

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

Certified copy of portion of proceedings, Meeting of January 26, 2016

RESOLUTION NO. 16-14

**RESOLUTION FINDS THAT FINAL DRAFT COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE IS CONSISTENT WITH THE HUMBOLDT COUNTY GENERAL PLAN. FINDS THAT SUBSTITUTE MITIGATION MEASURES AS INCORPORATED IN THE FINAL DRAFT COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE ARE THE EQUIVALENT OR MORE EFFECTIVE IN MITIGATING OR AVOIDING POTENTIAL SIGNIFICANT EFFECTS THAN THE ORIGINAL DRAFT ORDINANCE PUBLISHED IN CONJUNCTION WITH THE DRAFT MITIGATED NEGATIVE DECLARATION AND THAT SUCH MEASURES WILL NOT IN THEMSELVES CAUSE ANY POTENTIALLY SIGNIFICANT EFFECT ON THE ENVIRONMENT. FINDS ON THE BASIS OF THE INITIAL STUDY AND ALL COMMENTS RECEIVED ON THE DRAFT MITIGATED NEGATIVE DECLARATION THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MODIFIED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. FINDS THAT THE MITIGATED NEGATIVE DECLARATION AND SUBSTITUTE MITIGATION MEASURES REFLECT THE COUNTY'S INDEPENDENT JUDGMENT AND ANALYSIS. ADOPTS THE MITIGATED NEGATIVE DECLARATION WITH SUBSTITUTE MITIGATION MEASURES AND A MITIGATION MONITORING PROGRAM**

**WHEREAS**, on October 9, 2015 Governor Brown approved three bills enacted by the legislature on September 11, 2015, SB 643, AB243, and AB 266, collectively known as the Medical Marijuana Regulation and Safety Act ("MMRSA"), providing for comprehensive, concurrent regulation and licensing by state and local governments of medical marijuana as a commercial cannabis activity; and

**WHEREAS**, the MMRSA, at Business and Professions Code section 19316, subsection (a), provides, in pertinent part, that,

"(a) Pursuant to Section 7 of Article XI of the California Constitution, . . . a . . . county may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity."

**WHEREAS**, the state statutes establishing a regulated, legitimate basis for commercial medical cannabis activities under the authorization of state law provide an opportunity to bring unregulated activities into compliance with existing law and ameliorate adverse environmental impacts, and to convert an underground, black-market economy into a legitimate agricultural and commercial contributor to the local and state economy; and

**WHEREAS**, the unregulated cultivation, processing, testing, manufacture, distribution, transportation, dispensing, and delivery of cannabis is widespread throughout Humboldt County and has caused significant adverse environmental effects that can be avoided, reduced or eliminated by bringing existing cannabis-related activities into compliance with appropriate standards and regulations that are tailored to the specific needs and circumstances of Humboldt County; and

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**WHEREAS**, the County of Humboldt is in the process of adopting land use ordinances governing dispensaries for medical marijuana and the commercial cultivation of cannabis for medical use, which include provisions for processing facilities separate from cultivation sites, and facilities for distribution, manufacturing, and testing; and

**WHEREAS**, on October 3, 2015, the County of Humboldt published notice of its intent to adopt a Mitigated Negative Declaration, and circulated for public comment a proposed Mitigated Negative Declaration in conjunction with a draft land use ordinance for the regulation of the commercial cultivation of medical marijuana. The draft ordinance included mitigation measures to avoid significant environmental effects of medical marijuana cultivation, or to reduce the effects of unregulated marijuana cultivation below existing baseline conditions by requiring cultivators seeking to participate in the legal marketplace established by the MMRSA to bring cultivation into compliance with both state law and detailed local performance standards. Public comment was received from responsible and trustee agencies and the general public; and

**WHEREAS**, on November 5, 2015, following the close of the public comment period, the Humboldt County Planning Commission conducted a public hearing on the draft ordinance over the course of ten meetings between November 5 and December 3, 2015, during which time additional public comments concerning the draft ordinance and proposed Mitigated Negative Declaration were received. The Planning Commission recommended significant changes to the draft ordinance; and

**WHEREAS**, the Planning Commission revised draft ordinance and report were presented to the Board of Supervisors on December 15, 2015, when additional public comments concerning the draft ordinance and proposed Mitigated Negative Declaration were received; and

**WHEREAS**, the Board of Supervisors conducted a public hearing on January 5, 2016, to consider the Planning Commission recommended draft ordinance and recommendations from staff to further modify the revised draft ordinance for consistency with the proposed Mitigated Negative Declaration, at which time additional public comments concerning the draft ordinance and proposed Mitigated Negative Declaration were received. The public hearing was closed and Board of Supervisors deliberations were continued to January 11, 2016; and

**WHEREAS**, the Board of Supervisors deliberated at its meetings on January 11 and 12, 2016 and instructed staff to prepare revisions to the draft ordinance and present it for further consideration on January 19, 2016. Additional public comments were received during the meetings. The Board of Supervisors set January 26, 2016, as the date for a public hearing to consider the final revisions as substitute mitigation measures for those incorporated in the draft ordinance circulated in conjunction with the proposed Mitigated Negative Declaration; and

**WHEREAS**, on January 16, 2016, the County of Humboldt published and posted a notice of public hearing to consider substitute mitigation measures, pursuant to CEQA Guidelines, section 15074.1; and

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**WHEREAS**, on January 19, 2016, the Board of Supervisors received and reviewed a revised draft ordinance incorporating directions provided by the Board at its previous meetings. The Board of Supervisors made additional revisions to the draft and instructed staff to present the final version for adoption on January 26, 2016; and

**WHEREAS**, on January 20, 2016, the County of Humboldt published a pre-adoption summary of the final draft Commercial Medical Marijuana Land Use Ordinance, and made the full text of it available to the public at the Clerk of the Board's office. The full text of the Commercial Medical Marijuana Land Use Ordinance has also been posted to the County's website; and

**WHEREAS**, on January 26, 2016, the Board of Supervisors held a public hearing to consider substituting mitigation measures incorporated in the draft land use ordinance regulating the commercial cultivation of cannabis for medical use dated October 1, 2015 with those incorporated in the final draft Commercial Medical Marijuana Land Use Ordinance dated January 20, 2016, and received evidence and public testimony.

**NOW, THEREFORE**, be it resolved, determined and ordered by the Board of Supervisors of Humboldt County, based on the Planning & Building Department's staff report, testimony and evidence presented at the public hearings, and having considered the recommendation of the Planning Commission and all public comments received concerning the ordinance drafts and the proposed Mitigated Negative Declaration, that the Board:

1. Finds that the final draft Commercial Medical Marijuana Land Use Ordinance ("CMMLUO"), as recommended by the Planning Commission and as last modified by the Board of Supervisors on January 19, 2016:
  - a. is in the public interest,
  - b. is consistent with the Humboldt County General Plan and Local Coastal Plans,
  - c. is in conformity with the policies set forth in the Coastal Act (Public Resources Code section 30200, et sq.) and the Local Coast Program Amendments (Section 1 of the CMMLUO) will be carried out in accordance with the Coastal Act, and that the Board of Supervisors agrees to issue Coastal Development Permits subject to the approved Local Coastal Program through its subordinate agencies and commissions, and
  - d. will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with the housing element law, for the reasons more fully set forth in attachment 1 to this resolution. The Board of Supervisors hereby adopts the findings and conclusions prepared by staff as set forth therein.
2. Finds that some of the mitigation measures incorporated in the October 1, 2015 draft ordinance are infeasible or otherwise undesirable, and that the substitute mitigation measures incorporated in the final draft Commercial Medical Marijuana Land Use Ordinance dated January 20, 2016 are equivalent or more effective in mitigating or avoiding potential significant effects and that they in themselves will not cause any potentially significant effect on the environment, for the reasons

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more fully set forth in attachment 2 to this resolution. The Board of Supervisors hereby adopts the findings and conclusions prepared by staff as set forth therein.

3. Finds on the basis of the initial study and all comments received on the proposed mitigated negative declaration and successive ordinance drafts that there is no substantial evidence that the project, as modified with substitute mitigation measures incorporated in the final draft Commercial Medical Marijuana Land Use Ordinance dated January 20, 2016, will have a significant effect on the environment that has not been mitigated to a less than significant level from baseline conditions.
4. Finds that the mitigated negative declaration and substitute mitigation measures reflect the independent judgment and analysis of the County of Humboldt.
5. Adopts the proposed Mitigated Negative Declaration dated October 1, 2015, in consideration of the substitute mitigation measures incorporated in the final draft Commercial Medical Marijuana Land Use Ordinance dated January 20, 2016.
6. Designates the Planning & Building Department - Current Planning Division, 3015 H Street Eureka CA, as the custodian of the documents or other material which constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
7. Adopts the proposed Mitigation Monitoring Program, more fully set forth in attachment 3 to this resolution, as prepared by staff.

**BE IT FURTHER RESOLVED** by the Humboldt County Board of Supervisors that upon adoption of the Commercial Medical Marijuana Land Use Ordinance:

1. The Planning & Building Department - Current Planning Division is hereby directed to transmit the Local Coastal Program Amendment comprised by Section 1 of the Commercial Medical Marijuana Land Use Ordinance to the California Coastal Commission for certification in accordance with the Coastal Act, the Local Coastal Program Amendment to become effective upon approval by the Coastal Commission; and
2. The Planning & Building Department - Current Planning Division is hereby directed to prepare and file a Notice of Determination with the County Clerk and post the Notice of Determination on the County website; and
3. The Clerk of the Board is hereby directed to give notice of the decision to any interested party; and
4. The Clerk of the Board is hereby directed to publish the Post-Adoption Summary of Ordinance within fifteen (15) days after its passage.

Dated: January 26, 2016



MARK LOVELACE, Chair  
Humboldt County Board of Supervisors

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

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

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL

Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

## General Plan Consistency Analysis and Findings

a) The CMMLUO provides for the regulation and permitting of commercial cultivation, processing, manufacturing, and distribution facilities and activities within appropriate agricultural, commercial and industrial or manufacturing zones in the coastal and inland areas of the County of Humboldt designated as principally permitted, accessory, and conditionally permitted uses set forth in Title III – Land Use and Development provisions of the Humboldt County Code, implementing Chapter 2, the Land Use and Development element of the Humboldt County General Plan, and the goals, policies, standards and the land use designations specified therein.

b) The MMRSA, Health and Safety Code section 11362.777 (a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. Indoor cultivation is permitted only in heavy commercial and industrial zones and only in existing structures in agricultural zones so as to prevent conversion of agricultural land to commercial or industrial development of structures typically utilized for indoor cultivation.

c) The General Plan Land Use and Development element, Chapter 2, provisions related to Timberlands include 2513 Goal to “actively protect and conserve timberlands for long-term economic utilization and to actively enhance and increase county timber production capabilities,” and 2514 Policies, 1. “Timberlands shall be retained for timber production, harvesting and compatible uses . . . .” The plan includes the land use designation 2721 Timber Production (T) for “land that is primarily suitable for the growing, harvesting and production of timber” although, “portions of these parcels not zoned TPZ may be developed consistent with the existing zone and in compliance with all applicable federal, state and County regulations” The primary use, “includes the growing and harvesting of timber and timber production facilities, including portable processing equipment. No use shall be permitted in Timber Production that significantly detracts from or inhibits the growing and harvesting of timber.” Compatible uses include, “grazing and other agricultural uses.”

Zoning districts consistent with the T land use designation are Commercial Timber (TC) Section 313-7.2 and Timberland Production Zone (TPZ) Section 313-7.3 in the Coastal Zone; neither of these zones permit agricultural uses. Outside the Coastal Zone the zoning district consistent with the T land use designation is Timberland Production Zone (TPZ) Section 314-7.4, with the principal permitted use of, “growing and harvesting of timber and accessory uses compatible thereto.” Grazing and other agricultural uses

are listed among the compatible uses, "provided that they do not significantly detract from the use of the property for, or inhibit, the growing and harvesting of timber."

No new outdoor, mixed light or indoor medical marijuana cultivation is permitted in Timberland zones (CMMLUO section 55.4.8.2 in both coastal and inland regulations), because there is insufficient information available at this time in order to make a categorical conclusion that medical marijuana cultivation is a type of agricultural use that does not significantly detract from the use, or inhibit the growing and harvesting of timber. Data is available from an aerial survey of 62 of 112 watersheds in or adjoining Humboldt County, that approximately 200 cultivation sites were established on parcels zoned TPZ as of 2012 (Butsic, et al. 2015, unpublished). Unsystematic review of more recent satellite imagery, and reports from the California Department of Forestry and Fire Protections suggest that the number unpermitted conversions of timberland in TPZ zones has continued to grow significantly since 2012. Comments from public agencies and private organizations and individuals express concern that permitting medical cannabis cultivation on timberland will incentivize the conversion and fragmentation of timberlands contrary to the goals, policies and standards in the General Plan.

The CMMLUO addresses the potential incompatibility of currently existing cannabis cultivation with the growing and harvesting of timber on Timberland (T)/TC/TPZ parcels in two different ways.

1) It allows existing unregulated cultivation operations in TPZ zones to enter the legalized commercial medical marijuana marketplace established by the MMRSA only if the cultivation operation can be brought into compliance with a host of requirements and performance standards designed to reduce or eliminate adverse environmental effects that may also detract or inhibit the growing and harvesting of timber, including compliance with Forest Practice Regulations governing conversion of timberland. (CMMLUO sections 55.4.8.2.2, 55.4.10 j) and 55.4.11 h) in both coastal and inland regulations). These requirements may be difficult and expensive to meet, providing motivation to relocate the cultivation area away from TPZ zones.

2) It provides incentives for the retirement, remediation and relocation of existing cannabis cultivation operations to more suitable agricultural land where cannabis cultivation will have few if any environmental effects where the cultivation of field and row crops is a principally permitted use, while providing strong guarantees that the former TPZ cultivation site will be remediated and no future conversion of timberland will occur. (CMMLUO section 55.4.14 in both coastal and inland regulations).

Both measures further the General Plan Goal to, "actively protect and conserve timberlands for long-term economic utilization and to actively enhance and increase

county timber production capabilities,” and Policy that, “Timberlands shall be retained for timber production, harvesting and compatible uses . . . “

## Substituted Mitigation Measure Analysis and Findings

### **1. Required setback from tribal cultural resources and tribal consultation process**

The tribal consultation process is an additional mitigation measure that resulted from consultation with various tribes throughout the public review process. The tribal consultation language (55.4.10(o)) reflects the new CEQA consultation requirements codified in Assembly Bill 52, and is intended to facilitate the participation of local tribes in the permitting process for commercial cannabis cultivation in order to ensure the protection of cultural resources and areas of traditional tribal cultural affiliation. The original draft ordinance required that cannabis cultivation be set back at least 600 feet from traditional Native American cultural sites (55.4.10(c)). The final ordinance requires a 600 foot setback from tribal cultural resource sites (55.4.10(c)), and also includes the consultation process. Additionally, section 55.4.9.5 of the final ordinance provides that commercial cannabis activity shall only be allowed on Tribal Lands with the express approval of the Tribe.

Findings:

- A. The consultation process, the policy of deference on tribal land, and the required setback is more effective than the original mitigation measure of a setback alone because it encourages communication with the tribes and will result in a greater degree of communication surrounding the location and protection of tribal cultural resource sites.
- B. The tribal consultation process will not result in a significant adverse environmental impact. If anything, the consultation process and deference to the tribes on tribal lands will result in less marijuana cultivation and will have a positive impact on biological and cultural resources that are highly valued by the tribes.

### **2. Curing violations of state, county code**

The original draft ordinance required that if upon the initial inspection, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation was discovered, the applicant would comply with an approved remediation plan to cure violations at the earliest feasible date, but in no event more than one year from issuance of the permit. (55.4.11(a)) The final ordinance added a provisional licensing program to this section and requires persons with violations of building or other health, safety, etc. codes are discovered, the person must provide plans for curing such violations to the Planning & Building Department within one year of issuance of the provision clearance or permit. This is intended to address conversion, on-site grading, electricity usage, water usage, and agricultural discharges that are related to

improvements, facilities and buildings that are used for commercial cannabis activity.  
(55.4.11(a))

This mitigation measure, as modified, is intended to require applicants to comply with applicable building codes and related laws, but gives them a pathway to do so that will encourage compliance. During public hearing, people expressed concern that this mitigation measure as initially drafted would discourage participation with the ordinance on the whole and would encourage cannabis cultivators to remain in the black market. The substituted mitigation measure provides a realistic pathway for people to work with the Planning & Building Department to cure existing violations. Additionally, the cannabis cultivation permit would only be provisional during the time period that the applicant has to cure the violations and could be revoked if the compliance agreement was not followed.

Findings:

- A. The substituted mitigation measure is more effective than the original mitigation because it provides applicants with a realistic pathway for curing code violations that may be contributing to the environmental impacts associated with cannabis cultivation, including grading violations that result in sediment deposit into nearby waterways, and violations related to water usage and agricultural discharges that may currently be contributing to adverse impacts. By providing a realistic pathway to remedy these violations, this substituted mitigation measure would encourage broader participation thus helping to promote greater attenuation of potentially adverse baseline impacts from cannabis cultivation (and other activity occurring on the property in violation of code) relating to biological resource, agriculture and forestry resources, geology, and hydrology and water quality to less than significant levels.
- B. Because the substituted mitigation measure is structured to reduce existing environmental impacts by requiring compliance with applicable law, it does not present a significant adverse environmental effect.

**3. Required setbacks from watercourses, wetlands, and Environmentally Sensitive Habitat Areas**

Section 55.4.11(d) of the draft ordinance was expanded to include a provision requiring cultivation areas and associated facilities to “observe all required setbacks from watercourses, wetlands and Environmentally Sensitive Habitat Areas, as described within sections 313-33 and 313-38 of the code, as well as applicable resource protection policies and standards of the Local Coastal Plan.” This additional mitigation measure was included in response to public comment requesting a setback from existing waterways to make explicit the requirement that cannabis cultivation must comply with existing setbacks from watercourses, wetlands and Environmentally Sensitive Habitat Areas as required by the Humboldt County Code.

Findings:

- A. This substituted mitigation measure is more effective than the initial mitigation requiring setbacks only from property lines, schools, school bus stops, churches, places of religious worship, public parks, and traditional native American sites because it addresses a setback requirement that, while existing in the Humboldt County Code, was not explicitly addressed in the original draft ordinance. Making this requirement explicit puts cultivators on notice of the requirement and that such compliance will be part of the inspection process. It also serves to further protect watercourses, environmentally sensitive habitat, and sensitive species from potential adverse impacts from agricultural activities associated with cannabis cultivation. This is also consistent with setbacks from watercourses required under participation and enrollment in the Cannabis Cultivation Waste Discharge Regulatory Program, administered by the North Coast Regional Water Quality Control Board.
- B. The substituted mitigation measure is already codified in the Humboldt County Code and has no potentially significant effects.

#### **4. Permitting Tiers and related requirements**

The initial draft ordinance included a local permitting structure that was tied to the state permitting tiers as described in the MMRSA. (55.4.8.2, 55.4.9) That approach was abandoned in favor of a zone-specific analysis that better captures the land use characteristics of Humboldt County. (55.4.8.2 et seq.) The substituted mitigation measures contained in the final ordinance include:

- Expansion of existing cannabis cultivation activities is not permitted, except when located in ideal areas eligible for new outdoor and indoor cultivation operations;
- Existing grows of up to 5,000 square feet are permitted pursuant to a Zoning Clearance Certificate if the performance standards and all conditions in the ordinance are met;
- New outdoor and mixed-light grows are only permitted on parcels with prime agricultural soils on slopes of 15% or less, with documented current water right or other non-diversionary source of irrigation in compliance with the performance standards and all other conditions in the ordinance;
- For new grows, no more than 20% of the area of prime agricultural soils on the parcel may be used for medical marijuana cultivation;
- Grows in residential areas (RA) must be set back at least 300 feet from existing residences on adjoining parcels;
- Discretionary review required for existing grows above 5,000 square feet triggering independent site-specific CEQA analysis;

- The number of permits per parcel is limited and multiple permits will only be granted on appropriate agricultural parcels equipped to accommodate more intensive agricultural scenarios, discretionary review (requiring independent CEQA analysis) may be required;
- Total number of permits per person or related entity is limited to four (55.4.8.10);
- Electrical power for indoor cultivation operations including but not limited to illumination, heating, cooling, and ventilation shall be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources;
- Cultivation, processing, manufacturing, and distribution facilities allowed in heavy commercial and industrial zones;
- Adoption of Retirement, Remediation, and Relocation program (discussed below);
- Adoption of additional performance standards (discussed below).

Findings:

- A. The new permitting tier structure contains various substituted mitigation measures detailed above. These mitigation measures developed through extensive public hearings before the Planning Commission and Board of Supervisors and in connection with written public comment that was received. The limitation on existing cannabis cultivation does not allow expansion from the 2015 growing season, and is geared towards containing the potential adverse environmental impacts that may be associated with cannabis cultivation to those present during the 2015 growing season, thereby limiting them to baseline levels. New operations are focused towards areas explicitly zoned for agricultural uses that are host to level terrain and prime soils. Since these sites are typically either equipped for or already host to agricultural uses, this helps ensure that runoff from site development and irrigation is controlled and contained, while the lack of steep slopes prevent the possibility of soil erosion and sediment runoff. A documented current water right or non-diversionary source of irrigation water is also required. The amount of prime agricultural soils on the parcel that may be used for cultivation are limited to 20% of those on the parcel to discourage the complete conversion of all prime ag lands to cannabis cultivation, thus helping to preserve and maintain land for existing conventional agricultural activities. Additionally, all grows must comply with the performance standards and conditions contained in the ordinance.

The substitute mitigation measure for outdoor cultivation on parcels less than 5 acres in size require that cultivation operations be set back at least 300 feet from existing residences. This is designed to address nuisance concerns between neighbors including air quality, noise, and aesthetics.

With the exception of those qualifying for the RRR program discussed below, all outdoor cultivation activities involving more than 5,000 square feet of cultivation area are subject

to discretionary review, which will include an independent project analysis under CEQA. Additionally, cultivation on smaller parcels (< 5 acres in size) is subject to discretionary review to address environmental, neighborhood and siting concerns. Based on the data presented from the Department of Fish and Wildlife and from the University of California, Berkeley Environmental Science, Policy and Management Department, setting the threshold for a Zoning Clearance Certificate at 5,000 square feet will provide ministerial a pathway for more than 90% of existing cultivators to come into compliance with the ordinance so long as they comply with the conditions and performance standards set forth in the ordinance.

During public comment, many people stated that cultivators would not comply with the ordinance process if the square footage triggering a Conditional Use Permit was set too low due to the higher cost of obtaining a Conditional Use Permit and the additional procedural steps that are involved. In order to set the ministerial permit threshold at 5,000 square feet of cultivation area, the final ordinance contains augmented performance standards and compliance measures, and requires compliance with all conditions of the ordinance and the performance standards for every permit issued. By increasing and tightening the standards that all applicants must meet, the cultivation area permissible under a Zoning Clearance Certificate could be increased. Encouraging compliance and enrollment in the local permitting process is an important aspect of the ordinance because it targets cultivation that has been resulting in adverse environmental impacts over time, and seeks to bring them into compliance. They would be required to either move their operation to a more suitable site, fix any problems causing adverse environmental impacts through compliance with the ordinance, or they would not be granted a permit and would be a target for enforcement. Compliance with the ordinance by existing cultivators would reduce the adverse environmental impacts associated with those cultivation operations, and reduce cumulative impacts from the commercial cultivation of cannabis for medical use on the whole.

The substituted mitigation measure requiring electrical power for indoor cultivation operations to be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources reduces the greenhouse gas emissions attendant to indoor grows from potentially significant to less than significant, by requiring project specific mitigation of related greenhouse gas emissions linked to energy production.

Additionally, the adoption of the Retirement, Remediation, and Relocation program coupled with additional performance standards (both discussed more fully below) reduces the potentially adverse effects of problematic cultivation operations (poorly sited or involving less than environmentally-ideal cultivation practices) to less than significant

levels. Compelling the complete remediation of the original site and use of superior settings for new cultivation through the associated ordinance incentives, helps dramatically accelerate the remediation and attenuation of baseline environmental impacts with the project setting.

Allowing cultivation, manufacturing, and distribution in heavy commercial and industrial sites will allow abandoned industrial sites to be put to new uses, with no evidence of potentially significant environmental effects that have not been mitigated to a level less than significant.

- B. The substituted mitigation measures described above would reduce potentially adverse environmental effects of commercial cannabis cultivation for medical use to less than significant.

## **5. Retirement, Remediation, and Relocation Program (55.4.14)**

The Retirement, Remediation, and Relocation (RRR) program (55.4.14) was added to the ordinance as part of the substituted mitigation measures related to permitting as described in 4 above. The purpose of the RRR program is, “to incentivize, promote, and encourage the retirement, remediation and relocation of existing cannabis cultivation occurring in inappropriate or marginal environmentally sensitive sites to relocate to environmentally superior sites.” RRR allows existing operators that meet the criteria to relocate to a site that meets the criteria for new cannabis cultivation (described above).

The program also includes an incentive structure which allows operators of a site eligible for relocation to expand the cultivation area that may be obtained pursuant to a zoning clearance certificate up to four times of the existing cultivation area (but in no event greater than 20,000 square feet). Operators must still meet all conditions and performance standards contained in the ordinance. RRR allows for multiple cultivation sites on parcels of ten acres or larger, provided that the cumulative total cultivation area for all commercial cannabis cultivation Zoning Clearance Certificates issued for that parcel does not exceed 20% of the area of prime farmland on that parcel.

In order to receive RRR benefits, the operator must provide for the full environmental remediation of the initial cultivation site including removal of all cultivation related materials, equipment and improvements, regrading to preexisting contours, reseeded with native vegetation, reforestation, and habitat restoration, as determined to be appropriate by the planning department. The ordinance contains enforcement provisions in the event that the operator does not comply with the terms of the site remediation.

Findings:

- A. The RRR program provides an incentive for operators with environmentally problematic cultivation sites to relocate to a more appropriate site. The public expressed an interest in the RRR program and also provided testimony regarding the number of permits per parcel that should be allowed on receiving sites. The RRR program will reduce adverse environmental effects associated with poorly sited cannabis cultivation operations that participate in the relocation program to less than significant by encouraging proper siting, compliance with the conditions and performance standards in the ordinance, and remediation of harm at the initial cultivation site caused by cannabis cultivation.
- B. Cannabis cultivation practices in impaired watersheds and on parcels with steep slopes have contributed greatly to the adverse environmental impacts caused by the industry. By incentivizing relocation to appropriate sites, potentially significant effects will be mitigated to less than significant.

## **6. Cannabis Cultivation on Forest Lands**

The initial draft ordinance provided that existing cannabis cultivation occurring on parcels zoned FR, TC, and TPZ could be granted a Conditional Use Permit, but did not allow them to be expanded. Also, it did not allow new medical cannabis cultivation operations in those timberland zones. The final ordinance allows for existing grows to occur in these zones with a less-than-3-acre conversion exemption or timberland conversion permit (or evidence of completion of a civil or criminal process, or settlement with CAL-FIRE) subject to the permit thresholds established for existing grows and does not allow for new cannabis cultivation in forest lands. As stated in 4 above, people commented that cultivators would not comply with the ordinance process if the square footage triggering a Conditional Use Permit was set too low due to the higher cost of obtaining a Conditional Use Permit and the additional procedural steps that are involved. In order to set the ministerial permit threshold at 5,000 square feet of cultivation area, the final ordinance contains augmented performance standards and compliance measures, and requires compliance with all conditions of the ordinance and the performance standards for every permit issued. By increasing and tightening the standards that all applicants must meet, the cultivation area permissible under a Zoning Clearance Certificate could be increased. Encouraging compliance and enrollment in the local permitting process is an important aspect of the ordinance because it targets cultivation that has been resulting in adverse environmental impacts over time, and seeks to bring them into compliance. They would be required to either move their operation to a more suitable site, fix any problems causing adverse environmental impacts through compliance with the ordinance, or they would not be granted a permit and would be a target for enforcement.

There was substantial testimony, both in person and in writing, expressing concern that allowing new cannabis cultivation in forest resource lands would contribute to the fragmentation of forest lands, result in the reduction of habitat for sensitive species, and encourage surface water

diversions during the summer months. There was testimony that a high percentage of forest land grows also are accompanied by unpermitted surface water diversions. This substituted mitigation measure prohibits new cultivation operations in FR, TC, and TPZ zoned parcels.

Findings:

- A. This substituted mitigation measure is at least as effective as the approach in the original draft ordinance because it does not allow new cannabis cultivation in forest lands and requires existing cultivators to come into compliance with the augmented performance standards and conditions contained in the final ordinance..
- B. Limiting cannabis cultivation in forest lands to existing grows that comply with CalFIRE regulations will mitigate potentially significant impacts to less than significant levels by maintaining baseline conditions and not allowing increased cultivation in sensitive areas absent an EIR.

**7. Use of fertilizer, pesticide, fungicide, rodenticide, or herbicide (55.4.11(j))**

Original mitigation measure:

Refrain from the improper storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide.

Substituted mitigation measure:

Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide or herbicide. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, that administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). Any uses of pesticide products shall be in compliance with the State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office and the California Department of Pesticide Regulation.

This substitution mitigation measure resulted from testimony from the public and from the Humboldt County Agricultural Commissioner that while pesticides for cannabis are not currently regulated by the Environmental Protection Agency because cannabis still remains a schedule one controlled substance at the federal level, there are state standards that can be implemented in the absence of federal regulations. The substituted mitigation measure provides additional controls and guidance to applicants than the original mitigation measure.

Findings:

- A. The substituted mitigation measure is more complete and expansive than the original mitigation measure, and details the applicable standards to be applied. It will therefore be more effective than the original mitigation measure.
- B. Applying controls to the use of fertilizers, pesticides, fungicides, rodenticides and herbicides serves to mitigate potentially significant environmental effects to a level that is less than significant.

**8. Diversion of surface water and trucked water**

Original Mitigation measure (55.4.11(l)):

Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, consent to forebear from any such diversion during the period from March 1 to October 20<sup>th</sup> of each year. Establish on-site water storage for retention of wet season flows or water deliveries sufficient to provide adequate irrigation water for the size of the area to be cultivated.

Substituted mitigation measure (55.4.11(l)-(m)):

l) Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, the applicant shall either: 1) consent to forebear from any such diversion during the period from May 15<sup>th</sup> to October 31<sup>st</sup> of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) submit a water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) obtain approval from the RWQCB through enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan.

m) Water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies. For purposes of this provision, “emergency” is defined as: “a sudden, unexpected occurrence demanding immediate action.”

The forbearance start date of March 1 contained in the original draft ordinance was a typographical error; it should have read May 1<sup>st</sup>. This mitigation measure was revised to tailor compliance to a specific site and also to prevent trucked water except in the case of emergencies. There was substantial public comment regarding the forbearance provision and testimony against allowing for trucked water.

The substituted mitigation measure fine-tunes the forbearance requirement and allows applicants to submit a water management plan that would be site-specific and take into account the watershed conditions. Alternately, the applicant can go through the Regional Water Resources Control Board to comply with Order No. 2015-0023 and/or to prepare a Water Resources Protection Plan.

- A. This substituted mitigation measure is at least as effective as the original mitigation measure because it provides logistical pathways of compliance for applicants where the initial draft did not. Additionally, it will account for site-specific concerns and watershed conditions. The prohibition on trucked water was in response to public testimony and will decrease impacts from water trucks on unpaved remote rural roads resulting in erosion and sediment discharge into waterways as well as the attendant impacts to neighbors.
- B. The substituted mitigation measure mitigates potentially significant impacts on biological resources, from potentially significant to less than significant.

**9. Generator Use:** New mitigation measure added (55.4.11(o))

Generator use in connection with mixed-light, indoor, and nursery operations was not explicitly addressed in the initial draft ordinance. Through public comment, the noise produced by generators was raised both as a neighborhood issue and in connection with sensitive species. As a result of public comment, a performance standard specific to generator use was added to the ordinance:

The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.

**Findings:**

- A. This performance standard is intended to address concerns regarding noise from generators and to reduce adverse impacts from potentially significant to less than significant. The condition requiring that generators not be audible by humans from neighboring residences addresses the human concern and application of the auditory disturbance guidance from the US Fish and Wildlife Service will protect the Marbled Murrelet and Spotted Owl species.

- B. The application of the standard will result in potentially significant effects to be reduced to a level that is less than significant.

**10. Storage of Fuel:** new mitigation measure added (55.4.11(p))

Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

This provision was added to the performance standards in response to comments regarding generator use. The provision explicitly incorporates state and local laws and requires fuel to be stored in such a way that no spillage occurs.

- A. This performance standard is intended to address fuel spills resulting from improper storage and handling of fuel (primarily diesel) used in connection with cannabis cultivation. This mitigation measure is part of a host of additional performance standards that were added to the final ordinance. Because there was no provision for fuel storage in the original ordinance, this substitution mitigation measure will ensure that the final ordinance is more effective at reducing potentially adverse environmental impacts resulting from fuel storage to less than significant.
- B. The application of the standard will cause potentially significant effects to be reduced to a level that is less than significant.

**11. Performance Standards for Cultivation and Processing Activities added (55.4.11(q)-(u))**

Performance standards for processing were not contained in the original draft ordinance. Processing of marijuana was discussed at length in public hearings and in written public comments. In that testimony, a discussion of on-site processing and the potential impacts of that activity ensued. The final ordinance addresses processing on several levels. First, it allows persons to seek a permit for processing activity as a stand-alone permit or as part of a cultivation permit. Applicants wishing to engage in processing must submit a Processing Plan which demonstrates how they will meet with the Performance Standards for processing that are included in the ordinance. Additionally, processing will be permitted in heavy commercial and industrial zones subject to a discretionary permit. Those cultivators seeking to cultivate pursuant to a Zoning Clearance Certificate must meet with the processing performance standards if they wish to conduct on-site processing; if they cannot do so, they will be subject to a discretionary permit.

Because processing often involves bringing a group of trimmers to the cultivation site to stay for a prolonged period of time in the fall, there is the potential for significant adverse environmental

effects as a result. Requiring persons wishing to engage in processing activities to submit a Processing Plan that ensures compliance with the performance standards in the Ordinance will reduce the impacts from potentially significant to less than significant. As part of the Processing Plan, the applicant must demonstrate that plumbing facilities and water source are capable of handling increased usage without adverse consequences to neighboring properties or the environment. Additionally, the applicant must show that on-site housing, if applicable, complies with all state, federal, and local laws. If the applicant cannot meet with these conditions, the processing activity will not be allowed.

Additionally, the addition of heavy commercial and industrial zones as locations where processing may be permitted is designed to encourage people to move processing operations away from the cultivation site when such sites are remote, do not have access by paved road, do not have adequate handwashing and toilet facilities. As part of the Processing Plan, the applicant must include the following:

- i. Summary of Processing Practices.
- ii. Description of location where processing will occur.
- iii. Estimated number of employees, if any.
- iv. Summary of Employee Safety Practices.
- v. Description of toilet and handwashing facilities.
- vi. Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Description of source of drinking water for employees.
- viii. Description of increased road use resulting from processing and a plan to minimize that impact.
- ix. Description of on-site housing, if any.

#### Findings:

- A. The inclusion of a Processing Plan requirement along with Performance Standards specific to Processing Activities will help to protect workers and will also allow the Planning & Building Department to evaluate the location where the processing will occur, the impact of the processing on the cultivation site, watershed, and surrounding properties, and to verify whether or not the water, plumbing, and or septic systems are capable of handling the increased usage. Notably, applicants will also be required to describe increased road usage resulting from processing and plan to minimize that impact. All of these performance standards and requirements reduce potentially significant impacts from processing on permitted sites to less than significant.
- B. Processing has historically been a part of cannabis cultivation in Humboldt County and has cultural significance. Part of the transition from an unpermitted/unregulated activity to a regulated activity means that processing is now in the realm of regulated activity.

The performance standards will ensure that potentially adverse impacts from processing are mitigated to a level that is less than significant.

## **12. Performance Standards for Mixed Light Cultivation added (55.4.11)**

As a result of public testimony and written comment, the performance standards in the original draft ordinance were revised to include controls for mixed-light cultivation as follows:

- a) Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- b) The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

### **Findings:**

- A. These substituted mitigation measures are designed to mitigate the aesthetic impacts of cultivation in the form of escaped light that may pose a nuisance to neighbors and have a potential an adverse impact on wildlife. This substituted mitigation measure is at least as effective the draft ordinance because this issue was not addressed therein.
- B. The performance standards ensure the visual impacts associated with mixed-light cultivation are reduced to a less than significant level by requiring cultivators to allow little to no light to escape from greenhouses.

## **13. Humboldt Artisinal Branding Provision added (55.4.15)**

In response to a suggestion from a member of the public, the final ordinance includes a provision for Humboldt Artisinal Branding. This idea met with significant public support throughout the public process. This provision was not included in the initial draft ordinance. The County Agricultural Commissioner is to develop standards for recognition and certification of cultivators who have a cultivation area of 3,000 square feet or less, hold a county permit and a state license, reside on the same parcel as the cultivation site, use exclusively natural light to grow their crop, and meet with organic certification standards or the substantial equivalent. This program is designed to incentivize environmentally friendly growing methods and small cultivation operations by providing certification that may allow these cultivators to obtain a higher price for their product.

Findings:

- A. This new mitigation measure is at least as effective as those contained in the original ordinance because no such provision to incentivize environmentally-responsible small grows was contained in the original draft.
- B. This provision will incentivize small grows by farmers who have an interest in protecting the land where the grow is occurring because they reside on that same property, effectively promoting stewardship of the land in cannabis cultivation. The cultivation area limit coupled with the requirement to use only natural light and meet with organic certification standards or the equivalent minimize potentially adverse environmental impacts associated with cultivation (i.e. runoff, generator use, greenhouse gas emissions associated with electricity use, pesticide use). This program provides an incentive for farmers to use responsible cultivation methods and will result mitigate potentially significant environmental effects to a less than significant level. This provision will also help to mitigate the cumulative effects of cannabis cultivation to a less than significant by encouraging responsible cultivation practices across the industry.

**14. Sunset clause for applications added**

During public comment, many people advocated for the imposition of a cap on the number of permits granted and/or a discrete period of time during which people could apply for a permit in Humboldt County as authorized by the ordinance. The Board of Supervisors choose to approve a sunset clause for applications providing that no application for a Zoning Clearance Certificate, Special Permit, or Use Permit pursuant to the ordinance shall be processed if received after December 31, 2016, unless the ordinance is amended. As a result, applications will be accepted between the date the ordinance becomes effective (anticipated March 1, 2016) through December 31, 2016—a period of approximately nine months. This time limit will effectively serve as a limit on the number of applications that are processed in the county. The Board of Supervisors will have to review the ordinance, the number of applications that have been received, and the county’s capacity to receive additional applications if they wish to extend the timeframe wherein applications will be accepted. Compliance with CEQA will be required for this discretionary decision. The analysis will benefit from information obtained during the initial nine months of the program. If necessary and appropriate, modified or additional mitigation measures may be adopted, or if elements of the program are modified that cannot be mitigated to a level less than significant, a full Environmental Impact Report will be prepared.

Findings:

- A. The sunset clause is more effective than the draft ordinance which did not contain such a clause and also did not contain a cap.

- B. This substituted mitigation measure operates as a control on cumulative impacts of cannabis cultivation that is permitted in the county. While the performance standards and conditions of the ordinance are designed to ensure that any potential adverse environmental impacts are reduced to a level that is less than significant, the total cumulative impacts must also be less than significant. The inclusion of a sunset clause acts as a control on the number of permits that the county will receive and, thus, a control on the cumulative impacts to reduce them to a less than significant level.

## **DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM**

The project involves amendments to the Humboldt County Land Use Code (Zoning Regulations). While representing the fourth Phase (IV) of ongoing efforts to regulate medical cannabis-related land uses, the current effort tackles the largest portion of the spectrum of associated land use activities. As is discussed throughout the initial study, commercial activities involving medical cannabis (especially outdoor cultivation) are ubiquitous throughout the project setting (Humboldt County), as well as the Emerald Triangle, and represent a substantial part of the environmental baseline. The proposed regulatory structure has been designed to attract widespread participation amongst existing operators and stakeholders by providing permitting pathways that are low-cost, expeditious, and ministerial in nature. Commercial activities associated with medical cannabis cultivation, manufacturing, and distribution are not inherently harmful to the environment. It is instead their siting and operation that determines the potential for adverse environmental effects. As these activities have heretofore been clandestine in nature and unregulated, there has been little to assure the careful siting and operation of these activities. As has been determined under the MMRSA, cannabis has been classified as an “agricultural product”, for purposes of the MMRSA. This has also been affirmed by the Humboldt County Williamson Act Committee during their review of the draft regulations. The ordinance promotes new cultivation in ideal agricultural settings (areas zoned for agriculture uses that are host to prime soils and less than 15 percent slopes). Through the “Retire, Remediation, and Relocation” policies, the ordinance includes incentives to further attract the relocation of operations from areas where environmental impacts are harder to control or avoid, to larger parcels characterized by the aforementioned ideal site characteristics. The primary thrust of this initial regulatory effort is to help an established industry complete the transition to legitimacy that has been so tantalizing but remained elusive throughout the two decades following the passage of Proposition 215. While providing for new operators and activities throughout other parts of the MMRSA licensing spectrum (Manufacturing, Indoor Cultivation, Distribution, etc.), the regulations represent a cautious first step, confining these new activities to the most capable areas (prime ag land and commercial and industrial zones) that are often host to existing infrastructure and have historically been zoned to permit similar uses.

The ordinance has been designed to dovetail with the latest and most explicit regulatory actions affecting this industry (to date), namely the Medical Marijuana Regulation and Safety Act (MMRSA), and the North Coast Regional Water Quality Control Board’s Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP). The clarification and policy provided in the proposed zoning ordinance amendments provides timely alignment with these relevant regulations, harnessing the local inertia and attention gained during the recent efforts of the State Legislature and Regional Board.

The County has had to work within a compressed timeframe to conduct environmental analysis under the time constraints imposed in the MMRSA (namely, the March 1<sup>st</sup> deadline found in AB 243), which preclude the possibility of preparation of an Environmental Impact Report (EIR). Consequently, the ordinance has been narrowly

drafted and designed to provide a cautious but comprehensive first phase to the County's current efforts to regulate land uses under the new **commercial** medical cannabis paradigm. The County is committed to pursue the next phase(s) of the ordinance, which will include work to address the possibility for further growth of the industry in less ideal environmental settings (timberland and non-prime agricultural areas) and with higher thresholds before triggering discretionary review (broader ministerial permit allowances). Establishing this critical initial local regulatory foothold will enable Humboldt County to begin collecting data which will help profile and analyze the footprint and characteristics of this industry. An EIR is anticipated which will work to collect and compile new baseline data received, and provide watershed level analysis to answer carrying capacity questions and analysis of opportunities for further growth.

Participating in local level regulation will also allow Humboldt County to begin to forge partnerships with the commercial medical cannabis industry, as well as state and local agencies, including: the Humboldt County Agricultural Inspector's office, the Humboldt County Sheriff, the North Coast Regional Water Quality Control Board, California Department of Fish & Wildlife, and the Bureau of Medical Marijuana Regulation. Inspections performed by staff from the Planning & Building Department, in concert with these other agencies will begin to facilitate the necessary collective understanding of this historically clandestine industry. Great potential for collaboration exists with the timely adoption and implementation of local controls. Permit data collected and compiled will be maintained electronically, which will allow for inter-agency collaboration and distribution, as well as continued refinement and spatial analysis. This is in keeping with the spirit of the MMRSA and CCWDRP. Both of these regulatory programs recognize that the failure to provide for comprehensive and explicit regulation and implementation of the Compassionate Use Act (Proposition 215) has led to confusion and uncertainty, inadvertently promoting increasing exploitation of the ambiguity which has led to an increasing concerns over baseline impacts that local law enforcement, state agencies, and ultimately the legislature have now recognized as troubling and worthy of redress. The potential for attenuation of baseline impacts is great, given the lack of oversight that has occurred to date. Large gains can be realized through the inspection and permitting of existing operations, as well as the relocation of problematic ones. To this end, the monitoring of compliance through annual oversight and inspection, and ongoing work to remediate and bring into compliance or retire existing sites represents the most fundamental component of the monitoring and reporting program. Compliance agreements will serve to allow existing operators to continue commercial operations while taking steps to meet the performance standards of the ordinance and receive associated ministerial permits (grading permits, conversion exemptions, building permits, etc.).

## **Components of Mitigation Monitoring Program**

***Initial Inspection*** – ensure that new and existing operations meet or can meet applicable ordinance criteria and performance standards

***Annual Inspection*** – ensure that new and existing operations demonstrate continued compliance or progress towards compliance

***Remediation Inspection*** – participants in the County Retire, Remediation, and Relocation program will be subject to inspection to confirm that remediation activities have been satisfactorily completed.

***Limited Timeframe for Permit application with re-evaluation upon 12/31/16 Sunset date*** – The ordinance includes a sunset provision which would close the period for permit application on 12/31/16, unless extended by action of the Board of Supervisors.

***Registration Program*** – In association with the pending adoption of the ordinance and to enable to the establishment of “good standing” for existing local operators pursuant to the MMRSA, the Board of Supervisors established a Registration Program on 12/8/15. Registration information will assist the county and interested new and existing operators begin to work together to perfect local land use entitlements.

***Compliance Agreements*** – Existing operations not in compliance with the performance standards of the ordinance are provided an opportunity to receive provisional licensing, with the ability to continue operations while working to come into compliance. Compliance will be subject to inspection and verification with the County Planning & Building Department staff and relevant other agencies.

***Data collection*** - Data received will help with the aforementioned ongoing evaluation and understanding of commercial medical cannabis activities and associated cumulative impact analysis that will accompany the next phase of the ordinance.

***Reserved Right to Restrict Cultivation Activities*** – All clearances and permits require that the recipient acknowledge the County’s right to place limits on cultivation should unforeseen environmental conditions develop throughout a watershed (such as low surface water flows or sustained drought). This allows the county opportunity to conduct contemporaneous response to changing environmental conditions prompting widespread concern.

***Interagency Coordination & Feedback*** – Many cultivation operators will be subject to permitting and oversight by other local and state agencies, including the Department of Fish & Wildlife, Regional Water Quality Control Board, Humboldt County Agriculture Inspector, and the Bureau of Medical Marijuana Regulation. Verifying continued compliance and allowing for feedback amongst these agencies will help insure that compliance with common environmental goals and objectives is achieved and maintained.