, or other water users. Given the seasonal scarcity of water in the region, ongoing drought conditions in California, and the sensitivity of aquatic species and habitats, this Initiative requires greater study of the impacts of water wells and extends the “forbearance period” during which diversions from surface water bodies are prohibited.
11. **Overreliance on generators causes noise pollution and threatens fuel spills.** Similar concerns apply to energy sources for cannabis cultivation. Many sites rely on generators for power, causing noise pollution and increasing the risk of spills related to transportation of fuels along narrow, winding roads. This Initiative phases in requirements for all commercial cannabis cultivation operations that limit the size of generators and allows their use for emergency purposes only.

SECTION 2: HUMBOLDT COUNTY GENERAL PLAN AMENDMENTS

This Initiative hereby amends the Humboldt County General Plan (“General Plan”), as amended through March 4, 2022, the date that the notice of intention to circulate this Initiative was submitted to the elections official of the County of Humboldt (“Submittal Date”). Except as specifically provided in this Initiative, the amendments in subsections A.1 and A.2 of this Section 2 may be changed only by a vote of the people.

A. General Plan Text Amendments

1. Section 4.9 Added to General Plan Land Use Element

A new Section 4.9 entitled “Cannabis Cultivation” is inserted into the General Plan, Part 2, Chapter 4, Land Use Element, at Page 4-56, following Section 4.8 (after Table 4-H):

4.9 Cannabis Cultivation

4.9.1 Purpose

This section 4.9 of the Land Use Element was adopted as part of the Humboldt Cannabis Reform Initiative. Except as specifically provided in the Humboldt Cannabis Reform Initiative, nothing in this section shall be repealed, altered, or amended without a vote of the people.

This section of the Land Use Element addresses cannabis cultivation in unincorporated Humboldt County outside of the Coastal Zone. The goals, policies, standards, and implementation measures set forth in this section are intended to apply in all unincorporated areas of the County outside of the Coastal Zone, including all Community Planning Areas, and under all General Plan land use designations unless otherwise specified. The Humboldt Cannabis Reform Initiative also amended the six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) to include the same definitions, goals, policies, standards, and implementation measures for commercial cannabis cultivation in the Coastal Zone.

4.9.2 Background

Cannabis cultivation has been an important part of Humboldt County’s culture and economy for decades. Beginning in the 1960s, small-scale cannabis growers began to establish an important, although illegal, largely home-based industry in the County’s hills. Income from illicit cultivation and sales of cannabis supported the local economy as other industries contracted, sustaining countless small businesses and non-profit organizations through hard times. Humboldt growers’ innovations in hybridization and other cultivation techniques also created cannabis products that have become famous globally for their high quality. For many outside the local area, the term “Humboldt” is still synonymous with high-quality cannabis.

The illicit cannabis industry had—and still has—its downsides. Unregulated cannabis operations can put significant pressure on environmental resources. Illicit cultivation has been associated with unauthorized water diversions and reductions in stream flows, poorly maintained roads, pollution from pesticides and fertilizers, and accumulation of water lines, garbage, and other debris. The aggressive law enforcement response to illicit cultivation that culminated in the Campaign Against Marijuana Planting in the 1980s and 1990s also fostered community divisions and facilitated development of an “outlaw” culture with a deep distrust of regulation. Although prohibition kept cannabis prices high, it also deprived industry participants of recourse to legal means of distributing their products and settling disputes, resulting in thefts and occasional violence.

California began a long transition toward legalization of cannabis in 1996 with the passage of Proposition 215, which exempted patients using medical cannabis and their caregivers from

certain state criminal laws. For many years, local cannabis growers operated in the “gray area” created by the limited reach of Proposition 215. Finally, in 2016, California voters adopted Proposition 64, which legalized adult recreational use of cannabis and instituted comprehensive state licensing and regulation of the cannabis industry.

Proposition 64 also left significant regulatory power in the hands of local governments. Humboldt County enacted its first comprehensive cannabis land use ordinance, the Commercial Medical Marijuana Land Use Ordinance (often referred to as “Ordinance 1.0”) in September 2016. The County revised its cannabis land use ordinances again in 2018 with the Commercial Cannabis Land Use Ordinance (or “Ordinance 2.0”). Further amendments streamlining permitting for small new and pre-existing cannabis cultivation operations were adopted in 2020.

Together, these ordinances generally sought to transform the County’s illicit, unregulated cannabis farms into lawful, regulated operations. The ordinances included provisions requiring growers to obtain permits and comply with numerous operational standards.

Legalization, however, brought significant challenges. Wealthy individuals and businesses, seeking to capitalize on Humboldt County’s reputation for high-quality cannabis, began to buy up property in the County, often for the purpose of larger-scale, more “industrial” cannabis cultivation operations. As of 2022, the County’s cannabis cultivation ordinances had proven inadequate to prevent environmental damage and land use conflicts predominantly stemming from larger-scale cultivation operations. Experience has shown that watercourses and wells continue to be impacted by diversions and groundwater extraction, threatening both other water users and habitat for protected species like salmon and steelhead. Extended drought conditions in Humboldt County and throughout southwestern North America—conditions scientists believe are being exacerbated by anthropogenic climate change—are putting even more pressure on local water resources and natural habitat. Over-reliance on generators, particularly in rural residential areas, has exacerbated noise pollution and created a substantial risk of fuel spills.

In light of these environmental conditions, the voters chose to strengthen requirements governing water storage and diversions, generator usage, inspections of permitted sites prior to renewal, coordination with state wildlife and water quality agencies, and renewable energy. The voters also limited the types and size of new permits for commercial cannabis cultivation and improved public notice and permit review provisions essential to ensure informed community participation in the approval process. Finally, the voters imposed stricter limits on the number of permits for commercial cannabis cultivation the County can approve and the number of acres under cultivation, while allowing the County to continue working through a backlog of pending, complete permit applications.

Prior to adoption of the Humboldt Cannabis Reform Initiative, the County’s General Plan did not comprehensively address the role of cannabis cultivation in the County’s overall vision for development. By adopting the Humboldt Cannabis Reform Initiative, the County’s voters recognized the need for goals, policies, standards, and implementation measures to guide the County’s regulation of this industry toward a sustainable future while recognizing the small-scale, innovative practices that established Humboldt County’s reputation for high-quality, artisan cannabis.

4.9.3 Definitions

When used in this Section 4.9, the following words shall have the meanings ascribed to them below. The singular shall include the plural and the plural shall include the singular. Definitions below shall control over any definitions of the same or similar terms contained elsewhere in the Humboldt County Code.

- “Canopy” means the designated area(s) at a licensed premises that will contain mature plants at any point in time.
- “Commercial Cannabis Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries, that is intended to be processed, manufactured, distributed, dispensed, delivered, and sold. For purposes of this Section 4.9, “Commercial Cannabis Cultivation” shall not include either of the following: (a) cultivation, processing, or storage of cannabis for a single person or household’s exclusive use; or (b) cultivation, processing, or storage of medical marijuana or cannabis for a single qualified patient’s use..
- “Cultivation area” means the sum of the area(s) used for commercial cannabis cultivation, calculated in square feet and measured using clearly identifiable boundaries around the perimeter of all area(s) that will contain plants at any point in time, including all the space within the boundary as shown on the approved plot plan. Cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown to maturity on the premises.
- “Diversion” means the withdrawal of water from a water body. For purposes of this definition, “water body” means any significant accumulation of water, such as lakes, ponds, rivers, streams, creeks, springs, seeps, artesian wells, wetlands, canals, groundwater from a subterranean stream flowing through a known and definite channel, or similar features. “Water body” shall not include off-stream constructed reservoirs filled exclusively in a manner not involving the withdrawal of water from a water body, such as captured rainfall.
- “Diversionary water source” means a source of water that involves diversion.
- “Emergency Purposes” means providing electrical power during any of the following events and subject to the following conditions:
 - (1) the failure or loss of all or part of normal electrical power service:
 - (A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and
 - (B) which is demonstrated by the owner or operator to the County's satisfaction to have been beyond the reasonable control of the owner or operator;
 - (2) the pumping of water or sewage to prevent or mitigate a flood or sewage overflow;
 - (3) the pumping of water for fire suppression or protection.
- “Expanded,” when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean an increase in the size, intensity, or

resource usage of commercial cannabis cultivation activities on a parcel or premises where such activities have previously been permitted, regardless of whether authorization for expanded uses is sought by way of an application for a new permit or zoning clearance or an application for a modification to an existing permit or zoning clearance. Examples of “expanded” uses include, but are not limited to, an increase in cultivation area, water usage, energy usage, or the number or size of any structures used in connection with cultivation.

- “Forbearance period” means the calendar days during which water may not be diverted from a water body.
- “Light deprivation” means the use of any technique to eliminate natural light in order to induce flowering.
- “Indoor Cultivation” means the cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
- “Mixed-Light Cultivation” means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of:
 - (1) Natural light and light deprivation, and either of the models listed below:
 - (A) “Mixed-light Tier 1,” without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot;
 - (B) “Mixed-light Tier 2,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot; or
 - (2) Natural light and either of the models listed below:
 - (A) “Mixed-light Tier 1,” the use of artificial light at a rate above zero, but no more than six watts per square foot;
 - (B) “Mixed-light Tier 2,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- “New,” when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean commercial cannabis cultivation activities on a parcel or premises where such activities have not previously been permitted.
- “Nursery” means a facility that produces only clones, immature plants, and seeds for wholesale to licensed cultivators to be used specifically for the planting, propagation, and cultivation of cannabis, or to licensed distributors.
- “Outdoor Cultivation” means the cultivation of mature cannabis without the use of artificial lighting or light deprivation in the canopy area at any point in time.
- “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number. “Person” also includes the chief executive officer or a member of the board of directors of a business entity, or any individual participating in the direction, control, or management of the permit holder. “Person” does not include business entities with an aggregate ownership interest of less than

twenty percent (20%) in the individual or group holding the permit or less than five percent (5%) of the total shares of a publicly traded company holding a permit. Individuals, banks, or financial institutions whose only interest constitutes a loan, lien, or encumbrance, or whose interest occurs through a mutual fund, blind trust, or similar instrument shall not be considered a “person” for purposes of this section.

- “Premises” means a parcel, or a portion thereof, such as a leasehold interest in agricultural land for agricultural purposes of outdoor, mixed-light, or indoor cultivation or processing of cannabis, or a leased or owned space in an industrial or commercial building or parcel for purposes of indoor, mixed-light, or outdoor cultivation, processing, manufacture, distribution, testing or retail sale of cannabis.

The Board of Supervisors may amend the definitions set forth in this section 4.9.3 of the Land Use Element without a vote of the people to conform to future amendments to definitions of the same or similar terms in state statutes and regulations.

4.9.4 Goals and Policies

Goals

- CC-G1: **Support small-scale, high-quality cannabis cultivation.** Structure and implement cannabis cultivation ordinances and policies that encourage small-scale production while minimizing environmental and social impacts.
- CC-G2: **Prevent large-scale grows that damage the environment and harm the community.** Limit new and expanded commercial cannabis cultivation permits to Outdoor Cultivation, Mixed-light Tier 1 Cultivation, and Nurseries with a maximum cultivation area of 10,000 square feet.
- CC-G3: **Limit the number of permits and acreage under cannabis cultivation.** Cap the total number of permits and acreage under cultivation at levels just above those approved and existing as of March 4, 2022, while allowing continued processing of pending permit applications that the County determines were complete prior to that date. Require a vote of the people to increase caps in the future.
- CC-G4: **Reduce the impacts of cannabis cultivation on water availability and water quality.** Prohibit reliance on diversions from streams and rivers for commercial cannabis cultivation between March 1 and November 15 of each year. Require analysis of the effects of groundwater usage on instream flows and other water users. Prohibit applicant self-certification of compliance with private road standards.
- CC-G5: **Ensure greater public participation and official accountability in decision-making.** Require expanded public notice of cannabis cultivation applications. Expand the range of applications subject to discretionary review and public hearings.

CC-G6: **Ensure that existing operations are inspected and compliance verified prior to permit renewal.** Require in-person, on-site inspections, correction of violations, and investigation of complaints before permits can be renewed.

CC-G7: **Limit use of generators in cannabis cultivation operations.** Over time, phase in requirements that limit generator size and restrict usage to emergency purposes for all commercial cannabis cultivation.

Policies

Limitations on Permits

CC-P1: **Permit and Acreage Caps (Non-Coastal).** In areas of the County outside Coastal Planning Areas, caps on the total number of permits granted for commercial cannabis cultivation and on the total permitted acreage of cultivation shall be established and implemented as follows:

(a) In each of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, the cap on the total number of permits for commercial cannabis cultivation granted shall be 1.05 times the total number of existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that planning watershed as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt. In each watershed, the permit cap shall be rounded to the nearest whole number.

(b) In each of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, the cap on the total permitted acreage of Cultivation Area shall be 1.05 times the total permitted acreage of cultivation area approved by the County under existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that planning watershed as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

(c) If, at any time, in any of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, either (i) the total number of permits granted for commercial cannabis cultivation or (ii) the total permitted acreage of cultivation area exceeds a cap for that planning watershed established pursuant to paragraphs (a) and (b) of this Policy CC-P1, any new applications for commercial cannabis cultivation activities within that watershed shall be placed in a queue and shall not be further considered or processed until such time as the total number of approved permits and the total acreage of

cultivation both fall below the applicable caps for that watershed. If and when the total number of approved permits and the total permitted acreage of cultivation area both fall below the applicable caps for a watershed, the Board of Supervisors may, by resolution and without a vote of the people, establish procedures for processing applications within the queue for that watershed.

(d) Notwithstanding paragraph (c) of this Policy CC-P1, the County may continue to process, and may approve, applications for permits for commercial cannabis cultivation that the County determines were complete on or before March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

(e) Notwithstanding paragraphs (a), (b), and (c) of this Policy CC-P1, the County may renew a previously approved permit for commercial cannabis cultivation provided that all applicable state and local requirements for permit renewal are satisfied.

(f) The Board of Supervisors may, by resolution and without a vote of the people, reduce the caps on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1. However, the limits on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1 shall not be increased unless approved by a vote of the people.

(g) In order to facilitate participation in and compliance with the County's commercial cannabis cultivation permitting programs, the County shall publish and make available the caps on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1.

CC-P2: Limitations on Cultivation Types, Methods and Area for New and Expanded Permits. Except for pending applications that the County determines were complete on or before March 4, 2022, the following limitations shall apply to any application for a permit, permit modification, or zoning clearance for new or expanded commercial cannabis cultivation that is approved following the Effective Date of the Humboldt Cannabis Reform Initiative:

(a) The County shall not approve an application if the total cultivation area that would result from approval exceeds 10,000 square feet.

(b) The County shall not approve an application that proposes a type of cultivation other than Outdoor Cultivation, Mixed-light-Tier 1 Cultivation, or Nursery.

The limitations in this Policy CC-P2 shall not apply to an application for renewal of an existing permit or zoning clearance that does not propose or involve any expanded use.

CC-P3: **Permit Term and Renewal.** All County-issued permits allowing commercial cannabis cultivation shall have a term of no longer than one year following the date of issuance and shall expire automatically on the anniversary date unless renewed.

CC-P4: **Permit Renewal Conditions.** Permits shall not be renewed unless all of the following conditions are satisfied:

(a) The County has conducted at least one on-site, in-person inspection of the premises within one year prior to the permit expiration date. The County may provide up to 24 hours' advance notice of any such inspection, but advance notice is not required. On-site inspection by the permittee, or by any employee or agent of the permittee, shall not be sufficient to satisfy this requirement.

(b) The County determines that any and all violations of permit conditions or applicable laws have been corrected.

(c) The County has considered and investigated any and all comments or complaints received from members of the public concerning the commercial cannabis cultivation operation's compliance with permit conditions or applicable laws.

CC-P5: **Multiple Permits.** No approval of a permit for commercial cannabis cultivation shall result in either of the following: (a) any one person holding more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative at the same time, or (b) more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative on the same legal parcel at the same time.

CC-P6: **Coordination and Collaboration with Other Agencies.** The County shall carry out its commercial cannabis cultivation permitting responsibilities in coordination with agencies having jurisdiction over resources affected by commercial cannabis cultivation, including but not limited to the California Department of Fish and Wildlife, State Water Resources Control Board, and Regional Water Quality Control Board.

Public Notice and Application Review

CC-P7: **Public Notice.** The County shall provide public notice of proposed commercial cannabis cultivation applications in a variety of forms so as to ensure that all persons who may be affected by proposed cultivation operations are reasonably likely to receive actual notice.

CC-P8: **Discretionary Review.** An application for commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall not be approved by

way of a zoning clearance or other ministerial approval. Commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall require a conditional use permit, special permit, or equivalent discretionary permit, and a coastal development permit where applicable. The County may by ordinance require a conditional use permit, special permit, or equivalent discretionary permit for commercial cannabis cultivation with a total cultivation area of less than 3,000 square feet. This policy shall apply to all applications for new or expanded commercial cannabis cultivation activities regardless of the size, land use designation, or zoning classification of the parcel on which cultivation is proposed.

CC-P9: **No Waiver of Public Hearings.** Notwithstanding any contrary provision of the Humboldt County Code or Zoning Regulations, public hearings on commercial cannabis cultivation permit applications shall not be waived.

Environmental Protection

CC-P10: **Instream Flows and Wells.** The County shall not approve any permit for new or expanded commercial cannabis cultivation if any well or wells proposed for use as part of the cultivation operation will reduce instream flows or otherwise adversely affect either (a) any watercourse or spring, or (b) any existing well used by a person other than the applicant.

CC-P11: **Diversionsary Water Sources and Forbearance Periods.** The forbearance period applicable to diversionsary water sources shall begin March 1 and shall end November 15 of each calendar year, unless a greater period is established pursuant to state law.

CC-P12: **Generators.** To reduce noise pollution and the risk of fuel spills, the County shall, over time, phase in standards ensuring that commercial cannabis cultivation operations are limited to a single generator rated at 50-hp or less and used for emergency purposes only.

CC-P13: **Roads.** Where any parcel on which a permit for new or expanded commercial cannabis cultivation activities is proposed is served by a private road without a centerline stripe, a licensed engineer's report shall be required to support a conclusion that the road meets or exceeds the Category 4 standard (or same practical effect).

Standards

CC-S1: **Hydrologic Study Required.** Commercial cannabis cultivation permits shall not be granted unless a hydrologic study prepared by a qualified expert demonstrates that any well or wells proposed for use as part of the cultivation operation will not reduce instream flows or otherwise adversely affect either (a) any watercourse or spring, or (b) any existing well used by a person other than the applicant. The

hydrologic study shall include, but not be limited to, as applicable and for each well proposed for use, examination of any well log, the geology of the well and screening intervals, the depth to water and static water pressure, total drawdown of the well, anticipated yield, and analysis of topography relative to adjacent mapped surface water features.

CC-S2: **Inadequate Water Storage.** If the County determines that water storage associated with any proposed or permitted commercial cannabis cultivation operation is inadequate to support the area or methods of cultivation proposed or permitted, the County shall order the applicant or permittee either to increase the amount of water storage or to reduce the size of the cultivation area to the point where the existing associated water storage is adequate.

CC-S3: **Generators.** The use of generators in commercial cannabis cultivation activities shall be limited as follows:

(a) For new or expanded commercial cannabis cultivation sites permitted after the Effective Date of the Humboldt Cannabis Reform Initiative, only one generator rated at 50-hp or less shall be allowed, and that generator shall be used for emergency purposes only.

(b) After June 30, 2024, all commercial cannabis cultivation operations other than operations at lawfully permitted pre-existing sites established prior to January 1, 2016 shall be limited to one generator rated at 50-hp or less and used for emergency purposes only. The County shall verify compliance with this standard as part of the on-site inspection required for permit renewal.

(c) After September 30, 2025, commercial cannabis cultivation operations at lawfully permitted pre-existing cultivation sites established prior to January 1, 2016, shall be limited to one generator rated at 50-hp or less and used for emergency purposes only. The County shall verify compliance with this standard as part of the on-site inspection required for permit renewal.

CC-S4: **Public Notice.** Whenever a permit application for any commercial cannabis cultivation activity has been determined complete for processing, notice of the proposed project shall be provided as follows:

(a) Notice shall be mailed by first class mail (i) to all property owners and occupants at the address(es) shown on the latest assessment roll within one mile of the perimeter of the parcel on which a permit is being requested, and (ii) to all persons who have requested notice of commercial cannabis cultivation applications. The notice shall include the location of the project and a description of the size and type of activity proposed.

(b) Notice shall be published at least twice in a newspaper of general circulation that serves the area in which the commercial cannabis cultivation operation is to

be conducted.

(c) Notice shall be posted in at least three public locations where it is reasonably likely to be seen by persons who may be affected by the commercial cannabis cultivation activity, including persons who may rely on road systems or water sources affected by the commercial cannabis cultivation activity.

The notice required by this standard shall be sufficient to satisfy Policy CC-P7 but also is in addition to any other notice that may be required by law.

Implementation Measures

CC-IM1: **Notice to Department of Cannabis Control.** The County shall provide prompt notice of the adoption of the Humboldt Cannabis Reform Initiative to the California Department of Cannabis Control in accordance with Business and Professions Code section 26055(f)(2).

CC-IM2: **Ordinance Consistency.** The goals, policies, standards, and implementation measures set forth in Section 4.9 of the General Plan shall control over any conflicting provision of the Humboldt County Code or Zoning Regulations. As soon as possible, but no later than two years after the adoption of the Humboldt Cannabis Reform Initiative, the County shall revise the Humboldt County Code and Zoning Regulations to establish consistency with the Initiative, including all goals, policies, standards, and implementation measures set forth in Section 4.9 of the General Plan.

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of revisions to any portion of the Humboldt County Code and Zoning Regulations applicable in the Coastal Zone. In the event the California Coastal Commission requests or proposes modifications to any such revisions prior to or as part of certification of any Local Coastal Program amendments included therein, the Board of Supervisors is permitted to adopt such modifications without a vote of the people provided that the Board finds that the modifications further the purpose, intent, goals, policies, standards, and implementation measures set forth in the Humboldt Cannabis Reform Initiative. Revisions to any portion of the Humboldt County Code and Zoning Regulations applicable in the Coastal Zone adopted pursuant to this Implementation Measure CC-IM2 shall be effective upon the California Coastal Commission's certification.

2. Amendments to Implementation Action Plan (General Plan Appendix A)

The following five rows are added to the table in Appendix A to the General Plan entitled "2017 Humboldt County General Plan – Implementation Action Plan," at Page A-9, immediately preceding the subheading entitled "Chapter 5 Community Infrastructure and Services Element":

Chapter 4 Land Use Element – Cannabis Cultivation					
CC-IM1. Notice to Department of Cannabis Control	Core County Service	County Administration	Immediate	TBD	All Goals, Policies, and Standards in Land Use Element Section 4.9
CC-IM2. Ordinance Consistency	Zoning Regulations; Other Development Code Revisions	Long-Range Planning	2 Years	TBD	All Goals, Policies, and Standards in Land Use Element Section 4.9

Note (for informational purposes only; not part of the General Plan text adopted by this Initiative): The six column headings applicable to the above table, from left to right, are “Text of Measure,” “Method,” “Responsibility,” “Timing,” “Cost Range,” and “Policies Implemented.”

The amendments to the Implementation Action Plan adopted in this Section 2.A.2 of the Initiative may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with the goals, policies, standards, and implementation measures of the General Plan adopted in Section 2.A.1 of the Initiative.

B. General Plan Conforming Amendments

The General Plan is further amended as set forth below in this Section 2.B in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in **bold type**. Text to be deleted from the General Plan is indicated in ~~strikeout~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with the purpose, intent, goals, policies, standards, and implementation measures of the General Plan set forth in Sections 1 and 2.A above.

1. On page 9-7 of the General Plan, Economic Development Element Section 9.3 Background, the following paragraphs are amended to read:

Cannabis

The production and sale of **recreational**, medicinal and illicit cannabis contribute significantly to Humboldt County’s economy. The impact is difficult to measure but its effects are unmistakable. For example, the size of the retail and restaurant sector is out of proportion to official income levels. While the production and sale of **recreational and medicinal** cannabis is legal and local jurisdictions are collecting data that can be used to measure the size of this industry, the size of the illegal industry cannot be measured

directly. Many assume **that at times** it ~~is~~ **has been** the largest single industry in Humboldt County.

While cash circulating is undisputedly good for the local economy, ~~the industry's use of residential, agricultural and timberlands~~ **cannabis cultivation and production** can result in environmental impacts **and** land use conflicts. The competition for labor can also be problematic, for example there is a strong appeal to local youth to enter the cannabis trade instead of preparing themselves for a legal career.

If ~~Now that~~ statewide efforts to legalize cannabis ~~are~~ **have proven** successful, the County ~~may enjoy~~ **should work to support** a legal, ~~and~~ economically viable, **and environmentally responsible** industry based on the expertise, quality and market reputation that Humboldt County gained in the production of illicit cannabis. While there are practical and legal limitations on the County's ability to support illicit cultivation, support for legal cultivation **in accordance with Section 4.9 Cannabis Cultivation of the Land Use Element of this General Plan** should be a part of the County's overall economic policy.

2. In Appendix A to the General Plan, on page A-1, the following paragraph is amended to read:

For the most part, the implementation measures in the General Plan are programs, steps or processes intended to help achieve the outcomes defined by the goals and policies of each element. However, the County must take additional steps to implement each action. In this Implementation Plan, each action is organized to reflect the overarching goal and policy of a General Plan Element. In some instances, policies and standards are not directly associated with an implementation measure, such policies and standards are listed and the implementing actions are identified as though they are implementation measures. The General Plan contains a total of ~~224~~ **226** implementation measures. In addition, the General Plan contains 170 policies and 77 standards that are not directly associated with an implementation measure.

SECTION 3: AMENDMENTS TO HUMBOLDT COUNTY LOCAL COASTAL PLANS

This Initiative hereby amends each of the six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) as those plans were amended through the Submittal Date, as set forth below. New text to be inserted in each plan is indicated in **bold** type.

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of the amendments in this Section 3 and any other amendments to the Local Coastal Plans necessary to implement this Initiative. In the event the California Coastal Commission requests or proposes modifications to any Local Coastal Plan amendment found in Section 3 of the Initiative prior to or as part of certification, the Board of Supervisors is permitted to amend only the affected Local Coastal Plan, and not any other part of this Initiative, as necessary to incorporate such modifications without a vote of the People, provided that the

Board finds that the modifications further the purpose and intent of the Initiative as set forth in Section 1 and are consistent with the goals, policies, standards, and implementation measures set forth in Section 2. The amendments in this Section 3 shall be effective upon the California Coastal Commission's certification.

Except as specifically provided above, the amendments in this Section 3 may be changed only by a vote of the people.

A. Eel River Area Plan

1. At Chapter 3 – Page 3 of the Eel River Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. General Development Policies Within the Urban Limit, the following text is inserted after Policy 5. Nonconforming Uses and Structures:

6. Commercial Cannabis Cultivation.

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Eel River Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

2. At Chapter 3 – Page 18 of the Eel River Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Subsection C. NONCONFORMING USES AND STRUCTURES:

D. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Eel River Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

B. Humboldt Bay Area Plan

1. At Chapter 3 – Page 7 of the Humboldt Bay Area Plan (Rev. December 2014), Section 3.11 URBAN LIMIT, Subsection B. DEVELOPMENT POLICIES, Subsection 2. General Development Policies Within The Urban Limit, the following text is inserted after Policy d.:

- e. **In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Humboldt Bay Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

2. At Chapter 3 – Page 27 of the Humboldt Bay Area Plan (Rev. December 2014), Section 3.20 RURAL DEVELOPMENT, the following text is inserted after Policy B. NONCONFORMING USES AND STRUCTURES:

C. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Humboldt Bay Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

C. McKinleyville Area Plan

1. At Chapter 3 – Page 3 of the McKinleyville Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITH THE URBAN LIMIT the following text is inserted after Policy 5. NONCONFORMING USES AND STRUCTURES:

6. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the McKinleyville Planning Area shall be subject to the definitions, goals, policies, standards, and

implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

2. At Chapter 3 – Page 14 of the McKinleyville Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NONCONFORMING USES AND STRUCTURES:

D. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the McKinleyville Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

D. North Coast Area Plan

1. At Chapter 3 – Page 3 of the North Coast Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITHIN THE URBAN LIMIT, the following text is inserted after Policy 5. Non-conforming uses and structures:

6. **Commercial Cannabis Cultivation: In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the North Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

2. At Chapter 3 – Page 10 of the North Coast Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NON-CONFORMING USES AND STRUCTURES:

D. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment

from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the North Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

E. South Coast Area Plan

1. At Chapter 3 – Page 2 of the South Coast Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITHIN THE URBAN LIMIT, the following text is inserted after Policy 5. Non-conforming uses and structures:

6. **Commercial Cannabis Cultivation: In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the South Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

2. At Chapter 3 – Page 13 of the South Coast Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NON-CONFORMING USES AND STRUCTURES:

D. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the South Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

F. Trinidad Area Plan

1. At page “Chapter 3-5” of the Trinidad Area Plan (Rev. December 2014), Section 3.11 URBAN LIMIT, Subsection B. DEVELOPMENT POLICIES, Subsection 2. General Development Policies Within the Urban Limit, the following text is inserted after policy d. Nonconforming uses and structures:

e. **Commercial Cannabis Cultivation.**

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Trinidad Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

2. At page “Chapter 3-12” of the Trinidad Area Plan (Rev. December 2014), Section 3.20 RURAL DEVELOPMENT, the following text is inserted after Policy A. EXISTING USES:

B. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Trinidad Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

SECTION 4: AMENDMENTS TO SECTION 313-55.4 OF THE HUMBOLDT COUNTY CODE

A. Text Amendments

This section of the Initiative hereby amends Section 313-55.4 et seq. of Title III, Division 1, Chapter 3, Section B, Part 1 (Coastal Zoning Regulations) of the Humboldt County Code, as amended through the Submittal Date. New text to be inserted in the Humboldt County Code is indicated in **bold** type. Text to be deleted from the Humboldt County Code is indicated in ~~strikeout~~ type. Text in standard type currently appears in the Humboldt County Code and is not readopted by this Initiative. The text inserted or deleted by the following amendments may only be amended by a vote of the people.

1. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.5.6 TERM OF COMMERCIAL CANNABIS ACTIVITY CLEARANCE OR PERMIT is amended as follows:

55.4.5.6 Term of Commercial Cannabis Activity Clearance or Permit.
Authorization for any commercial cannabis activity zoning clearance certificate,

special permit, coastal development permit or use permit issued pursuant to this section shall terminate after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an **on-site, in-person** annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.

2. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.5 – GENERAL PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS ACTIVITY LAND USE PERMITS is amended to add:

55.4.5.11. No waiver of public hearings. Notwithstanding any contrary provision of the Humboldt County Code, including but not limited to Section 312-9.2, a public hearing on an application for a special permit, use permit, or coastal development permit for commercial cannabis cultivation shall not be waived.

3. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.6.8 CAP ON PERMITS is amended as follows:

55.4.6.8 Cap on Permits. Within each of the County’s Coastal Planning Areas (areas within the planning boundaries of the North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Humboldt Bay Area Plan, Eel River Area Plan, and South Coast Area Plan), caps on the total number of permits granted for commercial cannabis cultivation and on the total permitted acreage of cultivation shall be established and implemented as follows:

55.4.6.8.1. In each Coastal Planning Area, the cap on the total number of permits granted for commercial cannabis cultivation shall be 1.05 times the total number of existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that Coastal Planning Area as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt. In each Coastal Planning Area, the permit cap shall be rounded to the nearest whole number.

55.4.6.8.2. In each Coastal Planning Area, the cap on the total permitted acreage of cultivation area shall be 1.05 times the total permitted acreage of cultivation area approved by the County under existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that Coastal Planning Area as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

55.4.6.8.3. If, at any time, in any Coastal Planning Area, either (i) the total number of permits granted for commercial cannabis cultivation or (ii) the total permitted acreage of cultivation area exceeds a cap for that Coastal Planning Area established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2, any new applications for commercial cannabis cultivation activities within that Coastal Planning Area shall be placed in a queue and shall not be further considered or processed until such time as the total number as the total number of approved permits and the total acreage of cultivation both fall below the applicable caps for that Coastal Planning Area. If and when the total number of approved permits and the total permitted acreage of cultivation area both fall below the applicable caps for a watershed, the Board of Supervisors may, by resolution and without a vote of the people, establish procedures for processing applications within the queue for that watershed.

55.4.6.8.4. Notwithstanding Section 313-55.4.6.8.3, the County may continue to process, and may approve, applications for permits for commercial cannabis cultivation that the County determines were complete on or before March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

55.4.6.8.5. Notwithstanding Sections 313-55.4.6.8.1, 313-55.4.6.8.2, and 313-55.4.6.8.3, the County may renew a previously approved permit for commercial cannabis cultivation, provided that all applicable state and local requirements for permit renewal are satisfied.

55.4.6.8.6. This Section 313-55.4.6.8 was adopted as part of the Humboldt Cannabis Reform Initiative. The Board of Supervisors may, by resolution and without a vote of the people, reduce the caps on permits and acres established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2. This Section 313-55.4.6.8 may not otherwise be amended unless approved by a vote of the people.

55.4.6.8.7. In order to facilitate participation in and compliance with the County's commercial cannabis cultivation permitting programs, the County shall publish and make available the caps on permits and acres established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2.

~~The total number of permits issued for commercial cultivation activities (including outdoor, indoor, and mixed light cultivation and nurseries) in each of the six local coastal plan areas shall be as follows:~~

Coastal Planning Area	Permits	Aeres
North Coast Area Plan	4	2
Trinidad Area Plan	0	0
McKinleyville Area Plan	4	2
Humboldt Bay Area Plan*	38	13
Eel River Area Plan	112	39
South Coast Area Plan	13	5
Total	171	61

*Cannabis cultivation sites on properties zoned MG – industrial general or CG – commercial general with public water from the Humboldt Bay Municipal Water District may be exempt from the cap with a will-serve letter from the district providing public water service to the site.

Once the permit cap for a given local coastal plan has been reached, no additional permit applications for open air and indoor cultivation activities will be processed until the Planning Commission and Board of Supervisors consider a review of the limits and prescribed distribution of permitting and acreage allowances found in the above table and approve an increase in the cap by amendment of this section of the Humboldt County Code certified by the California Coastal Commission. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and State agencies shall be contacted and invited to provide and present input to be considered by the Board during annual review. After holding a public hearing and considering all public testimony received, the Board

~~may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.~~

4. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.12.1.8.2 – PERFORMANCE STANDARD – ROAD SYSTEMS: STANDARD 2 – FUNCTIONAL CAPACITY is amended as follows:

55.4.12.1.8.2 Standard 2 – Functional Capacity. Unless otherwise specified, roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect). The application package must demonstrate compliance with this requirement in one (1) of the following ways:

55.4.12.1.8.2.1 Parcel(s) served exclusively by roads which are paved publicly maintained or private roads where all portions of the paved road system feature a centerline stripe and two (2) ten (10) foot wide travel lanes require no further analysis, only a notation on the plans that the access to the site meets this requirement; or

55.4.12.1.8.2.2 Parcel(s) served by roads without a centerline stripe must submit a written assessment of the functional capacity of these road segments. If the assessment ~~reveals~~ **concludes** that all road systems meet or exceed the Category 4 standard (or same practical effect), ~~then no additional review is necessary, that conclusion must be verified by a report prepared by a licensed engineer.~~ Documentation of self-certification shall be produced to the satisfaction of the County; ~~including use of appropriate forms where provided.~~ The County reserves the right to independently verify ~~general~~ compliance with this standard.

55.4.12.1.8.2.3 Where access to a site is provided by roads not meeting the Category 4 standard, the application shall require a special permit and include a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the project, in addition to the existing traffic using the road(s). In the event that the roads cannot accommodate the traffic volume anticipated the engineer shall recommend improvements to bring the road up to an adequate functional capacity.

55.4.12.1.8.2.4 Where accessed via a driveway or private road intersecting a State highway, applications shall provide an evaluation of the performance and design of the road or driveway encroachment. The evaluation will identify the required improvements necessary to ensure proper function of the access based on anticipated traffic volumes. Improvements may include paving or widening of the throat of the driveway or private road, provision of adequate sight distances, and other improvements determined necessary to comply with Caltrans standards. A copy of an approved State encroachment permit (if required) will be provided to the County. All required improvements shall be completed prior to the initiation of any new commercial cannabis use(s). (FEIR mitigation measure 3.12-2)

B. Implementation

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of the amendments to the Humboldt County Code and Zoning Regulations in this Section 4 of the Initiative. In the event the California Coastal Commission requests or proposes modifications to the provisions found in Section 4 of the Initiative prior to or as part of certification of any Local Coastal Program amendments included therein, the Board of Supervisors is permitted to adopt such modifications without a vote of the people provided that the Board finds that the modifications further the purpose and intent of the Initiative as set forth in Section 1 and are consistent with the goals, policies, standards, and implementation measures set forth in Section 2. The amendments in this Section 4 shall be effective upon the California Coastal Commission's certification.

SECTION 5: AMENDMENTS TO SECTION 314-55.4 OF THE HUMBOLDT COUNTY CODE

This section of the Initiative hereby amends Section 314-55.4 et seq. of Title III, Division 1, Chapter 4, Section B, Part I (Inland Zoning Regulations) of the Humboldt County Code, as amended through the Submittal Date. New text to be inserted in the Humboldt County Code is indicated in **bold** type. Text to be deleted from the Humboldt County Code is indicated in ~~strikeout~~ type. Text in standard type currently appears in the Humboldt County Code and is not readopted by this Initiative. The text inserted or deleted by the following amendments may only be amended by a vote of the people.

- A. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.5.6 TERM OF COMMERCIAL CANNABIS ACTIVITY CLEARANCE OR PERMIT is amended as follows:

55.4.5.6 Term of Commercial Cannabis Activity Clearance or Permit. Any commercial cannabis activity zoning clearance certificate, special permit, or use permit issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an **on-site, in-person** annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.

- B. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.5 – GENERAL PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS ACTIVITY LAND USE PERMITS is amended to add:

55.4.5.11. No waiver of public hearings. Notwithstanding any contrary provision of the Humboldt County Code, including but not limited to Section 312-9.2, a public

hearing on an application for a special permit or use permit for commercial cannabis cultivation shall not be waived.

- C. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.12.1.8.2 – PERFORMANCE STANDARD – ROAD SYSTEMS: STANDARD 2 – FUNCTIONAL CAPACITY is amended as follows:

55.4.12.1.8.2 Standard 2 – Functional Capacity. Unless otherwise specified, roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect). The application package must demonstrate compliance with this requirement in one (1) of the following ways:

55.4.12.1.8.2.1 Parcel(s) served exclusively by roads which are paved publicly maintained or private roads where all portions of the paved road system feature a center-line stripe and two (2) ten (10) foot wide travel lanes require no further analysis, only a notation on the plans that the access to the site meets this requirement; or

55.4.12.1.8.2.2 Parcel(s) served by roads without a centerline stripe must submit a written assessment of the functional capacity of the road segments. If the assessment ~~reveals~~ **concludes** that all road systems meet or exceed the Category 4 standard (or same practical effect), ~~then no additional review is necessary, that conclusion must be verified by a report prepared by a licensed engineer. Documentation of self-certification shall be produced to the satisfaction of the County; including use of appropriate forms where provided.~~ The County reserves the right to independently verify ~~general~~ compliance with this standard.

55.4.12.1.8.2.3 Where access to a site is provided by roads not meeting the Category 4 standard, the application shall require a special permit and include a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the project, in addition to the existing traffic using the road(s). In the event that the roads cannot accommodate the traffic volume anticipated the engineer shall recommend improvements to bring the road up to an adequate functional capacity.

55.4.12.1.8.2.4 Where accessed via a driveway or private road intersecting a State highway, applications shall provide an evaluation of the performance and design of the road or driveway encroachment. The evaluation will identify the required improvements necessary to ensure proper function of the access based on anticipated traffic volumes. Improvements may include paving or widening of the throat of the driveway or private road, provision of adequate sight distances, and other improvements determined necessary to comply with Caltrans standards. A copy of an approved State encroachment permit (if required) will be provided to the County. All required improvements shall be completed prior to the initiation of any new commercial cannabis use(s).

- D. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.12.7.2 – FORBEARANCE PERIOD AND STORAGE REQUIREMENTS is amended as follows:

55.4.12.7.2 Forbearance Period and Storage Requirements.

55.4.12.7.2.1 Operators of cannabis cultivation site(s) shall forbear from diversions of surface water for irrigation **between March 1 and November 15, and** during periods of low or reduced stream flows, in accordance with requirements of the State Water Resources Control Board.

55.4.12.7.2.2 The County may require the submittal of a water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar licensed professional, establishing a ~~smaller or~~ larger water storage and forbearance period, if required, based upon local site conditions.

55.4.12.7.2.3 Where subject to forbearance, the applicant shall provide a plan for developing adequate on-site water storage to provide for irrigation, based on the size of the area to be cultivated.

SECTION 6: EXEMPTIONS

- A. Nothing in this Initiative shall apply to prohibit any person or entity from exercising a vested right obtained pursuant to local or State law as of the Effective Date of this Initiative.
- B. The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California.
- C. Takings:
1. If a property owner contends that any provision of this Initiative effects an unconstitutional taking of that owner's property, the County shall grant an exception to the application of that provision if the County finds, based on substantial evidence, that (1) application of that provision could constitute an unconstitutional taking of that owner's property, and (2) that any exception granted will allow additional land uses only to the minimum extent necessary to avoid such a taking.
 2. This takings subsection is intended to prevent this Initiative from unconstitutionally interfering with property rights and to avoid the potential fiscal impacts to the County of meritorious claims for just compensation based on allegations of such interference. This subsection is therefore intended to avoid a taking of property, not to provide a remedy for such a taking.

SECTION 7: IMPLEMENTATION

- A. **Effective Date:** “Effective Date” means the date that the Initiative became effective pursuant to State law.
- B. **Humboldt County General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the County General Plan (“General Plan”), as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the County of Humboldt City General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the Humboldt County Code, Zoning Regulations, or of any other County of Humboldt ordinance or resolution that are inconsistent with the General Plan amendments adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.

Provisions of Sections 3 and 4 of the Initiative that must be submitted to the California Coastal Commission as amendments to the County of Humboldt Local Coastal Program shall be effective upon the California Coastal Commission’s certification of those amendments. Upon the California Coastal Commission’s certification of those amendments, any provisions of the Humboldt County Code, Zoning Regulations, or of any other County of Humboldt ordinance or resolution that are inconsistent with the Local Coastal Plan amendments adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.

- C. **Interim Amendments:** The Humboldt County General Plan (including the six Humboldt County Local Coastal Plans) in effect on the Submittal Date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the County of Humboldt. In order to ensure that nothing in this Initiative measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the County, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.
- D. **Other County Plans, Ordinances, and Policies:** The County of Humboldt is hereby authorized and directed to amend the General Plan, Community Plans, and other plans, ordinances and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan and other County plans, ordinances, and policies.
- E. **Reorganization:** The General Plan, Local Coastal Plans, and Humboldt County Code may be reorganized or updated, or readopted in different format, and individual

provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of State law, provided that the provisions of Section 2.A.1 and 2.A.2 of this Initiative shall remain in the General Plan, the provisions of Section 3 of this Initiative shall remain in the Local Coastal Plans, and the amendments made in Sections 4 and 5 of this Initiative shall remain in the Humboldt County Code, unless repealed or amended by vote of the people of the County of Humboldt.

- F. Implementing Ordinances:** The Board of Supervisors is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- G. Enforcement and Defense of Initiative:** The Board of Supervisors shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.
- H. Project Approvals:** Upon the effective date of this Initiative, the County and its departments, boards, commissions, officers, and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan or local coastal plan amendment, rezoning, specific plan, subdivision map, use permit, development plan, building permit, development agreement, or any other entitlement which is inconsistent with this Initiative.

SECTION 8: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE BALLOT

This Initiative adopts a comprehensive scheme of goals, policies, standards, and implementation measures governing commercial cannabis cultivation within the County's unincorporated areas. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses commercial cannabis cultivation within the County's unincorporated areas, or conflicts with any provision of this Initiative, shall be deemed to conflict with this Initiative. Because of this conflict, if this Initiative and any such other Humboldt County measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 8, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 9: SEVERABILITY AND INTERPRETATION

This Initiative shall be broadly construed in order to achieve its purpose. For purposes of determining whether any resolution, ordinance, or specific project is consistent with this General Plan, it is the intent of the voters that the goals, policies, plans, and implementation measures added by the Initiative be interpreted as fundamental, mandatory, and clear.

This Initiative shall be interpreted so as to be consistent with all applicable Federal and State laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence,

clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 10: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of Humboldt County.

The following exhibit is attached for reference purposes only and is not adopted by the initiative:

Exhibit A: Humboldt County Board of Supervisors Resolution No. 18-43

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

RESOLUTION NO. 18-43

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR COMMERCIAL CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the Board of Supervisors has adopted a series of comprehensive amendments to the Humboldt County Zoning Regulations, governing commercial activities involving the Cultivation, Processing, Manufacturing, and Distribution of Cannabis within the unincorporated areas of the County of Humboldt, known as the Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, pursuant to the California Environmental Quality Act, a Programmatic Environmental Impact Report was prepared for the Commercial Cannabis Land Use Ordinance, which evaluated, mitigated, and disclosed potentially significant environmental impacts from the proposed ordinance amendments (CCLUO); and

WHEREAS, during adoption of the Commercial Cannabis Land Use Ordinance the Board of Supervisors certified that the Final Environmental Impact Report (FEIR) prepared for the CCLUO had been completed in compliance with CEQA, making the findings required by Public Resources Code Section 21081(a) and CEQA Guidelines Sections 15091 and 15092, including adoption of a Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 (b) and CEQA Guidelines Section 15093; and

WHEREAS, the Commercial Cannabis Land Use Ordinance includes provisions for the Board of Supervisors to establish by separate resolution a limit (cap) on the number of permits and acres which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within each of the twelve (12) discrete planning watersheds of Humboldt County; and

WHEREAS, by approving this Resolution, the Board of Supervisors establishes a limit on the number of permits and acres permits which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation to ensure that further permitting beyond that limit will not proceed until the County has performed further analysis of the condition of these planning watersheds, including review of water flow data and applicable studies or information prepared by the following state and local agencies: California Department of Fish & Wildlife, North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, that the Board finds as follows based on the administrative record:

1. An Environmental Impact Report (EIR) (SCH# 2017042022) was prepared and certified for the Commercial Cannabis Land Use Ordinance, which evaluated and addressed the potential environmental impacts from the ongoing regulation of commercial cannabis activities, including a limit on the number of permits and acres of cultivation. No additional review is required under section 15162 of the CEQA Guidelines because establishing a limit on the number of permits and acres of cultivation consistent with the EIR will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes in the circumstances under which the resolution is being adopted will require any revisions of the certified Environmental Impact Report (EIR). There is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time that the EIR was certified that shows this resolution setting a limit on the number of permits and acres of cultivation consistent with the EIR will have any significant effects not discussed in the EIR, or that the significant effects examined in the EIR will be substantially more severe.
2. It is appropriate to limit the total number of Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation permits granted as well as the total permitted acreage of cultivation as shown in the following table.

Cap Distribution		
Watershed	Permits	Acres
Cape Mendocino	650	223
Eureka Plain	89	31
Lower Eel	336	116
Lower Klamath	161	56
Lower Trinity	169	58
Mad River	334	115
Middle Main Eel	360	125
Redwood Creek	141	49
South Fork Eel	730	251
South Fork Trinity	86	29
Trinidad	19	6
Van Duzen	425	146
TOTAL	3,500	1,205

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

3. Certain subwatersheds are hereby declared to be impacted by low streamflows due to high concentrations of current cannabis cultivation activities. Additionally, certain other subwatersheds are hereby declared to be refuges critical to the recovery strategy for key populations of California Coho Salmon, as well as a number of other aquatic species currently listed pursuant to the federal Endangered Species Act. These subwatersheds are identified by their USGS HUC-12 (Hydrological Unit Code) names and grouped by planning watershed in the following table and mapping. Permits for new Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation Activities or expansion of lawful pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or are under a compliance agreement to remediate pursuant to the Retirement, Remediation, and Relocation provisions of the Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code.

Impacted & Refuge HUC-12 Subwatersheds by Planning Watershed
PLANNING WATERSHED #1 CAPE MENDOCINO
<i>* Headwaters Mattole River</i>
Middle Mattole River
Upper Mattole River
PLANNING WATERSHED #8 REDWOOD CREEK
Noisy Creek-Redwood Creek
Minor Creek-Redwood Creek
PLANNING WATERSHED #9 SOUTH FORK EEL RIVER
Redwood Creek
Salmon Creek
<i>* Sprowel Creek</i>
PLANNING WATERSHED #12 VAN DUZEN RIVER
Hoagland Creek-Van Duzen River
Butte Creek
Little Van Duzen River
<i>* Refuge watersheds</i>

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA


Certified copy of portion of proceedings; meeting on May 8, 2018

4. Following the establishment of a countywide cap on the total number of permits and acreage of cultivation that may be approved, beginning in May of 2019, the Board of Supervisors agrees to conduct an annual review of the limits and prescribed distribution of permitting and acreage allowances found in the above table. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and state agencies shall be contacted and invited to provide and present input and information to be considered by the Board during annual review. After holding a public hearing and considering all information and testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.

Adopted May 8, 2018

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors: Bass, Fennell, Sundberg, Bohn
NAYS: Supervisors: Wilson
ABSENT: Supervisors: --
ABSTAIN: Supervisors: --



RYAN SUNDBERG, CHAIRMAN,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

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

By: 
Ryan Sharp, Deputy Clerk

Date: May 8, 2018