

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

**ORDINANCE NO. 2639**

**REPEALING THE EXISTING CANNABIS DISPENSARIES ORDINANCE #2554 (SECTION 313-55.3 OF CHAPTER 3 OF DIVISION 1 OF TITLE III OF THE COUNTY CODE) TO BE REPLACED BY THE PROVISIONS OF THE PROPOSED ORDINANCE (SECTION 313-55.3 OF CHAPTER 3 OF DIVISION 1 OF TITLE III) WITH THE MODIFICATIONS SUGGESTED BY THE COASTAL COMMISSION INCORPORATED.**

The Board of Supervisors of the County of Humboldt ordains as follows:

**SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.** Chapter 3 of the Zoning Regulations (Title III of Humboldt County Code) is hereby being amended to incorporate the modifications suggested by the Coastal Commission at their meeting on August 7, 2019. The nature of the changes made by the Coastal Commission did not change the regulatory intent or approach of the ordinance as crafted. Most of the changes are intended to increase clarity relative to regulations and policies specific to the Coastal Zone.

**SECTION 2.** The following subdivisions of Section 313-55.3 regarding Cannabis Dispensaries in Title III, Division 1, Chapter 3 of the Humboldt County Code are repealed and replaced to read as follows:

**313-55.3 Medical Cannabis Dispensaries**

**55.3.1 Authority and Title**

This Section (hereafter all references to “this Section” or “this Code” mean Section 313-55.3 et seq. of the Humboldt County certified coastal zoning regulations) shall be known and may be cited as the Cannabis Land Use Code for Medical Dispensaries. This section applies to all Cannabis Dispensaries, as defined in this Code, that are located in the coastal zone.

**55.3.2 Purpose and Intent**

The purpose of this Section is to minimize the negative land use impacts that can be associated with the dispensing of cannabis by a Dispensary, as defined herein.

**55.3.3 Applicability and Interpretation**

**55.3.3.1** These regulations shall apply to the locating and permitting of cannabis Dispensaries in zoning districts which authorize this use, as specified under Section 55.3.8.2 of this Code.

**55.3.3.2** The distribution of cannabis by cannabis Dispensaries within the jurisdiction of the County of Humboldt shall be controlled by the provisions of this Code, regardless of whether the distribution existed or occurred prior to the adoption of this Code.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

55.3.3.3 Nothing in this Code is intended, nor shall it be construed, to exempt the dispensing of cannabis by a dispensary or delivery service, as defined herein, from compliance with the Humboldt County zoning and land use regulations, as well as other applicable provisions of the County Code, and any applicable state laws.

55.3.3.4 Nothing in this Code is intended, nor shall it be construed, to exempt cannabis Dispensaries, as defined herein, or other cannabis-related activities governed by these regulations from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

55.3.3.5 Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting cannabis Dispensaries.

55.3.3.6 The definitions in this Code are intended to apply solely to the regulations herein. Applicable definitions in Humboldt County Code section 313-135 et seq. and section 111-1 et seq. may also apply to this Code.

**55.3.4 Severability**

If any provision of this Code, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Code that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Code are severable.

**55.3.5 Release of Liability and Hold Harmless**

As a condition of approval for any conditional use permit and coastal development permit approved for cannabis Dispensaries, as defined herein, the owner or permittee shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the operations of cannabis Dispensaries and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the handling or dispensing of cannabis.

**55.3.6 Penalties**

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative, civil, or criminal remedy available to the County under the applicable state and county laws.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

55.3.7 Definitions

Except as otherwise provided, when used in this Code, the following terms shall have the following meanings:

*Church*: a non-profit organization that operates exclusively for religious purposes and is an organization as described in section 501(c) (3) of the Internal Revenue Tax Code, as amended. For purposes of this Code, “church” includes a church, synagogue, temple, mosque, or other place of worship and related church property, such as a school or a youth camp.

*Dispensing*: any activity involving the retail sale of cannabis or cannabis products from a dispensary.

*Cannabis*: “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties

*Cannabis Dispensary*: a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, cannabis and cannabis products as part of retail sale. This does not include Cannabis Research Laboratories and Testing Facilities, and Cannabis Business Offices, as described under Sections 313-55.4 and 55.3. 13.

*Cannabis Delivery Service*: A cannabis Dispensary, as defined herein, that delivers cannabis to persons from a “store-front” base of operations located in a commercial or industrial zone within the unincorporated area of Humboldt County. A cannabis delivery service shall not be operated from a residential-zoned parcel and is not eligible for an address of convenience.

*Personal Use Cannabis*: cannabis that is cultivated, processed, or stored for a single person or household’s exclusive use.

*Place Where Children Congregate*: may include, but is not limited to, a school bus stop, park, playground, a school as defined herein, tutoring facility, or any establishment that either advertises in a manner that identifies it as providing services primarily intended for minors or the individuals who regularly patronize, congregate, or assemble at the establishment are primarily minors.

*Residential Treatment Facility*: a facility, whether residential or non-residential, providing treatment for drug or alcohol dependency.

*School*: public or private institution of learning for minors offering a regular course of instruction as required by the California Education Code, or any child or day care facility licensed by the State of California. This includes a nursery school, kindergarten, Head Start program, elementary school, middle school, high school, continuation or vocational school for minors, or any special institute of education, but it does not include a vocational or professional institution of higher education primarily intended for students over eighteen (18), such as a community or junior college, college, or university.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

**55.3.8 General Provisions**

This section applies to all cannabis Dispensaries, as defined in this Code.

55.3.8.1 All cannabis Dispensaries shall operate in compliance with this Code, and all other applicable state and local laws.

55.3.8.2 Cannabis dispensaries shall only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit and coastal development permit, issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are CN, CG, MB, and ML. Dispensaries may only be permitted in the MG zone and in the MC zone as an interim use as Microbusiness activities consistent with Section 313-55.4.

55.3.8.3 The fact that an applicant possesses other types of state or county or city permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining a coastal development permit and a conditional use permit from the County of Humboldt to operate a Dispensary within the jurisdiction of the County.

55.3.8.4 Dispensaries shall at all times be operated in such a way as to ensure public safety and to ensure the security of the cannabis.

**55.3.9 Cannabis Dispensary Requirements**

In addition to all other requirements for a conditional use permit and coastal development permit, and in addition to the requirements applicable to Adult Use Retail Sales of cannabis in section 313-55.4 of the coastal zoning regulations, all of the following terms and provisions must be met in order for the Planning Commission to consider granting or renewing a conditional use permit or coastal development permit to operate a cannabis Dispensary:

55.3.9.1 Preparation of a hazardous materials storage, handling, and disposal plan approved by the Division of Environmental Health, if applicable.

55.3.9.2 The Planning Commission shall specifically regulate the location of cannabis Dispensaries by considering the potential impacts and cumulative impacts of proposed cannabis Dispensaries to the community area as a whole and specifically on the following existing uses located within a 600 foot radius of a proposed Dispensary, regardless of whether those existing uses are located within the jurisdiction of the County. The Planning Commission shall have the discretion to deny a conditional use permit or a coastal development permit for any proposed cannabis Dispensary within 600 feet of the following uses if the Commission determines that the impacts of a proposed Dispensary have the potential to be significant on the following uses:

55.3.9.2.1 Residential neighborhoods and their inhabitants;

55.3.9.2.2 Church, as defined herein;

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

55.3.9.2.3 Playgrounds, public parks, libraries, licensed day care facilities, and places where children congregate, as defined herein;

55.3.9.2.4 Residential treatment facilities, as defined herein; and

55.3.9.2.5 The cumulative impacts resulting from the addition of another cannabis dispensary, delivery service or other distribution or transfer facility when there are others within a 600 foot radius of the proposed new facility.

55.3.9.3 No cannabis Dispensaries, operators, establishments, or providers who possess, cultivate, or distribute cannabis shall be located within a 600-foot radius of a school. This distance shall be measured in a straight line from the property line of the school to the property line of the cannabis dispensing facility, operator, establishment, or provider.

55.3.9.4 Submission of an Operations Manual and compliance with the Operating Standards, pursuant to sections 55.3.10 and 55.3.11 of this Code.

**55.3.10 Operations Manual**

Notwithstanding any other regulations or requirements for submitting an application for a conditional use permit or a coastal development permit, cannabis Dispensaries shall submit to the Planning Commission an Operations Manual which provides for the following:

55.3.10.1 Authorization for the County, its agents, and employees, to seek verification of the information contained within the conditional use permit and coastal development permit applications, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit and coastal development permit are issued; and

55.3.10.2 A description of the staff screening processes, which shall include a requirement for criminal background checks; and

55.3.10.3 The hours and days of the week when the Dispensary will be open; and

55.3.10.4 Text and graphic materials showing the site, floor plan and facilities. The material shall also show structures and land uses within a 600 foot radius; and

55.3.10.5 A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification, and how these will assure the safety of staff and clients; and

55.3.10.6 A description of the screening process and procedures for clients; and

55.3.10.7 A description of client records acquisition and retention procedures and policies; and

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

55.3.10.8 A description of the processes, procedures and inventory controls for tracking the disparate strains, the source of supply, and amounts of cannabis that come in and go out of the Dispensary; and

55.3.10.9 Description of measures taken to minimize or offset the carbon footprint from operational activities; and

55.3.10.10 Description of chemicals stored, used and any effluent discharged as a result of operational activities; and

55.3.10.11 The procedure, documentation, and notice process for assuring the quality and safety of all cannabis distributed; and

55.3.10.12 The procedure and documentation process for determining dosage, including any testing for the major active agents in cannabis offered to clients, such as cannabinoids tetrahydrocannabinol (THC), Cannabidiol (CBD), and Cannabinol (CBN); and

55.3.10.13 Any other information as may be requested by the County, its employees, and/or by the Planning Commission; and

55.3.10.14 Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual must be submitted to the Planning and Building Department for review for conformance with the approved permit. No changes in the Operations Manual are allowed unless authorized in writing by the Planning and Building Department.

55.3.11 Operating Standards

Notwithstanding any other regulations or requirements, cannabis Dispensaries shall comply with all of the following operating standards:

55.3.11.1 Dispensaries that function as cannabis delivery services shall not operate from an address of convenience located in a residential zone, as this category of business is not eligible for an address of convenience. Cannabis delivery services shall only operate from a “store-front” Dispensary in a commercial or industrial zone with an approved conditional use permit and coastal development permit; and

55.3.11.2 Cannabis Dispensaries may not be operated by any persons who have been convicted of a felony in the last five (5) years; and

55.3.11.3 No dispensing of cannabis to an individual shall be permitted more than twice a day; and

55.3.11.4 The hours of operation of cannabis Dispensaries shall be no earlier than 10 a.m. and no later than 7 p.m.; and

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

55.3.11.5 Cannabis Dispensaries shall only provide cannabis to an individual over the age of 21 or qualified patients or caregivers as defined in the Health and Safety Code section 11357 et seq.; and

55.3.11.6 Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Dispensary. A copy of the client rules and/or regulations shall be provided to clients by a cannabis delivery service; and

55.3.11.7 Each building entrance to a cannabis Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian; and

55.3.11.8 No cannabis Dispensary or delivery service shall provide cannabis to any qualified patient who is under 18 unless their parent or guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of cannabis; and

55.3.11.9 All cannabis Dispensaries shall display a copy of the inspection receipt issued by the Humboldt County Sealer of Weights and Measures for all weighing and measuring devices; and

55.3.11.10 All cannabis dispensed by Dispensaries must be obtained in accordance with applicable state and local laws; and

55.3.11.11 All signs for cannabis Dispensaries must comply with sections 313-87.3 and 314-87.2 of the County Zoning Regulations; and

55.3.11.12 An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the cannabis Dispensary with a copy of this inventory provided to the Humboldt County Division of Environmental Health; and

55.3.11.13 Cannabis Dispensaries shall maintain all necessary permits, and pay all required taxes and fees. Dispensaries shall also provide invoices to vendors to ensure vendor's tax liability responsibility; and

55.3.11.14 Cannabis Dispensaries shall comply with any and all conditions of their conditional use permit and coastal development permit.

**55.3.12 Permit Revocation & Transfer**

55.3.12.1 A conditional use permit and coastal development permit shall be revoked or modified according to Humboldt County Code Section 312-14 (Revocation Procedures). Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, for failure to comply with the requirements of the Humboldt County Certified Unified Program Agency (CUPA), or for the grounds listed in Section 312-14.1 and any successor provisions.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of February 4, 2020

55.3.12.2 Conditional use permits and coastal development permits to operate a cannabis Dispensary may be transferred upon approval by the Planning Commission after a noticed public hearing.

55.3.13 Cannabis Business Offices

Business offices for cannabis Dispensaries at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Humboldt County Code.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective immediately upon certification by the Coastal Commission.

PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of February 2020, by the following vote, to wit:

AYES: Supervisors: Bass, Wilson, Fennell, Bohn, Madrone  
NOES: Supervisors:  
ABSENT: Supervisors:



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Estelle Fennell, Chair  
Board of Supervisors of the County of Humboldt  
State of California

(SEAL)

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

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By: Ryan Sharp, Deputy

