



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

Commercial Medical Marijuana Land Use Ordinance Cultivation Application Overview and Resources

Now that you have registered your Commercial Cannabis activity, you should begin to assemble and organize the required documents to submit your cultivation application. The application process is lengthy, and can be both time consuming and expensive for complex projects. There are milestones that must be passed in a specific sequence, and some items must be submitted in a specific format, to successfully complete the process and obtain your permit. This document is intended to help you submit the best possible application for your project.

Building your complete cultivation application may take a while for complex projects, especially since this process is new, so we are accepting applications that contain some but not necessarily all the content that ultimately will be needed. This will allow you and our Planning Staff to work on areas of your application that may take additional time without holding up the progress of your entire application. Essential content for all submittals will include a completed application form with the name of the applicant, owner (if different), and contact number, the Assessor Parcel Number, project description in sufficient detail to identify the type and size of the operation seeking to be permitted, site plan and the required fees.

Overview of the Cultivation Application Process.

You should read through this entire document and obtain as much of the required information in the application checklist as possible. You can contact our hotline at 707-268-3795 or email cannabis@co.humboldt.ca.us with specific questions about your project and the application process. Questions about the ordinance and the application process can be often resolved early on by scheduling an Application Assistance meeting with a planner. Payment of a \$150 deposit is required within five (5) days of reserving an appointment.

Once your application is ready, submit your application at the COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT, CURRENT PLANNING DIVISION located at 3015 H Street in Eureka CA. Payment of a **\$150** deposit is required when submitting an application. [Application Fee Deposit Overview \(Updated 2/23/16\)](#)

Upon receipt of your payment **and** your completed application package, an Application Assistance meeting with a Planner will be scheduled to review your application. The purpose of the meeting is to answer questions about the process, verify eligibility for the type of permit or clearance requested, and identify solutions for compliance with applicable state and local regulations. The Planner will determine if additional material or information is needed, if information requires correction, refinement, or clarification and confirm conformance with County of Humboldt Ordinance #2544.

Remember, medical cannabis cultivation applications must be submitted BY DECEMBER 30, 2016.

Following are the major milestones for each application:

STEP ONE

Read the County Ordinance governing Commercial Medical Cannabis.

This step will help you understand what is expected when applying for, and conducting, the activities permitted under your application once approved. It will also inform your questions as you complete the application process and interact with the planning staff.

County Ordinances:

ORDINANCE AMENDING TITLE III OF THE HUMBOLDT COUNTY CODE RELATING TO THE COMMERCIAL CULTIVATION, PROCESSING, MANUFACTURING AND DISTRIBUTION OF CANNABIS FOR MEDICAL USE.

[Ord. No. 2544 - Adopted by Board of Supervisors January 26, 2016 \(PDF\)](#)

NOTE: Section 2 for lands outside the Coastal Zone becomes effective February 26, 2016

[Table of Cultivation Permit Types for the Inland Zone](#)

AN ORDINANCE OF THE COUNTY OF HUMBOLDT REMOVING SECTIONS 313-56 AND 314-56 RELATING TO THE PROHIBITION OF STOREFRONT-BASED MEDICAL CANNABIS COLLECTIVE OR COOPERATIVE DISPENSING FACILITIES, AND AMENDING SECTION 313-55.3 AND 314-55.3 OF THE HUMBOLDT COUNTY CODE, RELATING TO THE REGULATION OF STOREFRONT-BASED MEDICAL CANNABIS DISPENSARIES.

[Ord. No. 2554 Adopted by Board of Supervisors July 19, 2016 \(PDF\)](#)

AN ORDINANCE OF THE COUNTY OF HUMBOLDT AMENDING TITLE HI, DIVISION 1, CHAPTER 3, SECTION 313-55.1 & CHAPTER 4, SECTION 314-55.1 OF THE HUMBOLDT COUNTY ZONING CODE AND ADDING SECTIONS 313-55.2 AND 314-55.2 RELATING TO THE OUTDOOR CULTIVATION OF MEDICAL MARIJUANA FOR PERSONAL USE ON PARCELS FIVE (5) ACRES OR LESS IN SIZE.

[Ord. No. 2523 - Indoor/Outdoor Personal Use Cultivation](#)

For a more comprehensive resource listing please visit our main page at: [Resources](#)

Exclusions and Restrictions:

- Applications for projects located in the Coastal Zone are not being processed at this time. Ordinance 2544 has not yet been certified by the California Coastal Commission and application requirements are subject to change.
- No more than four permits may be issued to a person or group. The following information should help you determine what information you must provide.

Business Entity Submission Requirements:

If the applicant is other than a natural person (including general partnerships of more than one individual natural person), for purposes of the four permit limitation, the applicant must provide documentation regarding the nature of the entity and the names of the individual natural persons who manage, own or control the entity. The most common entities are corporations, limited liability companies (LLCs), limited partnerships (LPs), or trusts. These entities can be multi-layered and/or interlocking, e.g. a corporation can be owned by another corporation. If that is the case, documents for those other related entities are needed until the individual natural persons who manage, own or control the entities can be identified.

For Corporations:

- Articles of Incorporation – file stamped by the state agency where incorporated.
- If not a California corporation, the registration to do business in California file stamped by the CA Secretary of State.
- A list of the officers and directors of the corporation (this could be a single person).
- The agent for service of process and business office address in California.

- A list of the shareholders of the corporation (again, it could be a single person and the same as the officer/director). If it is a large, publicly held corporation with many shareholders, contact County Counsel for direction.
- If a non-profit mutual benefit corporation (common under pre-MMRSA practice for cannabis operations), a list of the members instead of the shareholders.
- A resolution of the board of directors authorizing the individual who will sign the application and other documents on behalf of the corporation to do so.

For Limited Liability Companies:

- Articles of Organization – file stamped by the state agency where incorporated If not a California LLC, the registration to do business in California file stamped by the CA Secretary of State.
- A list of the managing member or members of the company.
- The agent for service of process and business office address in California.
- A list of any other members of the company.
- The application and other documents submitted on behalf of the LLC must be signed by a managing member.

For Limited Partnerships:

- Certificate of Limited Partnership – file stamped by the state agency where filed.
- If not a California LP, the registration to do business in California file stamped by the CA Secretary of State.
- The identity of the General Partner or partners.
- The agent for service of process and business office address in California.
- A list of the limited partners of the LP.
- The application and other documents submitted on behalf of the LP must be signed by a general partner.

For Trusts:

- The Declaration of Trust or Statement of Trust.
- The name and address of the Trustee or trustees.
- A list of the names beneficiaries of the trust with a vested interest in the property held by the trust (check with County Counsel for explanation and details if needed).
- The application and other documents submitted on behalf of the trust must be signed by a Trustee.

CMMLUO Zoning Clearances and Use Permits Are Non-Transferable.

Zoning Clearance Certificates and Use Permits for medical marijuana activities (cultivation, processing, distribution or manufacturing) under the Humboldt County Commercial Medical Marijuana Land Use Ordinance are non-transferable. The clearances or permits have a one-year term. The number of clearances or permits that one person (or related business entity) may hold is limited to four. There are a number of declarations and commitments imposed as conditions of

application and approval that personal in nature. The rights and privileges to conduct medical marijuana activities on a specific parcel do not attach to title to the property and are not conveyed with the lease or sale of the property. Accordingly, Zoning Clearance Certificates or Use Permits may not be sold, assigned, leased or otherwise conveyed or transferred by the person or entity holding the Zoning Clearance Certificate or Use Permit to any third party not named on the application without a modification of the permit.

Before anyone other than the applicant may engage in medical marijuana activities under the terms of a Zoning Clearance Certificate or Use Permit, they must submit a permit modification application, pursuant to Section 312-11.2 of the Humboldt County Code. Examples of circumstances where a permit modification to approve a transfer include:

- The clearance or permit is obtained by the property owner, and the owner seeks to lease the marijuana cultivation area or other facility to a third party to operate.
- The clearance or permit is obtained by the property owner, and the owner sells the property. The new owner must apply for a permit modification before operating the marijuana facility.

STEP TWO

Obtain and review the current application checklist.

You can come by the COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT, CURRENT PLANNING DIVISION located at 3015 H Street in Eureka CA and pick one up in person, download the checklist from our website, or click the link below:

[Application Checklist for Cultivation \(Updated 7/21/16\)](#)

This checklist should be used as a guide for applications involving outdoor, mixed light, and indoor cultivation. Please submit this checklist with the application.

By this point you should be able to determine the type of application, cultivation, and the permit(s) for which you will be applying. For example, your project might be a new outdoor cultivation on a 43 acre parcel, number xxx-yyy-zzz-000, which you own, and is zoned AE. This will help you determine whether you are eligible for a permit, and if so, which type. It will also help you understand which portions of the checklist you will need to complete, and which will not apply to your project. If you are still unsure, calling our hotline at 707-268-3795 or emailing us at cannabis@co.humboldt.ca.us may help get you started in the right direction.

STEP THREE

Begin gathering the required information for your project.

In the sections that follow, you will find the application contents, some suggestions for completing various items, and links to some forms and information sources that may help with a particular item:

Application:

- Planning & Building Department Application Form.
[Application Form](#)
- Indemnification and Hold Harmless Agreement.
[Indemnification Agreement](#)
- Application Fee.
[Application Fee Deposit Overview \(Updated 2/23/16\)](#)

- Completed Commercial Cannabis Activity Registration Form.
You should have already signed and submitted this form.
- Check in the amount of \$75.00 payable to the Northwest Information Center (NWIC) of the California Historical Resources Information System.
You can read more about this organization at [NWIC](#).
- Commercial Medical Marijuana Land Use Ordinance Acknowledgement Form.
[Acknowledgment Form \(Updated 7/20/16\)](#)
- Documentation of cultivation activities occurring prior to January 1, 2016. (NOTE: This is not required for new cultivation permit applications.)

The key is to be able to demonstrate the validity of the dates on the documents you provide. We are interested in documentation that shows that you actually were cultivating, where you were cultivating on your parcel, and how large your cultivation area was at the time. This documentation can take many forms but Imagery is one of the best. The square footage of your existing cultivation must equal, or exceed, the square footage proposed on your proposed site plan.

Suggestions for imagery for our county include:

Google Earth: [Google Earth](#)

Tera Server: [Tera Server](#)

Digital Globe: [Digital Globe](#)

Harris MapMart: [MapMart](#)

Also consider providing other documents that can demonstrate your activities such as grading permits, water board documentation, reports from law enforcement, as applicable.

Evidence of Ownership & Authorization:

- Copy of current deed for the property where commercial activity will occur.
- Copy of lease or similar instrument authorizing application for development / permits (if you are not the owner).
- Notarized written consent of owner (if you are not owner of record and do not have authority to apply for commercial cannabis permits through lease or written agreement).
- Copy of ownership instrument, showing all owner names (if more than one owner).
- Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization (if application is submitted by a 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).

Site Plan of Entire Parcel Showing:

- Owner's name and assessor's parcel number.
- Easements.
- Natural waterways including streams, springs, ponds, culverts, and any other water features.
- Location and area of cultivation or commercial activity.
- Setbacks of cultivation area from property lines.
- Access roads.
- Graded flats.
- Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity.
- Water storage structures labeled as to type, capacity, and date of construction.
- Water diversions including culverts, ponds, dams, and other ground disturbance from water diversion.

- Dimensions showing 600 square feet around the cultivation site, including notations describing distance from nearby schools, school bus stops, places of worship, public parks, Tribal Cultural Resources, and off-site residences within 300 feet.

Cultivation and Operations Plan:

- Description of water source, storage, irrigation plan, and projected water usage.
- Description of site drainage, including runoff and erosion control measures.
- Detail of measures taken to ensure protection of watershed and nearby habitat.
- Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized.
- Description of cultivation activities (e.g. outdoor, indoor, mixed light).
- Processing Plan.
- If mixed light cultivation proposed, identify number of cultivation cycles.
- Schedule of activities during each month of the growing and harvesting season, including projected generator use.
- Security Plan.

Indoor Cultivation Facilities (attach if applicable):

- Identify source of electrical power.
- Include description of how it will meet energy requirements described in section 314-55.4.8.3 of the Zoning Code.

Retirement, Remediation, and Relocation (RRR) (attach if applicable):

- Documentation of cultivation activities occurring prior to January 1, 2016, including evidence and calculation of square footage, and notation that the parcel is zoned TC, FR, TPZ, U, RA, AG, or AE.
- Documentation that the cultivation activities source of irrigation water is from surface water diversion without DWR water right or permit or DFW streambed alteration permit.
- Documentation that the cultivation activities occurred on a parcel with slopes in excess of 15%.
- Documentation that the site of relocation is eligible as specified under §55.4.8.2.1.
- Documentation that the proposed relocation does not exceed either the four (4) times the square footage of the preexisting cultivation site (i.e. 2,500'sq preexisting = 10,000'sq RRR site), or the 20,000'sq maximum, whichever is less.
- If the RRR site is over ten (10) acres and is being proposed for granting of more than one (1) RRR Site Zoning Clearance Certificate, document that the cumulative total area of RRR cultivation site(s) does not exceed twenty percent (20%) of the area of Prime Agricultural Soils on the parcel.
- RRR Site Plan that includes and is not limited to:
 - Full remediation of the prior cultivation site.
 - Removal of all cultivation related materials.
 - Equipment and improvements.
 - Regrading to preexisting contours.
 - Reseeding with native vegetation; and/or,
 - Reforestation; and/or,
 - Habitat Restoration.
- Execute an agreement and post a bond sufficient enough to complete the RRR Site Plan by the County should the applicant fail to execute the remediation plan within twelve (12) months of approval.
- Record a Covenant executed by the property owner not to cultivate marijuana or disturb the remediation area on the subject property in perpetuity, with an enforcement clause that in the event that the covenant is violated, the County of Humboldt, shall on motion in Superior Court, be entitled to an immediate lien on the property in the amount necessary to remediate the property, but in no event less than the sum of \$50,000.00.
- Agree to abide by the Covenant with the understanding that a violation will terminate the permit for the RRR Site.

Determining Cultivation Area Sizes for RRR sites:

1. To determine the entitlement for the relocation site, the calculation is the footage of the restoration site multiplied by four (4), with a maximum of 20,000'sq that can be brought over. So for example:
 - a. The restoration site is 2,500' then the maximum allowed at the relocation site is 10,000'sq; or,
 - b. The restoration site is 5,000'sq then it allows for the 20,000'sq max relocation; or
 - c. The restoration site is larger than 5,000'sq, say 8,000'sq, then the maximum is still 20,000'sq relocation.
2. A relocation site must meet Code (55.4.8.2.1) for Prime Ag parcels (i.e. Ag zoning, slope ,<15% slope, and has prime soils with no lumber being removed (i.e. timber conversions will not be given).
 - a. A relocation site is probably able to get new cultivation permitting easily, the cultivation area is dependent upon the parcel size, and has a max cultivation area of 10,000'sq or 20% prime soils coverage, whichever is less.
3. If a Prime Ag parcel has new cultivation and still has prime soil coverage to spare, it can technically have many relocations to that site, up to the 20% prime soils coverage maximum. For example, if a Prime Ag relocation parcel has 20 acres of prime soils, then the maximum allowable coverage is 4 acres, and the County could potentially permit 3¼ acres beyond the 10,000'sq normally be allowed as new cultivation. (i.e. Prime soils coverage: 5ac = 1ac, 10ac = 2ac, etc.)

Other Permits, Licenses, and Documents (attach if applicable):

- Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights.
You can learn more about this organization at: [Water Rights](#)
- Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Board
You can learn more about this organization at: [NCRWQBK](#)
- Streambed Alteration Permit obtained from the Department of Fish and Wildlife.
You can learn more about this organization at: [Fish and Wildlife](#)
- Copy of County of Humboldt well permit.
You can learn more about this organization at: [Well Permit](#)
- If parcel is zoned FR, U or TPZ, or involves conversion of timberland, a copy of less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. Alternately for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE.
You can learn more about this organization at: [CAL-FIRE](#)

STEP FOUR

Submit your cultivation project application.

To submit your application, bring copies of all your documents and your \$150 deposit to the COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT at 3015 H Street in Eureka CA. You can drop it off at the front counter. At this point you will likely have some interaction with the **Cannabis Planner on Duty**, generally referred to as the "C-Pod".

The C-POD can do a number of things at this point depending on the complexity of your project, the completion of your application package, and the time available. These include:

- Reviewing and accepting your application and required fees.

- Scheduling your Application Assistance Meeting, or “AA meeting” . The purpose of this meeting is to discuss and review in detail your project, your application and the required documentation.
- Identify significant deficiencies in your application documents and recommend possible solutions to best satisfy the requirements for a successful permit application. At this point you may receive your incomplete application letter from the Department.
- Identify barriers to your application and discuss options.
- Sign and receive your affidavit with raised seal. This is the document that Law Enforcement will expect to see if you are contacted by them and they request verification that you have a cannabis cultivation permit application.

STEP FIVE

Understand and follow the instructions of your assigned planner to complete the application process.

At this point in the process many things can happen and it is very important to effectively communicate with, and comply with, the guidance of the planner for your project. The Planning Department will contact you in writing within 30 days to communicate the status of your application. This will let you know if your application is complete and moving ahead or IF you have an incomplete application that requires additional work.

IF THE APPLICATION IS INCOMPLETE, you will be sent a letter detailing which items are incomplete AND what is needed to resolve the deficiency. We refer to this as the “incomplete letter”. Once all the deficient items are resolved, and the application is deemed complete, it will be put back into the queue for permit processing. It is important to note that a complete application IS NOT A GUARANTEE of project approval, rather it is a MANDATORY MILESTONE for your application to advance through the review process for permit approval.

STEP SIX

Complete the application processing, decision and implementation.

Your application will follow a standard project permit process which includes coordination and review by other affected county, regional or state agencies. We will coordinate with other applicable government agencies for review and comment. Examples might include Department of Fish and Wildlife, CAL-FIRE, Business Permits and others to ensure all aspects of the project conform to existing standards and requirements.

PROCESSING an application begins once an application is deemed “complete.” A project description is drafted by a Planner and a Project Transmittal document is created. The most significant part of the processing phase is called referrals. The referrals process involves consultation with other local, state and federal agencies concerning the project. Referral agencies receive the Project Transmittal and respond with comments and recommendations which can include requests for additional studies and reports. Some studies must be done by certified professionals at added expense to the applicant. Even though an application may be deemed complete for processing, additional documentation, studies or reports may be required by referral agencies as part of the processing step. Once all necessary information is obtained, application processing concludes with a draft staff report and, if required, a draft environmental document.

DECISION

For most projects, the **DECISION** step starts with the mailing of public notices. Newspaper

publication is required for permits brought before the Planning Commission or the Zoning Administrator. Neighbors and the public have a due process right to inspect the project record and provide comment to the decision-maker. For certain project types, the Director may waive holding a public hearing and allow a decision to be reached administratively without an appearance before the Zoning Administrator, Planning Commission, or Board of Supervisors. Members of the public, however, may request that a decision on an administrative project be made at a public hearing by the Planning Commission. Decisions on other project types, or cases which are challenging or controversial, must be made by the Planning Commission. Projects before the Zoning Administrator that receive significant public input are sometimes reassigned to the Planning Commission.

IMPLEMENTATION

IMPLEMENTATION is the final phase of the process and involves the completion by the applicant of permit conditions. Permit conditions are often required by law but sometimes are added by the decision-maker to address concerns raised during the public hearing. A permit and its entitlements often do not vest until all conditions have been satisfied. Conditions may include actions such as the recording of maps or legal documents and the obtaining of permits from other agencies. Other conditions may require monitoring or the payment of additional fees. Conditions must be met within certain timeframes that vary depending on the type of permit. If more time is needed to satisfy conditions, applicants may request an extension.

Links to some additional cannabis application information resources

State Laws:

Medical Marijuana Regulation and Safety Act (MMRSA): [MMRSA](#)

CA NORML MMRSA Summary: [CANORML](#)

Assembly Bill No. 243 CHAPTER 688: [Bill No 243 Ch 688](#)

Assembly Bill No. 266 CHAPTER 689: [Bill No 243 Ch 689](#)

Senate Bill No. 643 CHAPTER 719: [Bill No 643 Ch 719](#)

California Agency:

North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program: [Cultivation Waste](#)

Best Management Practices Manual for Cannabis Cultivation: [Best Practices](#)

CA Dept. of Public Health Bureau of Medical Cannabis Regulation: [Public Health](#)

County Ordinances:

[Ord No. 2544 - Adopted by Board of Supervisors January 26, 2016 \(PDF\)](#)

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County GIS Resource:

[Web GIS](#)