

Estelle Fennell, Chairperson and
Honorable Members of the
Humboldt County Board of Supervisors,

Dec. 3, 2015

The Planning Commission has been working diligently to complete its task relative to the proposed Commercial Medical Marijuana Ordinance. The Commission's work encompassed a total of ten meetings (eight of them Special Meetings devoted to this item). The process was long and complex with public testimony voluminous and varied.

In order to facilitate your review of the Commission's recommended draft ordinance language, I would like to share with you the Commission's thought processes and philosophies and how these processes related to the Commission's actions based on public comments received:

1. State law is mandating the permitting of commercial medical marijuana activities. The County has a choice to either insert County concerns into the permitting process by establishing a local permit for cultivation activities or relinquishing total control to the State permitting process.
2. Humboldt County is impacted positively and negatively by the growing and cultivation of medical marijuana.
3. In order to offset the negative impacts (primarily water, habitat, road and nuisance issues) the Commission felt that the permitting process should not be unduly burdensome and onerous or there could be a disincentive for existing growers or new growers, to apply for a permit and to conform to resource related Best Management Practices.
4. The State will be implementing a separate permitting process and in areas where the State has more expertise and resources, the Commission felt there was no need for duplicative regulations. The County's Code Enforcement unit need not evolve into a massive department by enforcing County regulations that are similar in nature to those found in the State regulations.
5. The Commission looked at the Land Use zones and developed a list of suitable zones where it appeared that cultivation could be appropriate. One of the major criteria considered was – **where is cultivation occurring now?**

The Commission felt particularly strong about:

- a. **The inclusion of TPZ lands as an appropriate zone for cultivation activities.**
There were wide ranging conversations relative to these lands and the Commission eventually included TPZ lands in the list of suitable lands because:

- i. There is already an enormous number of existing grows located on TPZ lands and to not include these lands would totally remove any incentive for these growers to apply for a permit and bring these grows into compliance with modern Best Management Practices.
 - ii. The Commission restricted the cultivation and growing on TPZ lands to those areas covered by a Cal-Fire “three acre conversion permit”. State forestry laws recognize a three acre “conversion” as having a de-minimus impact and getting the State involved in the siting of cultivation areas appeared to be of great benefit.
- b. **Treating existing growers the same as new grower applicants.** Giving beneficial treatment to an individual who knowingly operated in violation of existing regulations is not a responsible option for one tasked with setting up a permitting process that is expected to be adhered to. Treating all classes of applicants similarly and identically makes the permitting process fairer, smoother and easier for staff to administer.
- c. **Bolstering the adequacy of the Mitigated Negative Declaration (MND) and its compliance with CEQA.** There were several speakers who alluded to the inadequacy of the MND and the potential for legal review. After listening to the public comments and based upon comments by Staff, the Commission felt that the higher the percentage of existing cultivation sites coming into compliance with the permitting process the more solid and defensible the MND became.
- d. **Timeliness of permit review and issuance.** With an estimated 5000 + cultivation sites in the County, the Commission felt that the review and timeliness of the permitting process was of concern. In order not to clog up the system, the Commission felt it was paramount to have a permitting system which handled most of the numerous and smaller grows on a ministerial (Zoning Clearance) basis. Larger and potentially more impactful cultivation proposals would be handled under a Special or Conditional permit process.

The Planning Department and County Counsel staff has worked diligently and tirelessly on this issue and the Commission is extremely grateful for their efforts. The Commission hereby forwards to you, for your consideration, the revised draft of the Humboldt County Commercial Medical Marijuana Ordinance.



Robert E. Morris, Chairman