

**Small Cultivator Amendments to the
Commercial Cannabis Land Use Ordinance (CCLUO)**

Ordinance 2652

Adopted by the Humboldt County Board of Supervisors October 6, 2020

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Inland Small Cultivators Ordinance Amendments to the (CCLUO), amending sections 314-55.4.4, 314-55.4.6.1, and section 314-55.4.6.5, of Chapter 4 of Division 1 of Title III of the Humboldt County Code – HCC. The ordinance facilitates permitting of small new and pre-existing cannabis farms adjacent to homes that existed prior to December 31, 2016 by establishing a streamlined permitting pathway. The eligible farms minimize the impacts on the environment and archaeological resources because they are owner-occupied, the cultivation area is no more than 2,000 square feet in size and within the already disturbed homesite area of the existing home. Also, water for irrigation is provided from permitted non-diversionary sources, permaculture is practiced, and the cultivation is done outdoors or in permitted or ag exempted hoop houses/greenhouses and does not use generators for electrical power.

SECTION 2. ZONING REGULATION AMENDMENTS.

Section 314-55.4.4 of Chapter 4 of Division 1 of Title III of the Humboldt County Code is hereby amended as follows:

55.4.4 DEFINITIONS

“Homesite Area” means the land up to 2-acres immediately surrounding a house or dwelling, including any closely associated buildings and structures, garden, storage, driveway and parking areas, but excluding any associated "open fields beyond", and also excluding any closely associated buildings, structures, or divisions that contain the separate activities of their own respective occupants with those occupying residents being persons other than those residents of the house or dwelling of which the building is associated.

“Permaculture” means is a set of design principles centered on whole systems thinking, simulating, or directly utilizing the patterns and resilient features observed in natural ecosystems. Commonly associated with permaculture include agro-forestry, swales, contour plantings, soil and water management, hedgerows and windbreaks, and integrated farming systems such as pond-dike aquaculture, aquaponics, intercropping, and polyculture. For the purposes of this Section, Permaculture includes the exclusive use of native soil; organic fertilizers, pesticides, rodenticides and insecticides; and use of water efficient irrigation systems for all commercial cannabis cultivation.

Section 314-55.4.6.1 of Chapter 4 of Division 1 of Title III of the Humboldt County Code is hereby amended as follows:

55.4.6.1 Eligibility Criteria - Resource Production and Residential Areas

55.4.6.1.1 **Zoning.** AE, AG, FR, and U when accompanied by a Resource Production General Plan land use designation (not including Timberland) or Residential land use designation requiring parcel sizes of more than 5 acres.

55.4.6.1.2 Minimum Parcel Size and Allowed Cultivation Area.

55.4.6.1.2.1 Until September 30, 2025, on parcels five (5) acres or larger in size, up to two thousand (2,000) square feet of cultivation area is allowed on a property where all the following criteria are met:

55.4.6.1.2.1.1 Cultivation is located within the homesite area of the home, and the home existed prior to January 1, 2016; and

55.4.6.1.2.1.2 The property is owner-occupied; and

55.4.6.1.2.1.3 Water source for irrigation is permitted and non-diversionary; and

55.4.6.1.2.1.4 Cultivation is outdoor within permitted or ag exempted hoophouses or greenhouses without the use of lights or fans or other components which would otherwise require the use of electrical power; and

55.4.6.1.2.1.5 Permaculture is practiced; and

55.4.6.1.2.1.6 Cultivation is not located on, above, or disrupting leach field areas or systems; and

55.4.6.1.2.1.7 The cultivation area is not located on a parcel with any other commercial cannabis activity; and

55.4.6.1.2.1.8 The parcel is confirmed to be a legally created parcel.

Where an application for cultivation meets all the above criteria, the application is exempted from Section 55.4.12.1.8, Performance Standard–Road Systems, and as long as a special permit or conditional use permit is not otherwise required, the application shall be processed as a zoning clearance and approved within thirty (30) days, or will be automatically approved unless the applicant is notified in writing of specific deficiencies related to compliance with this section. The cost of the zoning clearance certificate shall not exceed the initial deposit for processing the application.

Section 314-55.4.6.5 of Chapter 4 of Division 1 of Title III of the Humboldt County Code is hereby amended as follows:

55.4.6.5 Accommodations for Pre-Existing Cultivation Sites. As set forth in the following subsections, pre-existing cultivation sites that meet all other eligibility and siting criteria and performance standards may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a resource production general plan land use designation or residential land use designation requiring parcel sizes of more than five (5) acres. Expansion of pre-existing cultivation sites is prohibited where located within TPZ zones or U zones where the general plan land use designation is “timberland.” For other areas, where the size of a pre-existing cultivation site is smaller than the allowed cultivation area which can be permitted, the site may be expanded to the maximum allowed for the applicable parcel size and permit type within existing nonforested areas with slopes of fifteen percent (15%) or less.

Permit applications for pre-existing cultivation sites shall provide dated satellite imagery or other evidence satisfactory to the Planning and Building Department establishing the existence and area of cultivation between January 1, 2006, and December 31, 2015.

Except as stated below, applications for pre-existing cultivation sites submitted before December 31, 2018, may be permitted at one hundred percent (100%) of the documented pre-existing cultivation area and applications for pre-existing cultivation submitted between January 1, 2019, and December 31, 2019, shall not be approved for more than fifty percent (50%) of the documented existing cultivation area. No new applications for pre-existing cultivation sites shall be accepted after December 31, 2019, except applications for cultivation sites of 2,000 square feet or less pursuant to Section 55.4.6.5.1.1 (a) may be submitted after December 31, 2019, and (b) may be permitted for one hundred percent of the documented pre-existing Cultivation Area up to 2,000 square feet.

55.4.6.5.1 Small Cultivation Sites

55.4.6.5.1.1 Until September 30, 2025, on parcels five (5) acres or larger in size, up to two thousand (2,000) square feet of cultivation area is allowed on a property where all the following criteria are met:

55.4.6.5.1.1.1 On parcels five (5) acres or larger in size, up to two thousand (2,000) square feet of cultivation area is allowed on a property where all the following criteria are met:

55.4.6.5.1.1.1.1 Cultivation is located within the two (2) acre homesite area of the home, and the home existed prior to January 1, 2016; and

55.4.6.5.1.1.1.2 The property is owner-occupied; and

55.4.6.5.1.1.1.3 Water source for irrigation is permitted and nondiversionary; and

55.4.6.5.1.1.1.4 Cultivation is outdoor within permitted or ag exempted hoophouses or greenhouses without the use of lights or fans or other components which would otherwise require the use of electrical power; and

55.4.6.5.1.1.1.5 Permaculture is practiced; and

55.4.6.5.1.1.1.6 Cultivation is not located on, above, or disrupting leach

field areas or systems; and

55.4.6.5.1.1.1.7 The cultivation area is not located on a parcel with any other commercial cannabis activity; and

55.4.6.5.1.1.1.8 The parcel is confirmed to be a legally created parcel.

Where an application for cultivation meets all the above criteria, the application is exempted from Section 55.4.12.1.8 Performance Standard–Road Systems, and as long as a special permit or conditional use permit is not otherwise required, the application shall be processed as a zoning clearance and approved within thirty (30) days, or will be automatically approved unless the applicant is notified in writing of specific deficiencies related to compliance with this section. The cost of the zoning clearance certificate shall not exceed the initial deposit for processing the application.

PASSED, APPROVED, AND ADOPTED the 6th day of October, 2020, on the following vote, to wit:

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

NOES: Supervisors:

ABSENT: Supervisors: