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10 COUNTY GROWERS ALLIANCE

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF HUMBOLDT**
13 **UNLIMITED JURISDICTION**

14 JOHN LEE CASALI, STEVE LUU, KAREN
15 HESSLER, DYLAN MATTOLE, PATRICK
16 WILLIAM ANDREWS, HANNAH WHYTE,
17 INDICUS MCGRATH RIGGS and the
18 HUMBOLDT COUNTY GROWERS
19 ALLIANCE,

20 Petitioners/Plaintiffs,

21 v.

22 JUAN P. CERVANTES, in his official capacity
23 as Humboldt County Registrar of Voters; and
24 DOES 1 through 10, inclusive,

25 Respondents/Defendants,

26 MARK THURMOND; and ELIZABETH
27 WATSON,

28 Real Parties in Interest

Case No.:

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF; EXHIBITS.**

[California Code of Civil Procedure Sections
1085, 525 & 1060, et seq.]

**PRIORITY ELECTION MATTER (Entitled to
Calendar Preference per California Code of
Civil Procedure Section 35.)**

Petitioners and Plaintiffs JOHN LEE CASALI, STEVE LUU, KAREN
HESSLER, DYLAN MATTOLE, PATRICK WILLIAM ANDREWS, HANNAH WHYTE,
INDICUS MCGRATH RIGGS and the HUMBODLT COUNTY GROWERS ALLIANCE
("Petitioners") hereby petitions this Court for a writ of mandate and injunctive and

1 declaratory relief directed to Respondent and Defendant JUAN P. CERVANTES, in his
2 official capacity as Humboldt County Registrar of Voters (the “Registrar”), and DOES 1
3 through 10, inclusive (collectively, “Respondents”), and alleges as follows:

4 **INTRODUCTION**

5 1. Petitioners bring this action because Real Parties in Interest MARK
6 THURMOND and ELIZABETH WATSON (“Real Parties”), in their capacities as the
7 Proponents of the “Humboldt Cannabis Reform Initiative” (the “Initiative”), have violated,
8 and are continuing to violate, the California Elections Code and applicable case law; the
9 Registrar is planning to place the invalidly qualified Initiative on the March 5, 2024 ballot;
10 and judicial relief is required to protect the District’s voters.

11 2. Real Parties failed to include the full text of their Initiative in the petition
12 they circulated to County voters in order to qualify the Initiative for the March 2024 ballot
13 (the “Initiative Petition”), required by law, and included materially false and/or misleading
14 information in the Initiative Petition. In so doing, Real Parties’ illegal actions render the
15 Initiative’s qualification invalid, and require that the Initiative be removed from the ballot to
16 protect the integrity of Humboldt County elections.

17 3. Real Parties’ Initiative Petition also purports to regulate large-scale
18 cannabis cultivation. Upon information and belief, a true and correct copy of the Initiative
19 Petition is attached hereto as Exhibit “1” and is incorporated herein by this reference.
20 Indeed, the Initiative does provide extensive changes to the Humboldt County laws affecting
21 all cultivators, both large and small, by making numerous amendments to the General Plan,
22 County Code, Local Coastal Plans and Board of Supervisors Resolutions. However, the
23 Initiative Petition did not include information on its face to inform voters about many of the
24 drastic changes the Initiative would make to existing Humboldt County law – by, among
25 other things, changing definitions used in existing programs outlined in other ordinances,
26 removing exemptions for small cultivators in existing law, changing permitting processes
27 detailed in other ordinances, and setting an unknown cap on the number of cannabis
28 cultivation permits which may be issued within Humboldt County.

1 4. Through this sleight of hand, the Initiative will enact unenumerated
2 provisions into law, and the Initiative Petition failed to provide notice to potential signers
3 about the actual substance of the Initiative and created confusion regarding the effect of the
4 Initiative on Humboldt County law. By failing to adequately or accurately inform petition
5 signers of crucial details about the Initiative’s extensive amendments to existing County law,
6 and failing to include key documents that are expressly referred to in the Initiative, Real
7 Parties unlawfully deprived the County’s voters of their rights to be sufficiently informed
8 about what they were being asked to sign and ultimately vote on. A writ of mandate or other
9 appropriate relief should be issued to invalidate the Initiative Petition and remove the
10 Initiative from the March 2024 ballot.

11 5. Real Parties and/or their agents also intentionally misrepresented and/or
12 intentionally made false statements concerning the contents, purpose or effect of the
13 Initiative Petition to persons who signed, desired to sign, were requested to sign, made
14 inquiries with reference to the Initiative Petition, and/or to whom it was presented for
15 signing, in violation of California Elections Code section 18600(a).

16 6. Real Parties and/or their agents willfully and knowingly circulated,
17 published, or exhibited false statements or misrepresentations concerning the contents,
18 purport or effect of the Initiative Petition for the purpose of obtaining signatures to, or
19 persuading or influencing any person to sign the Initiative Petition, in violation of California
20 Elections Code section 18600(b).

21 7. Real Parties’ Initiative Petition contained objectively inaccurate
22 information and calculated untruths that substantially misled and misinformed reasonable
23 voters, and a writ of mandate or other appropriate relief should be issued to invalidate the
24 Initiative Petition and removed the Initiative from the ballot. Real Parties do not have a
25 constitutional right to include false and misleading information in their Initiative Petition.

26 8. The people have a right to rely on the integrity of the initiative process
27 from beginning to end. Because the initiative process bypasses the normal legislative
28 process, safeguards are necessary to protect the electoral process, prevent abuses and provide

1 for an informed electorate (See *San Francisco Forty-Niners v. Nishioka* (1999) 75
2 Cal.App.4th 637.)

3 9. Accordingly, and as alleged herein, Petitioners seek judicial relief by
4 way of: (1) a writ of mandate compelling the Registrar to refrain from taking any action that
5 would cause the legally invalid Initiative to appear on the ballot (in particular, the March 5,
6 2024 ballot); (2) injunctive relief preventing the Registrar from taking any action that would
7 cause the legally invalid Initiative to appear on the ballot; (3) a judicial declaration that the
8 Initiative Petition is legally invalid and that the Initiative shall not appear on the ballot; and
9 (4) such other and further relief as the Court deems just and proper.

10 **PRIORITY MATTER**

11 10. Pursuant to California Code of Civil Procedure section 35(a), as a
12 case that involves the certification of a ballot measure, this matter “shall be given
13 precedence.”

14 **PRE-ELECTION PROCEDURAL CHALLENGES TO**
15 **INITIATIVES ARE APPROPRIATE AND NECESSARY.**

16 11. Pre-election procedural challenges to ballot measures are appropriate and
17 necessary where an initiative’s validity, and the manner in which an initiative petition was
18 presented to the voters for signing, are in serious question, and where such challenges can be
19 resolved before expenditures of time and money are spent on futile election campaigns.
20 There is no constitutional right to place invalid initiatives on the ballot, and when legal
21 challenges to initiative petitions are presented to the Court, the Court has the power and duty
22 to order that an illegal measure not be presented to the voters.

23 12. The presence of an invalid measure on the ballot steals attention, time,
24 and money from the valid measures that are on the same ballot; it will confuse some voters
25 and frustrate others. A Court ruling that a measure was invalidly qualified after the voters
26 have voted in favor of the measure denigrates the legitimate use of the initiative process.

27 13. Accordingly, insofar as the Initiative Petition is unlawful and legally
28 invalid, this Court has the power and the duty to direct the Registrar remove the Initiative
from the ballot in advance of the March 5, 2024 election.

1 higher tax rate despite his current classification as outdoor-only cultivation and despite the
2 fact that he does not utilize artificial light.

3 19. For example, Petitioner/Plaintiff HESSLER has three family farms on
4 which her and her family live fulltime. The farms are diverse, and include orchards grapes
5 and other herbs, in addition to cannabis. She holds permits which entitle her to cultivate a
6 total of 63,560 square feet of cannabis across her three farms. Though she maintains her
7 own roads and monitors her water usage carefully, the Initiative will render her family farms
8 “non-conforming,” making it impossible to modify her farms’ operations and thereby
9 threatening her family’s capacity to cultivate both cannabis and other crops.

10 20. For example, Petitioner/Plaintiff WHYTE is undertaking graduated
11 business development with plans including a microbusiness license, a processing barn,
12 tourist accommodations for farm stays, and development of structures for county-required
13 conditions of approval. Continuing these plans under the Initiative threatens to trigger a
14 reduction of her cultivation capacity by 60 percent, and render the recent development of
15 \$500,000 in existing greenhouse, electrical, and water storage infrastructure as wasted
16 expenditures.

17 21. For example, Petitioner/Plaintiff RIGGS operates a 2,900 square foot
18 cultivation which is not located on a “Category 4” road. Nearly any expansion to his small
19 cultivation operation will qualify him for discretionary review and significant regulatory
20 burden, and will require a significant outlay of money to pay for an engineering report and
21 perhaps upgrades to the road on which his property resides.

22 22. Respondent/Defendant JUAN P. CERVANTES is the Humboldt County
23 Registrar of Voters, is responsible for administering, coordinating and conducting elections
24 within Humboldt County, and, in his official capacity, is properly named as a
25 Respondent/Defendant herein. Upon information and belief, the Registrar will place the
26 invalidly qualified Initiative on the ballot, unless this Court directs him not to do so.

27 23. The true and correct capacities of Respondents/Defendants DOES 1
28 through 10, and each of them, are unknown to Petitioners at this time, and therefore
Petitioners sue said Respondents/Defendants by such fictitious names. Petitioners will file

1 DOE amendments and/or ask leave of court to amend this pleading to assert the true names
2 and capacities of these Respondents/Defendants when they have been ascertained.

3 24. Petitioners are informed and believe, and based thereon allege, that each
4 Respondent/Defendant designated as a DOE has certain official duties with regard to the
5 placement of the Initiative on the ballot, falls within the jurisdiction of this Court, and is
6 properly named as a DOE Respondent/Defendant herein.

7 25. Real Parties in Interest MARK THURMOND and ELIZABETH
8 WATSON are the official Proponents of the Initiative and are responsible for the Initiative's
9 and Initiative Petition's contents, for the manner in which the legally invalid Initiative
10 Petition was circulated, and for the legal violations that render the Initiative improper for the
11 ballot.

12 **JURISDICTION AND VENUE**

13 26. The wrongful conduct alleged herein occurred in, and continues to occur
14 in, Humboldt County, California. This Court has jurisdiction over the subject matter of this
15 action, and venue is properly in this Court.

16 **STATEMENT OF FACTS**

17 27. On or about March 4, 2022, Real Parties submitted the text of the
18 Initiative to the Registrar. Upon information and belief, a true and correct copy of the text of
19 the Initiative is attached hereto as Exhibit 2 and incorporated herein by this reference.

20 28. Also on or about March 4, 2022, Real Parties submitted their "Notice
21 of Intent to Circulate Petition" to the Registrar. The Notice of Intent was printed toward the
22 top of the Initiative Petition (See, Exh. 1, pages 1-2.)

23 29. Upon information and belief, between March 2022 and September 2022,
24 Real Parties caused the Initiative Petition to be circulated among the County's voters, and
25 voters relied on the Initiative Petition, including its Notice of Intent, operative provision,
26 Findings, and Purposes, in determining whether or not they should sign the Initiative
27 Petition. (See, Exh. 1 [upon information and belief, pages 24-47 are materially identical to
28 page 23, differing only in the number assigned to each signature bloc].)

1 the irreparable harm that Real Parties’ invalidly qualified Initiative will cause if it appears on
2 the ballot. Accordingly, Petitioners are entitled to a writ of mandate as requested herein.

3 **Injunctive Relief**

4 37. Code of Civil Procedure section 525 provides that “an injunction is
5 writ or order requiring a person to refrain from a particular act. It may be granted by the
6 court in which the action is brought, or by a judge thereof; and when granted by a judge, it
7 may be enforced as an order of the court.”

8 38. Code of Civil Procedure section 526 provides that an injunction may be
9 granted “[w]hen it appears by the complaint that the plaintiff is entitled to the relief
10 demanded, and the relief, or any part thereof, consists in restraining the commission or
11 continuance of the act complained of, either for a limited period or perpetually;” “[w]hen it
12 appears by the complaint or affidavits that the commission or continuance of some act during
13 the litigation would produce waste, or great or irreparable injury, to a party to the action;” or
14 “[w]hen it appears, during the litigation, that a party to the action is doing, or threatens, or is
15 about to do, or is procuring or suffering to be done, some act in violation of the rights of
16 another party to the action respecting the subject of the action, and tending to render the
17 judgment ineffectual.”

18 39. In the absence of this Court’s injunction, the Registrar will allow the
19 invalidly qualified Initiative to appear on the March 5, 2024 ballot, thereby causing
20 Petitioners and Humboldt County voters to suffer irreparable harm for which there is no
21 adequate remedy at law.

22 40. Because the Initiative did not properly qualify for the ballot, Petitioners
23 are entitled to temporary, preliminary and permanent injunctive relief compelling the
24 Registrar not to take any action that would enable the Initiative to appear on the ballot.

25 41. Petitioners do not have a plain, speedy or adequate remedy in the
26 ordinary course of law in that no damages or other legal remedy can adequately compensate
27 Petitioners and Humboldt County voters for the irreparable harm they will suffer as a result
28 of the invalidly qualified Initiative appearing on the ballot. Accordingly, Petitioners are
entitled to injunctive relief as requested herein.

1 **Declaratory Relief**

2 42. Pursuant to California Code of Civil Procedure section 1060, “[a]ny
3 person . . . who desires a declaration of his or her rights or duties with respect to another . . . ,
4 may, in cases of actual controversy relating to the legal rights and duties of the respective
5 parties, bring an original action . . . in the superior court for a declaration of his or her rights
6 and duties He or she may ask for a declaration of rights or duties, either alone or with
7 other relief; and the court may make a binding declaration of these rights or duties, whether
8 or not further relief is or could be claimed at the time. The declaration may be either
9 affirmative or negative in form and effect, and the declaration shall have the force of a final
10 judgment. The declaration may be had before there has been any breach of the obligation in
11 respect to which said declaration is sought.”

12 43. In the absence of this Court’s declaration regarding the Initiative’s
13 invalid qualification, the Registrar will allow the Initiative to appear on the March 5, 2024
14 ballot, thereby causing Petitioners and Humboldt County voters to suffer irreparable harm
15 for which there is no adequate remedy at law.

16 44. Because the Initiative did not properly qualify for the ballot, Petitioners
17 are entitled to a declaration stating this, so that the Registrar will not take any action that
18 would enable the Initiative to appear on the ballot.

19 45. Petitioners do not have a plain, speedy or adequate remedy in the
20 ordinary course of law in that no damages or other legal remedy can adequately compensate
21 Petitioners and Humboldt County voters for the irreparable harm they will suffer as a result
22 of the legally invalid Initiative appearing on the ballot. Accordingly, Petitioners are entitled
23 to declaratory relief as requested herein.

24 **APPLICABLE SUBSTANTIVE LAW**

25 **Applicable Statutory Law**

26 46. California Elections Code sections 9100, et seq. are contained in
27 Division 9, Chapter 2, Article 1 of the California Elections Code and pertain to County
28 initiative elections.

1 47. Elections Code section 9101 provides, in relevant part, that “[a]ny
2 proposed ordinance may be submitted to the governing board of the district by an initiative
3 petition filed with the district elections official,” and that “Each petition shall . . . contain a
4 full and correct copy of the notice of intention and accompanying statement including the
5 full text of the proposed ordinance.”

6 48. Elections Code section 9105 requires publication in a newspaper and/or
7 posting of a “Notice of Intention to Circulate Initiative Petition” and a statement of reasons
8 for the proposed petition.

9 49. Elections Code section 18600(a) provides, in relevant part,
10 that “Every person is guilty of a misdemeanor who, [c]irculating, as principal or agent, or
11 having charge or control of the circulation of, or obtaining signatures to, any . . . local
12 initiative . . . petition, intentionally misrepresents or intentionally makes false statements
13 concerning the contents, purport or effect of the petition . . . , to any person who signs, or
14 who desires to sign, or who is requested to sign, or who makes inquiries with reference to it,
15 or to whom it was presented for the person’s signature.”

16 50. Elections Code section 18600(b) provides, in relevant part, that
17 “Every person is guilty of a misdemeanor who, [w]illfully and knowingly circulates,
18 publishes, or exhibits any false statement or misrepresentation concerning the contents,
19 purport or effect of any . . . local initiative . . . petition . . . for the purpose of obtaining any
20 signature to, or persuading or influencing any person to sign, that initiative petition.”

Applicable Case Law

21 51. California courts have found that the full text requirement found in the
22 plain language of Elections Code section 9101 can require more from a proponent than
23 simply presenting the proposed legal language a proponent wishes to add or subtract from
24 the County Code, because that proposed legal language may not adequately inform potential
25 signers about the full and complete legal effect which may occur if the proposed legal
26 language were enacted. In so finding, courts have consistently withheld initiatives from the
27 ballot when those initiatives’ petitions fail to satisfy the full text requirement, even in where
28 such petitions contained a sufficient number of signatures to qualify for the ballot.

1 52. In order to make sure that voters are provided a petition with sets forth
2 the full legal effect of a proposed law – and prevent proponents from making legal changes
3 not known by potential signers of the petition – California courts have stated that “[t]he
4 purpose of the full text requirement is to provide sufficient information so that registered
5 voters can intelligently evaluate whether to sign the initiative petition and to avoid
6 confusion.” (*Mervyn’s v. Reyes* (1999) 69 Cal.App.4th 93, 99.) In *Mervyn’s*, where pages of
7 a general plan were omitted from an initiative petition, the Court of Appeal deemed that an
8 initiative petition which was submitted to a City containing a sufficient number of signatures
9 was invalid as a matter of law, and therefore could not be validly submitted to the voters.

10 53. In *Creighton v. Reviczky* (1985) 171 Cal.App.3d 1225, the Court of
11 Appeal affirmed a Trial Court ruling that a City Clerk properly refused to accept the
12 signatures collected on a referendum petition regarding the adoption of a specific plan, but
13 which did not include the text of the affected ordinance, because the petition “failed to
14 provide the electors with the information which they needed in order to exercise intelligently
15 their rights.”

16 54. In *Wilson v. Napa* (2017) 9 Cal.App.5th 178, 184, the First District
17 Court of Appeal affirmed a Trial Court ruling that a County properly refused to accept
18 signatures gathered on petitions which purported to turn existing recommended procedures
19 into binding permitting requirements, because the petition did not include those
20 recommended procedures on the face of the petition. The *Wilson* Court found that the
21 petition violated the full text requirement, because potential signers “would be required to do
22 extraneous research” in order to properly understand their legal obligations under the
23 proposed law. (*Wilson* (2017) 9 Cal.App.5th at 185.)

24 55. In *Myers v. Stringham* (1925) 195 Cal. 672, 675–676, the California
25 Supreme Court ruled that a City properly refused to accept the signatures collected on an
26 initiative petition which purported to amend a city’s zoning ordinance, but which failed to
27 set forth the full section being amended, because the petition was “unintelligible” and
28 “meaningless,” and therefore invalid.

1 56. In *Nelson v. Carlson* (1993) 17 Cal.App.4th 732, 738–740, the Court of
2 Appeal affirmed a Trial Court ruling that a City properly refused to accept signatures
3 gathered on a referendum petition challenging a city’s general plan and local coastal plan
4 amendment, because a copy of the plan was not attached to the petition. The *Nelson* Court
5 emphasized the full text requirement’s “underlying purpose of minimizing the possibility
6 prospective signers may misunderstand the purpose of a petition.” (*Nelson* (1993) 17
7 Cal.App.4th at 740.)

8 57. In *Defend Bayview/Hunters Point Committee v. City and County of*
9 *San Francisco* (2008) 167 Cal. App. 4th 846, 856-858, the First District Court of Appeal
10 affirmed a Trial Court ruling that a City Attorney properly deemed a referendum petition
11 invalid under the full text requirement. The City Attorney’s opinion withheld the
12 referendum from the ballot after signatures were certified on the referendum petition,
13 because the petition failed to include the redevelopment plan that was the subject of the
14 petition.

15 58. In *Billig v. Voges* (1990) 223 Cal.App.3d 962, the Court of Appeal
16 upheld a Trial Court ruling that a City Clerk properly refused to accept signatures gathered
17 on a referendum petition, because the petition included only a summary of the ordinance,
18 and only one of three exhibits that had been referenced in the ordinance.

19 59. In each of the aforementioned cases, an initiative or referendum was
20 never placed on a ballot, because the relevant petition violated the procedural full text
21 requirements, and a court properly intervened to protect the political process from abuse.
22 These cases make clear that such court intervention on procedural full text issues can occur
23 before or after a petition’s signatures are certified. (See, *Wilson* (2017) 9 Cal.App.5th 178;
24 *Defend Bayview/Hunters Point Committee* (2008) 167 Cal. App. 4th at 849-850.)

25 60. Indeed, as the California Supreme Court has noted, “the type of defect
26 that most often has been found fatal is the failure of an initiative or referendum petition to
27 comply with the statutory requirement of setting forth in sufficient detail the text of the
28 proposed initiative measure . . . so that registered voters can intelligently evaluate whether to

1 sign the initiative petition and to avoid confusion.” (*Costa v. Superior Court* (2006) 37
2 Cal.4th 986, 1016, fn. 22 [cleaned up].)

3 61. In *San Francisco Forty-Niners v. Nishioka* (1999) 75 Cal.App.4th
4 637), where an initiative petition contained objectively inaccurate information and calculated
5 untruths that substantially misled and misinformed reasonable voters, a writ of mandate or
6 other appropriate relief was issued to invalidate the Initiative and prevent it from appearing
7 on the ballot.

8 62. Pursuant to the above-referenced procedural and substantive law,
9 including applicable statutory and case law, and based on the facts to be demonstrated at the
10 time of trial, Petitioners are entitled to the relief sought herein. Furthermore, not only did
11 Real Parties fail to comply with the applicable law, but they also failed to substantially
12 comply with the applicable law. The Registrar must not be permitted to exacerbate Real
13 Parties’ legal errors by causing the Initiative to appear on the ballot.

14 **Humboldt County Law Comprehensively Regulates Cannabis Cultivation, and The**
15 **Initiative’s Legal Effect Carries Beyond Its Relatively Short Legal Language.**

16 63. The Initiative makes numerous material changes to existing Humboldt
17 County law. But neither the Initiative nor the Initiative Petition includes reference to, or
18 redlines of, all of the laws which the Initiative amends. The Initiative and Initiative Petition
19 therefore seeks to enact unenumerated provisions into law, failed to provide potential signers
20 with adequate notice of the Initiative’s actual legal effect, and caused confusion among
21 County voters. Simply put, the Initiative Petition failed to provide potential signers with a
22 sufficient amount of information for them to intelligently evaluate the proposed law.
23 Potential signers had no way to determine the dramatic effect that the Initiative would have
24 on the existing rights and duties of cultivators in the County, and it would be impossible for
25 them to understand the degree to which the Initiative’s new language affects Humboldt
26 County law.

27 64. Humboldt County has extensively regulated commercial cannabis
28 cultivation activity within its borders since 2016, the same year that activity was legalized
for recreational purposes by California voters. Four comprehensive County ordinances

1 currently regulate cultivation activity within the County. (See, Humboldt County Code
2 section 314-55.4.) In addition, a 2016 ballot measure, known as Measure S, provides
3 additional regulation, and has been amended by subsequent ordinances and resolutions.
4 (See, Humboldt County Code sections 719-1 through 719-15.)

5 65. The Initiative is the latest entrant into this comprehensive regulatory
6 environment, and proposes changes to Humboldt County laws mostly through amendment to
7 the County’s General Plan – setting forth 12 pages of new goals, policies, standards and
8 implementation measures related to cannabis cultivation. The Initiative also proposes
9 amendments to the County Code and County’s Local Coastal Plans in an attempt to conform
10 some of these laws with the Initiative’s proposed amendments to the General Plan –
11 including those laws related to annual inspections, public hearing waivers, allowable
12 cultivation within the County’s coastal zone, road standards and annual forbearance periods.

13 66. Though voluminously small in comparison to the comprehensive
14 regulatory regime already in place for Humboldt County cannabis regulation, the Initiative’s
15 legal language will have outsized impact on all cannabis cultivators in the County.
16 Importantly, the Initiative’s relatively short legal language – whether in General Plan,
17 County Code or Local Coastal Plan amendments – clearly supersedes all other language in
18 Humboldt County law. (See, e.g., Exh. 2, section B [“Upon the Effective Date of this
19 Initiative, any provisions of the Humboldt County Code, Zoning Regulations, or of any other
20 County of Humboldt ordinance or resolution that are inconsistent with the General Plan
21 amendments adopted by this Initiative shall not be applied or enforced in a manner
22 inconsistent with this Initiative.”].)

23 67. Unfortunately, the legal effect of the Initiative’s General Plan
24 amendments are therefore not self-contained. Instead, these legal changes have effect across
25 numerous sections of the County Code and Local Coastal Plans. For example, the Initiative,
26 among other things, changes definitions used in existing ordinances, removes exemptions for
27 small cultivators provided under existing law and changes permitting processes enacted
28 through existing ordinances. Despite these major changes to existing County law, neither
the Initiative nor the Initiative Petition contained any reference to many of the laws affected.

1 These significant legal changes were omitted from the materials presented to voters even
2 though they materially change the manner in which existing laws operate, and directly affect
3 the rights of individuals who were provided no notice of the Initiative’s potential effect when
4 asked to sign the Initiative Petition. As a result, the Initiative Petition sought to enact
5 unenumerated provisions into law, failed to provide notice of the actual substance of the
6 Initiative to potential signers of the Initiative Petition, and created confusion for those
7 potential signers who wanted to understand the Initiative’s legal effect. In the end, the
8 Initiative Petition makes it impossible for potential signers to intelligently evaluate the
9 Initiative’s legal effect.

10 **The Initiative Impermissibly Modifies Existing County Ordinances Without Reference**
11 **or Inclusion of Those Ordinances.**

12 68. For example, the Initiative includes amended definitions of six terms
13 existing in current law, but includes no reference to, or redline of, the ordinances affected by
14 these changes: “commercial cannabis cultivation,” “cultivation area,” forbearance period,”
15 “indoor cultivation,” “mixed-light cultivation,” and “outdoor cultivation.” These changes
16 are material, and directly affect the rights and duties of cultivators. As one example, under
17 current law, “mixed-light cultivation” is taxed at twice the rate of “outdoor cultivation.” The
18 Initiative changes the definition of “mixed-light cultivation” to include the use of outdoor
19 structures or light deprivation techniques, which are employed by cultivators currently
20 engaged in what is defined as “outdoor cultivation” under the existing law – such as using
21 greenhouses which do not employ artificial light. Despite material changes to existing rights
22 and duties of cultivators, the Initiative and the Initiative Petition contain no reference or
23 redline of the relevant Humboldt County Code sections affected by the Initiative’s proposed
24 changes. (See, e.g., Humboldt County Code section 719-3 [defining “Mixed-Light” as
25 “cultivation of marijuana which involves the use of a combination of natural and
26 supplemental artificial lighting at a maximum threshold as set forth in Section 314-55.4.11,
27 et seq. of this Code, or as to be determined by the Department of Food and Agriculture,
28 whichever is less”]; c.f., Exh. 2, page 8, section 7.9.3 [defining “Mixed-Light Cultivation” as
“the cultivation of mature cannabis in a greenhouse, hoophouse, glasshouse, conservatory,

1 hothouse, or other similar structure using a combination of: (1) Natural light and light
2 deprivation, and either of the models listed below: (A) "Mixed-light Tier 1," without the use
3 of artificial light or the use of artificial light at a rate above zero, but no more than six watts
4 per square foot; (B) "Mixed-light Tier 2," the use of artificial light at a rate above six and
5 below or equal to twenty-five watts per square foot; or (2) Natural light and either of the
6 models listed below: (A) "Mixed-light Tier 1," the use of artificial light at a rate above zero,
7 but no more than six watts per square foot; (B) "Mixed-light Tier 2," the use of artificial light
8 at a rate above six and below or equal to twenty-five watts per square foot.”.) Changes such
9 as this are one example of how the Initiative seeks to enact unenumerated provisions into
10 law without notice to potential signers of the Initiative Petition. Because potential signers
11 were provided no notice that the Initiative changed the taxing regime for existing outdoor
12 cultivators, the potential signers were unable to intelligently evaluate the true legal effect of
13 the Initiative.

14 69. As an additional example, the Initiative removes permitting exemptions
15 for small cultivators without reference to, or redline of, the current County ordinances
16 providing those exemptions. Specifically, small cultivators are exempt under current law
17 from the infrastructure standards regulating roads leading to a cultivator’s parcel, as well as
18 from the discretionary permit review process. (Humboldt County Code sections 55.4.12.1.8
19 [exempting small cultivators from requirement that Category 4 road standards] & 55.4.5.5
20 [exempting property owners cultivating 5,000 square feet or less on a parcel between 5 and
21 10 acres from discretionary permit review process].) The Initiative removes these
22 exemptions, and neither the Initiative itself nor the Initiative Petition includes any reference
23 to the current ordinances which provide these exemptions. (Exh. 2, section CC-P13
24 [requiring Category 4 road standards on all parcels] & CC-P8 [requiring discretionary permit
25 review for all cultivation sites over 3,000 square feet].) This removal of an exemption is yet
26 another example of the Initiative enacting unenumerated provisions into law without any
27 notice to potential signers of the Initiative Petition. Because potential signers were provided
28 no notice that the Initiative removes this exemption for small cultivators, the potential

1 signers were unable to intelligently evaluate the true legal effect of the Initiative on small
2 cultivators.

3 70. The Initiative Petition made numerous other errors by failing to include
4 any reference to, or redline of, the County ordinances relevant to, among others, the
5 maximum square footage of cultivation and production methods for cultivation (Exh. 2,
6 section CC-P2 [prohibiting all cultivation over 10,000 feet and all cultivation utilizing indoor
7 or mixed-light 2 methods, without providing any reference to ordinances which currently
8 regulate these cultivation activities]), public notice requirements for cultivators (Exh. 2,
9 section CC-P7 and CC-S4 [imposing new public noticing requirements, including
10 requirement for notice by first class mail to all property owners and occupants within one
11 mile of parcel proposed for cultivation, without providing any reference to ordinances which
12 currently require public notice]), and the regulation of generators for cultivation (Exh. 2,
13 section CC-S3 [imposing specific new requirements on generators, and phasing out current
14 ordinance, without referencing ordinances currently regulating generator use]). Because
15 these material changes to existing law – including changes which specifically phase out
16 existing law – were provided to signers without any information about the current regulatory
17 requirements, the Initiative Petition again seeks to enact unenumerated provisions into law
18 without notice to potential signers, and those potential signers were unable to intelligently
19 understand the true legal effect of the Initiative.

20 71. Even where the Initiative does include specific redlined ordinance
21 sections, the Initiative Petition did so in a manner which failed provide potential signers with
22 a sufficient amount of information to intelligently evaluate the Initiative’s effect on the law.
23 For example, the Initiative amends section 55.4.11, and presents that section to voters as one
24 bolded bloc of language which states merely “No waiver of public hearings.
25 Notwithstanding any contrary provision of the Humboldt County Code, including but not
26 limited to Section 312-9.2, a public hearing on an application for special permit, use permit,
27 or coastal development permit for commercial cannabis cultivation shall not be waived.”
28 Neither the Initiative nor the Initiative Petition presents any context for this law or how it
differs from existing law, demonstrates the rest of the Chapter in which the law appears,

1 provides information regarding Section 312-9.2 or any other “contrary provision of the
2 Humboldt County Code,” or in any way gives potential signers a basis to understand how
3 this code section will operate. Because this bloc of language was provided to potential
4 signers without any relevant context or materials, it fails to provide notice to potential
5 signers about the actual substance of the Initiative and creates confusion which made it
6 impossible for potential signers to intelligently evaluate the true legal effect of the Initiative.

7 72. And even where the Initiative includes these piecemeal inclusions of
8 ordinance language in the Initiative and Initiative Petition, such inclusions improperly
9 account for the Initiative’s true legal effect, because the purported changes to ordinance
10 language did not adequately reflect the entire legal change to those ordinance sections. For
11 example, the Initiative contains two inconsistent sections which amend County Code section
12 55.4.5.6 – section CC-P4 contains three new conditions for permit renewal, and also directly
13 amends County Code section 55.4.5.6 by adding only one of those three new conditions. In
14 so doing, the Initiative Petition fails to provide notice to potential signers about the actual
15 substance of the Initiative and creates confusion about the Initiative’s provisions. Potential
16 signers reading these sections could not intelligently evaluate whether permit renewal will
17 require one or three new requirements, and were therefore unable to intelligently evaluate the
18 true legal effect of the Initiative.

19 73. And even where the Initiative includes larger provisions of existing law
20 in the Initiative Petition, those inclusions fail to provide actual notice of the substance of the
21 Initiative’s effect and cause confusion among voters. For example, the Initiative’s section
22 CC-P1 places a cap on the number of total cultivation permits issued by the County at “1.05
23 times the total number of existing, approved, unexpired permits for Open Air Cultivation
24 (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation
25 within that planning watershed as of March 4, 2022.” Section CC-P1 explicitly references,
26 and the Initiative Petition includes, Board of Supervisors’ Resolution 18-43, which also sets
27 a cap on the number of total cultivation permits. However, Resolution 18-43 contains only a
28 cap, and not the actual “total number of existing, approved, unexpired permits.” In other
words, the Initiative Petition presents potential signers with a false and larger number than

1 the true number on which the Initiative’s multiplier is based. The inclusion of Resolution
2 18-43 fails to provide notice to potential signers about the actual substance of the Initiative
3 and creates confusion about the Initiative’s provisions. Without extraneous research, it is
4 simply impossible for potential signers reading the Initiative Petition to determine the cap on
5 total cultivation permits which the Initiative purports to institute, and those potential signers
6 were therefore unable to intelligently evaluate the true legal effect of the Initiative.

7 74. In sum, the Initiative made dramatic legal changes to an existing
8 comprehensive regulatory regime, and the Initiative Petition failed to provide potential
9 signers with sufficient information about those changes. Real Parties could have remedied
10 their errors by including relevant and important documents, but failed to do so. As a result
11 of Real Parties’ failure to include the “full text” of the Initiative’s legal effect, potential
12 signers were unable to intelligently evaluate that legal effect. The Initiative Petition is
13 therefore invalid, and the Initiative must not be placed on the March 2024 ballot.

14 **Real Parties’ Omission of Current County Law Regulating Cannabis Cultivation**
15 **Caused the Initiative Petition to Violate the Full Text Requirement.**

16 75. The Initiative’s relatively small volume of legal language in comparison
17 to the large volume of County’s current regulatory regime is not in itself an infirmity which
18 warrants its exclusion from the ballot. Rather, the full text requirement is one imposed on
19 the Initiative Petition. As a result, Real Parties could have remedied the dearth of
20 information regarding the Initiative’s effect if they had properly included additional
21 information in the Initiative Petition which would have permitted potential signers to
22 intelligently evaluate the Initiative’s legal effect. They did not.

23 76. Ideally, Real Parties should have understood reviewed their Initiative,
24 determined the different ordinances that were affected by its language, and then included
25 redlined ordinance language, as well as any other referenced ordinances necessary to the
26 understanding of the Initiative, within the Initiative Petition. Such inclusions are common –
27 for instance, ballot measures which include references to other, unmodified laws are required
28 to include those laws within the petition, even if the legal language of the measure does not
explicitly modify those laws. The addition of these redlined and referenced ordinances

1 would have provided potential signers with the information necessary to intelligently
2 evaluate how the Initiative’s legal language would actually affect the current comprehensive
3 regulatory regime in Humboldt County. Real Parties did not include such language in the
4 Initiative Petition.

5 77. Alternatively, Real Parties could simply have included unredlined copies
6 of the current comprehensive ordinances within the Initiative Petition so that prospective
7 signers could make their own determination about the current regulatory regime and the
8 Initiative’s potential changes. Such inclusions are common – for instance, land use measure
9 petitions often include maps of current land use designations/use which are not necessarily a
10 part of any legal ballot measure language, so that prospective signers are able to intelligently
11 evaluate the legal effect of the proposed land use changes. Real Parties presumably knew
12 about this tactic, because they – as discussed above – included Board of Supervisors
13 Resolution No. 18-43 in the Initiative Petition. They, however, failed to include numerous
14 other existing laws amended by the Initiative’s proposed changes.

15 78. As a result of Real Parties’ failures, the Initiative Petition fails to provide
16 potential signers with sufficient information to intelligently evaluate the Initiative’s legal
17 effect. Some specific examples of the problems in the Initiative language are discussed
18 above. As mentioned, there are specific documents which Real Parties were required to
19 include – whether in redlined or unredlined form – and did not.

20 79. The most critical documents which were required to be included in the
21 Initiative Petition are the four ordinances which currently regulate cannabis cultivation in
22 Humboldt County. These ordinances are (1) Ordinance 16-2559 (the “First Comprehensive
23 Cannabis Land Use Ordinance”); (2) Ordinance 19-2559 (the “Second Comprehensive
24 Cannabis Land Use Ordinance – Inland”); (3) Ordinance 19-2634 (the “Second
25 Comprehensive Cannabis Land Use Ordinance – Coastal Zone”); and (4) Ordinance 20-2652
26 (the “Small Cultivator Ordinance”). These ordinance comprise the regulatory regime
27 applied to cannabis cultivation in Humboldt County, and are modified by the provisions of
28 the Initiative. Their inclusion would have provided prospective signers with an

1 understanding of how the Initiative changes the obligations and rights of Humboldt County
2 residents and cultivators without extraneous research.

3 80. Real Parties were also required to include the “Humboldt County
4 Commercial Marijuana Cultivation Tax Ordinance of 2016” (“Measure S”). This ordinance
5 comprises the tax regime currently applied to cannabis cultivation in Humboldt County, and
6 is modified by the provisions of the Initiative. Its inclusion would have provided prospective
7 signers with an understanding of how the Initiative changes the taxation obligations and
8 rights of Humboldt County residents and cultivators without extraneous research.

9 81. Because different rights from each of the above-referenced ordinances
10 might attach to different cultivators based on the date on which they were granted their
11 permits, all of these ordinances are integral to the understanding of how the Initiative affects
12 current law. Real Parties could not, for instance, simply have included the plain language of
13 County Code section 314-55.4 in the Initiative Petition, because cultivators who were
14 granted permits prior to 2018 are regulated under the language set forth in the First
15 Comprehensive Cannabis Land Use Ordinance, and the Initiative may affect those
16 cultivators in a manner different than a newer recipient of a cultivation permit. That First
17 Comprehensive Cannabis Land Use Ordinance language has been superseded by the Second
18 Comprehensive Land Use Ordinance – Inland, the Second Comprehensive Cannabis Land
19 Use Ordinance – Coastal Zone, and the Small Cultivator Ordinance, which together
20 comprise the language set forth in the current section 314-55.4. In other words, all to these
21 ordinances comprise the current regulatory regime for cannabis cultivation within Humboldt
22 County, and the inclusion of each was necessary for potential signers to determine to
23 understand the Initiative’s legal effect without extraneous research.

24 82. Real Parties were also required to include copies of the Local Coastal
25 Plans, which are modified in the text of the Initiative by including only small sections
26 indicating that the Local Coastal Plans “shall be subject to the definitions, goals, policies,
27 standards, and implementations measures” of the Initiative. Real Parties failed to include
28 any other portion or provision of the Local Coastal Plans, providing no information to
prospective signers regarding what the implementation of the Initiative’s definitions, goals,

1 policies, standards and implementation measures would do to those Local Coastal Plans
2 without extraneous research.

3 83. Real Parties were also required to include a copy of the entire Humboldt
4 County General Plan. The Initiative creates an entirely new section of the General Plan, but
5 includes no context about other land use designations from which cannabis cultivation will
6 be removed – including “agricultural” and “residential” land use. Inclusion of the full
7 General Plan would have provided prospective signers with an understanding of how the
8 Initiative affects the land use obligations and rights of Humboldt County residents and
9 cultivators without extraneous research.

10 **Real Parties’ Initiative Effort Violates California Elections Code**
11 **Section 18600 and the *San Francisco Forty-Niners v. Nishioka* Case.**

12 84. The Initiative Petition contains statements falsely telling prospective
13 signers that the legal changes affect only “large-scale cannabis cultivation.” (Exh. 2, page 1
14 [claiming that the Initiative “will protect the County’s residents and natural environment
15 from harm caused by large-scale commercial cannabis cultivation”].) In addition, the
16 Initiative was circulated with campaign materials and statements indicating that the Initiative
17 is meant “to protect residents, land owners, and our beautiful natural environment from harm
18 caused by large-scale industrial cannabis cultivation.”

19 85. Such statements are clearly false. The Initiative applies to all licensed
20 cannabis cultivation in the County, and not just cultivation of a particular size. California
21 Business and Professions Code section 26050 defines a “large” cultivation license as
22 cultivation or more than one acre of outdoor cannabis, or more than 22,000 square feet of
23 mixed-light cannabis cultivation. The Initiative does not in any way limit its effect to
24 licenses of either one acre (outdoor) or 22,000 square feet (mixed-light). In other words,
25 nothing in the Initiative purports to regulate large scale cannabis cultivation – it merely
26 regulates all cannabis cultivation. In doing so, Real Parties perpetuated a lie regarding the
27 true purpose and effect of the Initiative.

28 86. These false statements concern the contents, purport or effect of the
Initiative Petition, and therefore constitute direct false statements made to persons who

1 signed, desired to sign, were requested to sign, made inquiries with reference to the Initiative
2 Petition, and/or to whom it was presented for signing.

3 87. In connection with their circulation of the Initiative Petition, Real Parties
4 and/or their agents knew or should have known that their Initiative would affect all
5 Humboldt County cannabis cultivation, and not just large-scale cannabis cultivation. These
6 individuals therefore willfully and knowingly circulated, published, or exhibited these false
7 statements or misrepresentations concerning the contents, purport or effect of the Initiative
8 Petition, for the purpose of obtaining signatures to, or persuading or influencing persons to
9 sign the Initiative Petition.

10 88. Real Parties' actions violated California Elections Code sections
11 18600(a) and (b) and, because Real Parties' Initiative Petition contained objectively
12 inaccurate information and calculated untruths that substantially misled and misinformed
13 reasonable voters, the Initiative is subject to being invalidated – the remedy that the Court
14 applied in *San Francisco Forty-Niners v. Nishioka* (1988) 75 Cal.App.4th 637.

15 89. As will be demonstrated in Petitioners' moving papers and other briefs
16 and documents to be filed in this case, the false statements, misrepresentations and/or
17 objectively inaccurate information and calculated untruths that substantially misled and
18 misinformed, and will continue to substantially mislead and misinform, County voters
19 include, but are not limited to, the following:

20 **FIRST CAUSE OF ACTION**

21 **(Petition for Writ of Mandate Compelling**

22 **the Registrar to Not Print the Initiative on the Ballot)**

23 **(Directed at Respondents and Defendants)**

24 90. Petitioners incorporate by reference all of the allegations contained in
25 paragraphs 1-36 and 46-89 as though fully set forth herein.

26 91. Based on the foregoing allegations regarding writs of mandate
27 pursuant to California Code of Civil Procedure sections 1085, et seq., Petitioners are entitled
28 to a writ of mandate prohibiting Respondent/Defendant Registrar and DOE
Respondents/Defendants, and their officers, agents, and all persons acting by, through, or in

1 concert with them, from taking any action that would cause the invalidly qualified Initiative
2 to be placed on the ballot.

3 **SECOND CAUSE OF ACTION**

4 **(Injunctive Relief Enjoining the Registrar From**
5 **Placing the Initiative on the March 5, 2024 Ballot)**
6 **(Directed at Respondents and Defendants)**

7 92. Petitioners incorporate by reference all of the allegations contained
8 in paragraphs 1-33, 37-41 and 46-89 as though fully set forth herein.

9 93. Based on the foregoing allegations regarding injunctive relief
10 pursuant to Code of Civil Procedure section 525, et seq., Petitioners are entitled to a
11 temporary restraining order, preliminary injunction, and permanent injunction prohibiting
12 Respondent/Defendant Registrar and DOE Respondents/Defendants, and their officers,
13 agents, and all persons acting by, through, or in concert with them, from taking any action
14 that would cause the invalidly qualified Initiative to be placed on the ballot.

15 **THIRD CAUSE OF ACTION**

16 **(Declaratory Relief That the Initiative Violates**
17 **the Law and Must Not Be Placed on the Ballot)**
18 **(Directed at Respondents and Defendants)**

19 94. Petitioners incorporate by reference all of the allegations contained
20 in paragraphs 1-33 and 42-89 as though fully set forth herein.

21 95. An actual controversy has arisen between Petitioners and Real
22 Parties, in that Petitioners believe and contend, for the reasons set forth above, that the
23 Initiative Petition violates the law and the Initiative must therefore not be placed on the
24 ballot. Further, Petitioners are informed and believe, and on that basis contend, that Real
25 Parties are of the belief that the Initiative Petition does not violate the law and that the
26 Initiative must therefore be placed on the ballot.

27 96. A judicial determination and declaration as to the legality of the
28 Initiative, as set forth above, is therefore necessary and appropriate to determine the
respective rights and duties of the parties.

1 97. Based on the foregoing allegations regarding declaratory relief
2 pursuant to Code of Civil Procedure section 1060, et seq., Petitioners are entitled to a judicial
3 declaration that the Initiative was not properly qualified for the ballot and the Registrar shall
4 not take any action that would enable it to appear on the ballot.

5 **PRAYER**

6 WHEREFORE, Petitioners pray for judgment as follows:

7 1. On the First Cause of Action, that this Court issue alternative and
8 peremptory writs of mandate prohibiting Respondent/Defendant and DOE
9 Respondents/Defendants, and their officers, agents, and all persons acting by, through, or in
10 concert with them, from taking any action that would cause the invalidly qualified Initiative
11 to be placed on the ballot;

12 2. On the Second Cause of Action, that this Court issue a temporary
13 restraining order, preliminary injunction, and permanent injunction prohibiting
14 Respondent/Defendant Registrar and DOE Respondents/Defendants, and their officers,
15 agents, and all persons acting by, through, or in concert with them, from taking any action
16 that would cause the invalidly qualified Initiative to be placed on the ballot;

17 3. On the Third Cause of Action, that this Court issue its judgment
18 declaring that the Initiative did not legally qualify for the ballot and that it must therefore not
19 be placed on the ballot;

20 4. That this Court award Petitioners the costs of this proceeding; and

21 5. That this Court grant Petitioners such other, different, or further
22 relief as the Court may deem just and proper.

23
24 DATED: October 11, 2023



25
26 NICHOLAS L. SANDERS
27 Counsel for Petitioners
28 STEVE LUU, KAREN HESSLER, DYLAN
MATTOLE, JOHN LEE CASALI, PATRICK
WILLIAM ANDREWS, HANNAH WHYTE,
INDICUS MCGRATH RIGGS and HUMBOLDT
COUNTY GROWERS ALLIANCE

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EXHIBIT 1

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE:

LARGE-SCALE COMMERCIAL CANNABIS CULTIVATION RESTRICTIONS AMENDING HUMBOLDT COUNTY GENERAL PLAN, LOCAL COASTAL PLANS AND COUNTY CODE AMENDMENTS INITIATIVE

SUMMARY:

This proposed initiative measure (the "Measure") amends the Humboldt County General Plan, Humboldt County Local Coastal Plans, and Humboldt County Code as they pertain to commercial cannabis cultivation and seeks to restrict commercial cannabis cultivation by promoting environmentally responsible cultivation practices and supporting watershed health for residents, property owners and ecosystems affected by cannabis cultivation activities. The Measure would remain in effect until repealed or amended.

The Measure states it seeks to protect the County's residents, natural environment and reputation for high quality cannabis from harm caused by large-scale cannabis cultivation operations by adding requirements to the application and permitting process including on-site, in-person site inspections before a commercial cannabis cultivation permit could be renewed; imposing a new multiple permit limit per individual; seeking to increase collaboration among the County and other resource agencies; extending the forbearance period for water diversions from March 1st until November 15th; limiting new and expanded commercial cannabis cultivation permits to outdoor and lower-wattage mixed-light operations with a total cultivation area less than 10,000 square feet; limiting generator noise and use; establishing new requirements for private roads servicing cannabis cultivation operations; requiring hydrologic studies for certain well-water usage in cannabis cultivation operations; and, requiring the County to order cannabis cultivation applicants or permittees to either increase water storage in relation to their cannabis cultivation operations or decrease cultivation area if water storage is deemed inadequate.

The Measure would also prohibit the ability of the County to waive any public hearing requirements, expands the notice requirements the County must provide the public and increases the range of commercial cannabis cultivation applications that are subject to discretionary County review.

The Measure would limit the total number of commercial cannabis cultivation permits issued by the County in certain watersheds and in the Local Coastal Plan areas pursuant to a formula.

As submitted, the Measure includes a total of 38 pages of 8.5 x 11 single-spaced text of General Plan, Local Coastal Plans and County code amendments in 10 sections: (1) Purpose and Findings; (2) Humboldt County General Plan Amendments; (3) Amendments to the Humboldt County Local Coastal Plans; (4) Amendments to Section 313-55.4 of the Humboldt County Code; (5) Amendments to Section 314-55.4 of the Humboldt County Code; (6) Exemptions; (7) Implementation; (8) Effect of Competing or Alternative Measure on the Ballot; (9) Severability and Interpretation; and, (10) Amendment or Repeal. The Exhibit is Humboldt County resolution 18-43 adopted May 8, 2018 establishing a limit (cap) on the number of permits and acres which may be approved for commercial cannabis cultivation within unincorporated areas of the County of Humboldt.

The Measure allows the Board of Supervisors to amend certain provisions of the Measure while other provisions may expressly only be amended by a vote of the people.

Dated: March 18, 2022

By: _____ /s/ _____

Jefferson Billingsley, County Counsel
Cathie Childs, Deputy County Counsel
County of Humboldt

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Humboldt for the purpose of putting an initiative on the ballot that will protect the County's residents and natural environment from harm caused by large-scale commercial cannabis cultivation. The initiative would amend the County's General Plan and Local Coastal Plans to include goals, policies, standards, and implementation measures governing commercial cannabis cultivation in unincorporated areas of the County. The initiative also would amend provisions of the Humboldt County Code addressing commercial cannabis cultivation.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

- To ensure that the Humboldt County General Plan, Local Coastal Plans, and County Code continue to safeguard the health, wellbeing, and vitality of the County's local communities, economies, and ecosystems against harm from commercial cannabis cultivation.
- To address the environmental harm from continued expansion of commercial cannabis cultivation by capping the number of commercial cannabis cultivation permits and acreage of cultivation in each of the County's planning watersheds and coastal planning areas at levels just above those existing when this Notice of Intent was filed, while still allowing the County to continue processing and approving applications that were pending and complete when this Notice of Intent was filed.
- To reduce environmental and resource impacts by limiting approval of applications for permits for new and expanded commercial cannabis operations, except for applications that were pending and complete when this Notice of Intent was filed, to outdoor and low-wattage mixed-light cultivation and nurseries with an area of no more than 10,000 square feet.

- To improve regulatory compliance by requiring that on-site, in-person inspections be conducted, that violations of permit conditions or applicable laws be corrected, and that public complaints be investigated before existing permits are renewed.
- To better protect the environment by promoting coordination between the County and other agencies with jurisdiction over resources affected by commercial cannabis cultivation.
- To enhance public participation by providing Humboldt County residents with more meaningful opportunities to participate in commercial cannabis cultivation permitting decisions by expanding public notice and hearing requirements.
- To protect water quality and availability by requiring more thorough evaluation of the use of private roads and well water in commercial cannabis cultivation operations, better ensuring adequate water storage, and extending the “forbearance period” during which surface waters cannot be diverted for irrigation.
- To reduce noise pollution and the risk of spills related to transportation of fuels along the County’s narrow, winding roads by phasing in restrictions limiting the size of generators and restricting their use to emergencies.

Submitted March 4, 2022

Signed By:

_____/s/_____
 Mark Thurmond
 7654 Kneeland Road
 Kneeland, CA, 95549

_____/s/_____
 Elizabeth Watson
 7653 Kneeland Road
 Kneeland, CA, 95549

To the Honorable Registrar of Voters of the County of Humboldt: We, the undersigned, registered and qualified voters of the County of Humboldt, hereby propose an initiative measure to amend the Humboldt County General Plan, the Humboldt County Local Coastal Plans, and the Humboldt County Code. We petition you to submit this measure to the Board of Supervisors of the County of Humboldt for adoption without change, or for submission of the measure to the voters of the County of Humboldt at the earliest election for which it qualifies.

The measure provides as follows:

Humboldt Cannabis Reform Initiative

The people of the County of Humboldt do hereby ordain as follows:

SECTION 1: PURPOSE, EFFECT, AND FINDINGS

A. Purpose

The purpose of this *Humboldt Cannabis Reform Initiative* (“Initiative”) is protect the County’s residents and natural environment from harm caused by large-scale cannabis cultivation. Specifically, the Initiative seeks to promote environmentally responsible cultivation practices and support watershed health for residents, property owners, and ecosystems affected by cannabis cultivation activities. This Initiative accomplishes its purpose by limiting the number, type and acreage of permits for commercial cannabis cultivation, ensuring greater public participation and official accountability in decision-making, improving permit enforcement and site inspections, reducing potential impacts to streams and watersheds, limiting generator size and usage, and facilitating active coordination with state and federal agencies.

B. Effect

This Initiative amends the County General Plan to: (1) adopt more restrictive caps on the total number of permits and acres under cannabis cultivation in each of the County’s planning watersheds and coastal planning areas, while allowing continued processing of complete permit applications pending as of March 4, 2022; (2) ensure that caps on permits and acres cannot be increased without a vote of the people; (3) limit new and expanded permits for commercial cannabis cultivation to outdoor and low-wattage mixed-light operations and nurseries no more than 10,000 square feet in size; (4) ensure that existing permits are not renewed unless cultivation sites are subject to on-site inspection, all violations are corrected, and public complaints are investigated; (5) expand public notice, public hearing, and discretionary review requirements for commercial cannabis cultivation permits; (6) protect water resources and habitat by extending the period during which diversion of surface waters is prohibited, ensuring adequate water storage, and requiring hydrologic studies to demonstrate that groundwater extraction will not reduce flows in streams, springs, or neighboring wells; and (7) reduce noise impacts and the risk of fuel spills by limiting generator usage in commercial cannabis cultivation operations to a single generator rated at 50-hp or less and used for emergency purposes only.

C. Findings

The people of the County of Humboldt find that this Initiative promotes the health, safety, welfare, and quality of life of County residents based upon the following findings:

1. **The Humboldt County General Plan guides growth in the County.** Humboldt County’s General Plan serves as the County’s land use “constitution” and functions to safeguard the County’s unique and diverse resources. It balances the need for adequate infrastructure, housing, and economic vitality with protection of rural communities, agricultural areas, and scenic open spaces. The Plan reflects the County’s commitment to the health, wellbeing, and vitality of the County’s local communities, economies, and ecosystems. The Plan also recognizes the importance of cannabis cultivation to the local economy, while acknowledging that cannabis cultivation can result in environmental impacts and land use conflicts. The six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) similarly govern land use within the County’s Coastal Zone.
2. **Humboldt County’s cannabis economy and reputation for high quality cannabis were shaped by small-scale operations.** Smaller-scale operations have been at the core of the County’s cannabis cultivation economy since the crop’s introduction into the County. These small-scale operations have shaped the County’s culture for decades, and small-scale

growers' innovation and attention to craft have made "Humboldt" synonymous with high quality cannabis. Smaller-scale operations also tend to create fewer environmental impacts due to their more limited footprint and resource usage.

3. **Humboldt County's cannabis ordinances allow large-scale operations that threaten to displace small-scale cultivators.** Over the years, the County's cannabis ordinances have allowed approval of numerous permits for larger-scale cultivation operations. Many residents believe that the ordinances' allowance of larger-scale grows has come at the expense of the smaller-scale cultivation that made Humboldt famous worldwide for the high quality of its cannabis products.
4. **The transition from small-scale to large-scale cannabis cultivation is adversely affecting the community and the natural environment.** Many residents believe larger-scale cannabis cultivation poses unacceptable risks to community and local ecosystem health, safety, and welfare. Concerns voiced by residents include: dust, noise, odor, glare, unsightly structures damaging scenic views, reductions in stream flows and water well production, adverse effects on wildlife, dangerous road conditions, and road deterioration.
5. **Continued growth in the number of commercial cannabis cultivation permits and the amount of acreage under cultivation threatens the community and the environment.** This Initiative reduces the caps on permits and acreage under cultivation previously adopted by the Board of Supervisors. For inland areas, County Board of Supervisors Resolution No. 18-43 (attached to this Initiative as Exhibit A) established caps on the total number of permits and acres for commercial cannabis cultivation in each of the planning watersheds listed in the Resolution. Humboldt County Code section 313-55.4.6.8 established similar caps on permits and acres within each of the areas of the County's Coastal Zone covered by the County's six Local Coastal Plans. Many residents believe the County's current caps are far higher than they should be. In inland areas alone, the County's current caps could allow the total number of approved permits and acres under cultivation to *more than triple* compared to approved permit and acreage levels as of November 2021. This expansion could increase impacts to the community and the environment. This Initiative strikes a better balance between allowing commercial cannabis cultivation and protecting the community and the environment by setting caps on new permits at slightly above the current number of permits and total permitted acreage of cultivation, while still allowing the County to work through a backlog of pending, complete applications and to approve the renewal of existing permits where appropriate. This Initiative also ensures that the caps cannot be increased without voter approval.
6. **New commercial cannabis cultivation should be limited to smaller outdoor and lower-wattage mixed-light grows and nurseries.** Studies have shown that the use of artificial light in cannabis cultivation is extremely energy-intensive. Using less artificial light reduces both the demand on resources and the environmental impacts associated with electricity production. Larger grows also generally require more water, more fertilizers, and potentially more land disturbance. This Initiative limits new and expanded commercial cannabis cultivation permits to outdoor and lower-wattage mixed-light grows and nurseries with less than 10,000 square feet of cultivation area.
7. **Humboldt County residents should be notified of cannabis permit applications and should be given the power to engage meaningfully in the permit approval process.** The people of Humboldt County, whose quality of life is at stake, should have the information necessary to meaningfully discuss health, safety, and welfare concerns related to cannabis permitting with the Planning Department, Planning Commission, and elected officials. Too often, residents who may be affected by commercial cannabis cultivation operations are neither notified of proposed permit applications nor given a meaningful opportunity to participate in the County's review process. This Initiative strengthens notification requirements, expands the range of commercial cannabis cultivation applications that are subject to discretionary County review, and prevents the County from waiving public hearing requirements.
8. **Operators are not verifiably complying with applicable regulations and permit conditions.** Residents are concerned that the County's current ordinances do not do enough to ensure that regulatory standards are met before permits are issued and renewed. Current ordinances do not clearly require in-person, on-site inspections before permit renewal. Applicants also currently are allowed to self-certify whether private roads serving cannabis cultivation sites meet County standards without an engineer's evaluation. This Initiative requires on-site inspections before permits can be renewed and requires an engineer to confirm that private roads meet certain standards.
9. **Coordination between the County and state wildlife and water quality agencies has been lacking.** Numerous government agencies play critical roles in protecting Humboldt County's environment. This Initiative requires that the County actively coordinate with other agencies that play a role in mitigating environmental harm caused by commercial cannabis cultivation.
10. **Large-scale cannabis cultivation contributes to strains on water resources.** Although California's North Coast historically has been blessed with abundant rain in the winter, summers have always been dry. In recent years, sustained periods of drought—which many scientists believe are exacerbated by climate change—have placed even more stress on rivers, streams, and the fish and wildlife that depend on clean and plentiful water. As of February 2022, the U.S. Drought Monitor identified most of Humboldt County as suffering from moderate to extreme drought. Another study published in February 2022 concluded that the 20-plus year "megadrought" currently affecting southwestern North America is one of the longest and driest periods in the last 1,200 years—and that climate change has played a substantial role in the drought's severity. Residents have observed that perennial streams are drying up earlier every year and that even portions of major tributaries like the South Fork Eel River have gone dry. However, under the County's current permitting scheme, the water needs of commercial cannabis cultivation are driven more by the cultivator's desires than by a watershed's or aquifer's capacity to support cultivation without adverse impacts to other water users, water quality, habitat, and fish and wildlife. Cannabis cultivation often relies on diversions of water from streams or groundwater from wells, yet the County's cannabis cultivation ordinances do not require adequate study of the resulting effects on fish, wildlife, habitat, or other water users. Given the seasonal scarcity of water in the region, ongoing drought conditions in California, and the sensitivity of aquatic species and habitats, this Initiative requires greater study of the impacts of water wells and extends the "forbearance period" during which diversions from surface water bodies are prohibited.
11. **Overreliance on generators causes noise pollution and threatens fuel spills.** Similar concerns apply to energy sources for cannabis cultivation. Many sites rely on generators for power, causing noise pollution and increasing the risk of spills related to transportation of fuels along narrow, winding roads. This Initiative phases in requirements for all commercial cannabis cultivation operations that limit the size of generators and allows their use for emergency purposes only.

SECTION 2: HUMBOLDT COUNTY GENERAL PLAN AMENDMENTS

This Initiative hereby amends the Humboldt County General Plan (“General Plan”), as amended through March 4, 2022, the date that the notice of intention to circulate this Initiative was submitted to the elections official of the County of Humboldt (“Submittal Date”). Except as specifically provided in this Initiative, the amendments in subsections A.1 and A.2 of this Section 2 may be changed only by a vote of the people.

A. General Plan Text Amendments

1. Section 4.9 Added to General Plan Land Use Element

A new Section 4.9 entitled “Cannabis Cultivation” is inserted into the General Plan, Part 2, Chapter 4, Land Use Element, at Page 4-56, following Section 4.8 (after Table 4-H):

4.9 Cannabis Cultivation

4.9.1 Purpose

This section 4.9 of the Land Use Element was adopted as part of the Humboldt Cannabis Reform Initiative. Except as specifically provided in the Humboldt Cannabis Reform Initiative, nothing in this section shall be repealed, altered, or amended without a vote of the people.

This section of the Land Use Element addresses cannabis cultivation in unincorporated Humboldt County outside of the Coastal Zone. The goals, policies, standards, and implementation measures set forth in this section are intended to apply in all unincorporated areas of the County outside of the Coastal Zone, including all Community Planning Areas, and under all General Plan land use designations unless otherwise specified. The Humboldt Cannabis Reform Initiative also amended the six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) to include the same definitions, goals, policies, standards, and implementation measures for commercial cannabis cultivation in the Coastal Zone.

4.9.2 Background

Cannabis cultivation has been an important part of Humboldt County’s culture and economy for decades. Beginning in the 1960s, small-scale cannabis growers began to establish an important, although illegal, largely home-based industry in the County’s hills. Income from illicit cultivation and sales of cannabis supported the local economy as other industries contracted, sustaining countless small businesses and non-profit organizations through hard times. Humboldt growers’ innovations in hybridization and other cultivation techniques also created cannabis products that have become famous globally for their high quality. For many outside the local area, the term “Humboldt” is still synonymous with high-quality cannabis.

The illicit cannabis industry had—and still has—its downsides. Unregulated cannabis operations can put significant pressure on environmental resources. Illicit cultivation has been associated with unauthorized water diversions and reductions in stream flows, poorly maintained roads, pollution from pesticides and fertilizers, and accumulation of water lines, garbage, and other debris. The aggressive law enforcement response to illicit cultivation that culminated in the Campaign Against Marijuana Planting in the 1980s and 1990s also fostered community divisions and facilitated development of an “outlaw” culture with a deep distrust of regulation. Although prohibition kept cannabis prices high, it also deprived industry participants of recourse to legal means of distributing their products and settling disputes, resulting in thefts and occasional violence.

California began a long transition toward legalization of cannabis in 1996 with the passage of Proposition 215, which exempted patients using medical cannabis and their caregivers from certain state criminal laws. For many years, local cannabis growers operated in the “gray area” created by the limited reach of Proposition 215. Finally, in 2016, California voters adopted Proposition 64, which legalized adult recreational use of cannabis and instituted comprehensive state licensing and regulation of the cannabis industry.

Proposition 64 also left significant regulatory power in the hands of local governments. Humboldt County enacted its first comprehensive cannabis land use ordinance, the Commercial Medical Marijuana Land Use Ordinance (often referred to as “Ordinance 1.0”) in September 2016. The County revised its cannabis land use ordinances again in 2018 with the Commercial Cannabis Land Use Ordinance (or “Ordinance 2.0”). Further amendments streamlining permitting for small new and pre-existing cannabis cultivation operations were adopted in 2020.

Together, these ordinances generally sought to transform the County’s illicit, unregulated cannabis farms into lawful, regulated operations. The ordinances included provisions requiring growers to obtain permits and comply with numerous operational standards.

Legalization, however, brought significant challenges. Wealthy individuals and businesses, seeking to capitalize on Humboldt County’s reputation for high-quality cannabis, began to buy up property in the County, often for the purpose of larger-scale, more “industrial” cannabis cultivation operations. As of 2022, the County’s cannabis cultivation ordinances had proven inadequate to prevent environmental damage and land use conflicts predominantly stemming from larger-scale cultivation operations. Experience has shown that watercourses and wells continue to be impacted by diversions and groundwater extraction, threatening both other water users and habitat for protected species like salmon and steelhead. Extended drought conditions in Humboldt County and throughout southwestern North America—conditions scientists believe are being exacerbated by anthropogenic climate change—are putting even more pressure on local water resources and natural habitat. Over-reliance on generators, particularly in rural residential areas, has exacerbated noise pollution and created a substantial risk of fuel spills.

In light of these environmental conditions, the voters chose to strengthen requirements governing water storage and diversions, generator usage, inspections of permitted sites prior to renewal, coordination with state wildlife and water quality agencies, and renewable energy. The voters also limited the types and size of new permits for commercial cannabis cultivation and improved public notice and permit review provisions essential to ensure informed community participation in the approval process. Finally, the voters imposed stricter limits on the number of permits for commercial cannabis cultivation the County can approve and the number of acres under cultivation, while allowing the County to continue working through a backlog of pending, complete permit applications.

Prior to adoption of the Humboldt Cannabis Reform Initiative, the County's General Plan did not comprehensively address the role of cannabis cultivation in the County's overall vision for development. By adopting the Humboldt Cannabis Reform Initiative, the County's voters recognized the need for goals, policies, standards, and implementation measures to guide the County's regulation of this industry toward a sustainable future while recognizing the small-scale, innovative practices that established Humboldt County's reputation for high-quality, artisan cannabis.

4.9.3 Definitions

When used in this Section 4.9, the following words shall have the meanings ascribed to them below. The singular shall include the plural and the plural shall include the singular. Definitions below shall control over any definitions of the same or similar terms contained elsewhere in the Humboldt County Code.

- "Canopy" means the designated area(s) at a licensed premises that will contain mature plants at any point in time.
- "Commercial Cannabis Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries, that is intended to be processed, manufactured, distributed, dispensed, delivered, and sold. For purposes of this Section 4.9, "Commercial Cannabis Cultivation" shall not include either of the following: (a) cultivation, processing, or storage of cannabis for a single person or household's exclusive use; or (b) cultivation, processing, or storage of medical marijuana or cannabis for a single qualified patient's use..
- "Cultivation area" means the sum of the area(s) used for commercial cannabis cultivation, calculated in square feet and measured using clearly identifiable boundaries around the perimeter of all area(s) that will contain plants at any point in time, including all the space within the boundary as shown on the approved plot plan. Cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown to maturity on the premises.
- "Diversion" means the withdrawal of water from a water body. For purposes of this definition, "water body" means any significant accumulation of water, such as lakes, ponds, rivers, streams, creeks, springs, seeps, artesian wells, wetlands, canals, groundwater from a subterranean stream flowing through a known and definite channel, or similar features. "Water body" shall not include off-stream constructed reservoirs filled exclusively in a manner not involving the withdrawal of water from a water body, such as captured rainfall.
- "Diversionary water source" means a source of water that involves diversion.
- "Emergency Purposes" means providing electrical power during any of the following events and subject to the following conditions:
 - (1) the failure or loss of all or part of normal electrical power service:
 - (A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and
 - (B) which is demonstrated by the owner or operator to the County's satisfaction to have been beyond the reasonable control of the owner or operator;
 - (2) the pumping of water or sewage to prevent or mitigate a flood or sewage overflow;
 - (3) the pumping of water for fire suppression or protection.
- "Expanded," when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean an increase in the size, intensity, or resource usage of commercial cannabis cultivation activities on a parcel or premises where such activities have previously been permitted, regardless of whether authorization for expanded uses is sought by way of an application for a new permit or zoning clearance or an application for a modification to an existing permit or zoning clearance. Examples of "expanded" uses include, but are not limited to, an increase in cultivation area, water usage, energy usage, or the number or size of any structures used in connection with cultivation.
- "Forbearance period" means the calendar days during which water may not be diverted from a water body.
- "Light deprivation" means the use of any technique to eliminate natural light in order to induce flowering.
- "Indoor Cultivation" means the cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
- "Mixed-Light Cultivation" means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of:
 - (1) Natural light and light deprivation, and either of the models listed below:
 - (A) "Mixed-light Tier 1," without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot;
 - (B) "Mixed-light Tier 2," the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot;or
 - (2) Natural light and either of the models listed below:
 - (A) "Mixed-light Tier 1," the use of artificial light at a rate above zero, but no more than six watts per square foot;
 - (B) "Mixed-light Tier 2," the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- "New," when used to describe commercial cannabis cultivation sites, uses, operations or activities or an application or permit therefor, shall mean commercial cannabis cultivation activities on a parcel or premises where such activities have not previously been permitted.
- "Nursery" means a facility that produces only clones, immature plants, and seeds for wholesale to licensed cultivators to be used specifically for the planting, propagation, and cultivation of cannabis, or to licensed distributors.
- "Outdoor Cultivation" means the cultivation of mature cannabis without the use of artificial lighting or light deprivation in the canopy area at any point in time.

• “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number. “Person” also includes the chief executive officer or a member of the board of directors of a business entity, or any individual participating in the direction, control, or management of the permit holder. “Person” does not include business entities with an aggregate ownership interest of less than twenty percent (20%) in the individual or group holding the permit or less than five percent (5%) of the total shares of a publicly traded company holding a permit. Individuals, banks, or financial institutions whose only interest constitutes a loan, lien, or encumbrance, or whose interest occurs through a mutual fund, blind trust, or similar instrument shall not be considered a “person” for purposes of this section.

• “Premises” means a parcel, or a portion thereof, such as a leasehold interest in agricultural land for agricultural purposes of outdoor, mixed-light, or indoor cultivation or processing of cannabis, or a leased or owned space in an industrial or commercial building or parcel for purposes of indoor, mixed-light, or outdoor cultivation, processing, manufacture, distribution, testing or retail sale of cannabis.

The Board of Supervisors may amend the definitions set forth in this section 4.9.3 of the Land Use Element without a vote of the people to conform to future amendments to definitions of the same or similar terms in state statutes and regulations.

4.9.4 Goals and Policies

Goals

- CC-G1: **Support small-scale, high-quality cannabis cultivation.** Structure and implement cannabis cultivation ordinances and policies that encourage small-scale production while minimizing environmental and social impacts.
- CC-G2: **Prevent large-scale grows that damage the environment and harm the community.** Limit new and expanded commercial cannabis cultivation permits to Outdoor Cultivation, Mixed-light Tier 1 Cultivation, and Nurseries with a maximum cultivation area of 10,000 square feet.
- CC-G3: **Limit the number of permits and acreage under cannabis cultivation.** Cap the total number of permits and acreage under cultivation at levels just above those approved and existing as of March 4, 2022, while allowing continued processing of pending permit applications that the County determines were complete prior to that date. Require a vote of the people to increase caps in the future.
- CC-G4: **Reduce the impacts of cannabis cultivation on water availability and water quality.** Prohibit reliance on diversions from streams and rivers for commercial cannabis cultivation between March 1 and November 15 of each year. Require analysis of the effects of groundwater usage on instream flows and other water users. Prohibit applicant self-certification of compliance with private road standards.
- CC-G5: **Ensure greater public participation and official accountability in decision-making.** Require expanded public notice of cannabis cultivation applications. Expand the range of applications subject to discretionary review and public hearings.
- CC-G6: **Ensure that existing operations are inspected and compliance verified prior to permit renewal.** Require in-person, on-site inspections, correction of violations, and investigation of complaints before permits can be renewed.
- CC-G7: **Limit use of generators in cannabis cultivation operations.** Over time, phase in requirements that limit generator size and restrict usage to emergency purposes for all commercial cannabis cultivation.

Policies

Limitations on Permits

- CC-P1: **Permit and Acreage Caps (Non-Coastal).** In areas of the County outside Coastal Planning Areas, caps on the total number of permits granted for commercial cannabis cultivation and on the total permitted acreage of cultivation shall be established and implemented as follows:
- (a) In each of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, the cap on the total number of permits for commercial cannabis cultivation granted shall be 1.05 times the total number of existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that planning watershed as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt. In each watershed, the permit cap shall be rounded to the nearest whole number.
- (b) In each of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, the cap on the total permitted acreage of Cultivation Area shall be 1.05 times the total permitted acreage of cultivation area approved by the County under existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that planning watershed as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.
- (c) If, at any time, in any of the planning watersheds listed in Section 2 of Humboldt County Board of Supervisors Resolution No. 18-43, either (i) the total number of permits granted for commercial cannabis cultivation or (ii) the total permitted acreage of cultivation area exceeds a cap for that planning watershed established pursuant to paragraphs (a) and (b) of this Policy CC-P1, any new applications for commercial cannabis cultivation activities within that watershed shall be placed in a queue and shall not be further considered or processed until such time as the total number of approved permits and the total acreage of cultivation both fall below the applicable caps for that watershed. If and when the total number of approved permits and the total permitted acreage of cultivation area both fall below the applicable caps for a watershed, the Board of Supervisors may, by resolution and without a vote of the people, establish procedures for processing applications within the queue for that watershed.

(d) Notwithstanding paragraph (c) of this Policy CC-P1, the County may continue to process, and may approve, applications for permits for commercial cannabis cultivation that the County determines were complete on or before March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

(e) Notwithstanding paragraphs (a), (b), and (c) of this Policy CC-P1, the County may renew a previously approved permit for commercial cannabis cultivation provided that all applicable state and local requirements for permit renewal are satisfied.

(f) The Board of Supervisors may, by resolution and without a vote of the people, reduce the caps on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1. However, the limits on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1 shall not be increased unless approved by a vote of the people.

(g) In order to facilitate participation in and compliance with the County's commercial cannabis cultivation permitting programs, the County shall publish and make available the caps on permits and acres established pursuant to paragraphs (a) and (b) of this Policy CC-P1.

CC-P2: Limitations on Cultivation Types, Methods and Area for New and Expanded Permits. Except for pending applications that the County determines were complete on or before March 4, 2022, the following limitations shall apply to any application for a permit, permit modification, or zoning clearance for new or expanded commercial cannabis cultivation that is approved following the Effective Date of the Humboldt Cannabis Reform Initiative:

(a) The County shall not approve an application if the total cultivation area that would result from approval exceeds 10,000 square feet.

(b) The County shall not approve an application that proposes a type of cultivation other than Outdoor Cultivation, Mixed-light-Tier 1 Cultivation, or Nursery.

The limitations in this Policy CC-P2 shall not apply to an application for renewal of an existing permit or zoning clearance that does not propose or involve any expanded use.

CC-P3: Permit Term and Renewal. All County-issued permits allowing commercial cannabis cultivation shall have a term of no longer than one year following the date of issuance and shall expire automatically on the anniversary date unless renewed.

CC-P4: Permit Renewal Conditions. Permits shall not be renewed unless all of the following conditions are satisfied:

(a) The County has conducted at least one on-site, in-person inspection of the premises within one year prior to the permit expiration date. The County may provide up to 24 hours' advance notice of any such inspection, but advance notice is not required. On-site inspection by the permittee, or by any employee or agent of the permittee, shall not be sufficient to satisfy this requirement.

(b) The County determines that any and all violations of permit conditions or applicable laws have been corrected.

(c) The County has considered and investigated any and all comments or complaints received from members of the public concerning the commercial cannabis cultivation operation's compliance with permit conditions or applicable laws.

CC-P5: Multiple Permits. No approval of a permit for commercial cannabis cultivation shall result in either of the following: (a) any one person holding more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative at the same time, or (b) more than one active permit approved after the Effective Date of the Humboldt Cannabis Reform Initiative on the same legal parcel at the same time.

CC-P6: Coordination and Collaboration with Other Agencies. The County shall carry out its commercial cannabis cultivation permitting responsibilities in coordination with agencies having jurisdiction over resources affected by commercial cannabis cultivation, including but not limited to the California Department of Fish and Wildlife, State Water Resources Control Board, and Regional Water Quality Control Board.

Public Notice and Application Review

CC-P7: Public Notice. The County shall provide public notice of proposed commercial cannabis cultivation applications in a variety of forms so as to ensure that all persons who may be affected by proposed cultivation operations are reasonably likely to receive actual notice.

CC-P8: Discretionary Review. An application for commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall not be approved by way of a zoning clearance or other ministerial approval. Commercial cannabis cultivation with a total cultivation area of greater than 3,000 square feet shall require a conditional use permit, special permit, or equivalent discretionary permit, and a coastal development permit where applicable. The County may by ordinance require a conditional use permit, special permit, or equivalent discretionary permit for commercial cannabis cultivation with a total cultivation area of less than 3,000 square feet. This policy shall apply to all applications for new or expanded commercial cannabis cultivation activities regardless of the size, land use designation, or zoning classification of the parcel on which cultivation is proposed.

CC-P9: No Waiver of Public Hearings. Notwithstanding any contrary provision of the Humboldt County Code or Zoning Regulations, public hearings on commercial cannabis cultivation permit applications shall not be waived.

Environmental Protection

- CC-P10: **Instream Flows and Wells.** The County shall not approve any permit for new or expanded commercial cannabis cultivation if any well or wells proposed for use as part of the cultivation operation will reduce instream flows or otherwise adversely affect either (a) any watercourse or spring, or (b) any existing well used by a person other than the applicant.
- CC-P11: **Diversionsary Water Sources and Forbearance Periods.** The forbearance period applicable to diversionsary water sources shall begin March 1 and shall end November 15 of each calendar year, unless a greater period is established pursuant to state law.
- CC-P12: **Generators.** To reduce noise pollution and the risk of fuel spills, the County shall, over time, phase in standards ensuring that commercial cannabis cultivation operations are limited to a single generator rated at 50-hp or less and used for emergency purposes only.
- CC-P13: **Roads.** Where any parcel on which a permit for new or expanded commercial cannabis cultivation activities is proposed is served by a private road without a centerline stripe, a licensed engineer's report shall be required to support a conclusion that the road meets or exceeds the Category 4 standard (or same practical effect).

Standards

- CC-S1: **Hydrologic Study Required.** Commercial cannabis cultivation permits shall not be granted unless a hydrologic study prepared by a qualified expert demonstrates that any well or wells proposed for use as part of the cultivation operation will not reduce instream flows or otherwise adversely affect either (a) any watercourse or spring, or (b) any existing well used by a person other than the applicant. The hydrologic study shall include, but not be limited to, as applicable and for each well proposed for use, examination of any well log, the geology of the well and screening intervals, the depth to water and static water pressure, total drawdown of the well, anticipated yield, and analysis of topography relative to adjacent mapped surface water features.
- CC-S2: **Inadequate Water Storage.** If the County determines that water storage associated with any proposed or permitted commercial cannabis cultivation operation is inadequate to support the area or methods of cultivation proposed or permitted, the County shall order the applicant or permittee either to increase the amount of water storage or to reduce the size of the cultivation area to the point where the existing associated water storage is adequate.
- CC-S3: **Generators.** The use of generators in commercial cannabis cultivation activities shall be limited as follows:
- (a) For new or expanded commercial cannabis cultivation sites permitted after the Effective Date of the Humboldt Cannabis Reform Initiative, only one generator rated at 50-hp or less shall be allowed, and that generator shall be used for emergency purposes only.
 - (b) After June 30, 2024, all commercial cannabis cultivation operations other than operations at lawfully permitted pre-existing sites established prior to January 1, 2016 shall be limited to one generator rated at 50-hp or less and used for emergency purposes only. The County shall verify compliance with this standard as part of the on-site inspection required for permit renewal.
 - (c) After September 30, 2025, commercial cannabis cultivation operations at lawfully permitted pre-existing cultivation sites established prior to January 1, 2016, shall be limited to one generator rated at 50-hp or less and used for emergency purposes only. The County shall verify compliance with this standard as part of the on-site inspection required for permit renewal.
- CC-S4: **Public Notice.** Whenever a permit application for any commercial cannabis cultivation activity has been determined complete for processing, notice of the proposed project shall be provided as follows:
- (a) Notice shall be mailed by first class mail (i) to all property owners and occupants at the address(es) shown on the latest assessment roll within one mile of the perimeter of the parcel on which a permit is being requested, and (ii) to all persons who have requested notice of commercial cannabis cultivation applications. The notice shall include the location of the project and a description of the size and type of activity proposed.
 - (b) Notice shall be published at least twice in a newspaper of general circulation that serves the area in which the commercial cannabis cultivation operation is to be conducted.
 - (c) Notice shall be posted in at least three public locations where it is reasonably likely to be seen by persons who may be affected by the commercial cannabis cultivation activity, including persons who may rely on road systems or water sources affected by the commercial cannabis cultivation activity.
- The notice required by this standard shall be sufficient to satisfy Policy CC-P7 but also is in addition to any other notice that may be required by law.

Implementation Measures

- CC-IM1: **Notice to Department of Cannabis Control.** The County shall provide prompt notice of the adoption of the Humboldt Cannabis Reform Initiative to the California Department of Cannabis Control in accordance with Business and Professions Code section 26055(f)(2).
- CC-IM2: **Ordinance Consistency.** The goals, policies, standards, and implementation measures set forth in Section 4.9 of the General Plan shall control over any conflicting provision of the Humboldt County Code or Zoning Regulations. As soon as possible, but no later than two years after the adoption of the Humboldt Cannabis Reform Initiative, the County shall revise the Humboldt County Code and Zoning Regulations to establish consistency with the Initiative,

including all goals, policies, standards, and implementation measures set forth in Section 4.9 of the General Plan.

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of revisions to any portion of the Humboldt County Code and Zoning Regulations applicable in the Coastal Zone. In the event the California Coastal Commission requests or proposes modifications to any such revisions prior to or as part of certification of any Local Coastal Program amendments included therein, the Board of Supervisors is permitted to adopt such modifications without a vote of the people provided that the Board finds that the modifications further the purpose, intent, goals, policies, standards, and implementation measures set forth in the Humboldt Cannabis Reform Initiative. Revisions to any portion of the Humboldt County Code and Zoning Regulations applicable in the Coastal Zone adopted pursuant to this Implementation Measure CC-IM2 shall be effective upon the California Coastal Commission’s certification.

2. Amendments to Implementation Action Plan (General Plan Appendix A)

The following five rows are added to the table in Appendix A to the General Plan entitled “2017 Humboldt County General Plan – Implementation Action Plan,” at Page A-9, immediately preceding the subheading entitled “Chapter 5 Community Infrastructure and Services Element”:

Chapter 4 Land Use Element – Cannabis Cultivation					
CC-IM1. Notice to Department of Cannabis Control	Core County Service	County Administration	Immediate	TBD	All Goals, Policies, and Standards in Land Use Element Section 4.9
CC-IM2. Ordinance Consistency	Zoning Regulations; Other Development Code Revisions	Long-Range Planning	2 Years	TBD	All Goals, Policies, and Standards in Land Use Element Section 4.9

Note (for informational purposes only; not part of the General Plan text adopted by this Initiative): The six column headings applicable to the above table, from left to right, are “Text of Measure,” “Method,” “Responsibility,” “Timing,” “Cost Range,” and “Policies Implemented.”

The amendments to the Implementation Action Plan adopted in this Section 2.A.2 of the Initiative may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with the goals, policies, standards, and implementation measures of the General Plan adopted in Section 2.A.1 of the Initiative.

B. General Plan Conforming Amendments

The General Plan is further amended as set forth below in this Section 2.B in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in **bold type**. Text to be deleted from the General Plan is indicated in ~~strikeout~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with the purpose, intent, goals, policies, standards, and implementation measures of the General Plan set forth in Sections 1 and 2.A above.

1. On page 9-7 of the General Plan, Economic Development Element Section 9.3 Background, the following paragraphs are amended to read:

Cannabis

The production and sale of **recreational**, medicinal and illicit cannabis contribute significantly to Humboldt County’s economy. The impact is difficult to measure but its effects are unmistakable. For example, the size of the retail and restaurant sector is out of proportion to official income levels. While the production and sale of **recreational and medicinal** cannabis is legal and local jurisdictions are collecting data that can be used to measure the size of this industry, the size of the illegal industry cannot be measured directly. Many assume **that at times it is has been** the largest single industry in Humboldt County.

While cash circulating is undisputedly good for the local economy, ~~the industry’s use of residential, agricultural and timberlands~~ **cannabis cultivation and production** can result in environmental impacts **and** land use conflicts. The competition for labor can also be problematic, for example there is a strong appeal to local youth to enter the cannabis trade instead of preparing themselves for a legal career.

~~If Now~~ **that** statewide efforts to legalize cannabis ~~are have proven~~ **successful**, the County ~~may enjoy~~ **should work to support** a legal, ~~and~~ economically viable, **and environmentally responsible** industry based on the expertise, quality and market reputation that Humboldt County gained in the production of illicit cannabis. While there are practical and legal limitations on the County’s ability to support illicit cultivation, support for legal cultivation **in accordance with Section 4.9 Cannabis Cultivation of the Land Use Element of this General Plan** should be a part of the County’s overall economic policy.

2. In Appendix A to the General Plan, on page A-1, the following paragraph is amended to read:

For the most part, the implementation measures in the General Plan are programs, steps or processes intended to help achieve the outcomes defined by the goals and policies of each element. However, the County must take additional steps to implement each action. In this Implementation Plan, each action is organized to reflect the overarching goal and policy of a General Plan Element. In some instances, policies and standards are not directly associated with an implementation measure,

such policies and standards are listed and the implementing actions are identified as though they are implementation measures. The General Plan contains a total of 224 226 implementation measures. In addition, the General Plan contains 170 policies and 77 standards that are not directly associated with an implementation measure.

SECTION 3: AMENDMENTS TO HUMBOLDT COUNTY LOCAL COASTAL PLANS

This Initiative hereby amends each of the six Humboldt County Local Coastal Plans (the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, South Coast Area Plan, and Trinidad Area Plan) as those plans were amended through the Submittal Date, as set forth below. New text to be inserted in each plan is indicated in **bold** type.

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of the amendments in this Section 3 and any other amendments to the Local Coastal Plans necessary to implement this Initiative. In the event the California Coastal Commission requests or proposes modifications to any Local Coastal Plan amendment found in Section 3 of the Initiative prior to or as part of certification, the Board of Supervisors is permitted to amend only the affected Local Coastal Plan, and not any other part of this Initiative, as necessary to incorporate such modifications without a vote of the People, provided that the Board finds that the modifications further the purpose and intent of the Initiative as set forth in Section 1 and are consistent with the goals, policies, standards, and implementation measures set forth in Section 2. The amendments in this Section 3 shall be effective upon the California Coastal Commission's certification.

Except as specifically provided above, the amendments in this Section 3 may be changed only by a vote of the people.

A. Eel River Area Plan

1. At Chapter 3 – Page 3 of the Eel River Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. General Development Policies Within the Urban Limit, the following text is inserted after Policy 5. Nonconforming Uses and Structures:

6. Commercial Cannabis Cultivation.

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Eel River Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

2. At Chapter 3 – Page 18 of the Eel River Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Subsection C. NONCONFORMING USES AND STRUCTURES:

D. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Eel River Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

B. Humboldt Bay Area Plan

1. At Chapter 3 – Page 7 of the Humboldt Bay Area Plan (Rev. December 2014), Section 3.11 URBAN LIMIT, Subsection B. DEVELOPMENT POLICIES, Subsection 2. General Development Policies Within The Urban Limit, the following text is inserted after Policy d.:

e. In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Humboldt Bay Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

2. At Chapter 3 – Page 27 of the Humboldt Bay Area Plan (Rev. December 2014), Section 3.20 RURAL DEVELOPMENT, the following text is inserted after Policy B. NONCONFORMING USES AND STRUCTURES:

C. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the Humboldt Bay Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

C. McKinleyville Area Plan

1. At Chapter 3 – Page 3 of the McKinleyville Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITH THE URBAN LIMIT the following text is inserted after Policy 5. NONCONFORMING USES AND STRUCTURES:

6. **COMMERCIAL CANNABIS CULTIVATION**

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the McKinleyville Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

2. At Chapter 3 – Page 14 of the McKinleyville Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NONCONFORMING USES AND STRUCTURES:

D. **COMMERCIAL CANNABIS CULTIVATION**

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the McKinleyville Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

D. North Coast Area Plan

1. At Chapter 3 – Page 3 of the North Coast Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITHIN THE URBAN LIMIT, the following text is inserted after Policy 5. Non-conforming uses and structures:

6. **Commercial Cannabis Cultivation: In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the North Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

2. At Chapter 3 – Page 10 of the North Coast Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NON-CONFORMING USES AND STRUCTURES:

D. **COMMERCIAL CANNABIS CULTIVATION**

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the North Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

E. South Coast Area Plan

1. At Chapter 3 – Page 2 of the South Coast Area Plan (Rev. December 2014), Section 3.21 URBAN LIMITS, Subsection B. GENERAL DEVELOPMENT POLICIES WITHIN THE URBAN LIMIT, the following text is inserted after Policy 5. Non-conforming uses and structures:

6. **Commercial Cannabis Cultivation: In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative’s purposes, commercial cannabis cultivation within the South Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.**

2. At Chapter 3 – Page 13 of the South Coast Area Plan (Rev. December 2014), Section 3.31 RURAL DEVELOPMENT, the following text is inserted after Policy C. NON-CONFORMING USES AND STRUCTURES:

D. **COMMERCIAL CANNABIS CULTIVATION**

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative (“Initiative”), which amended the Humboldt County General Plan to protect the County’s residents and natural

environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative's purposes, commercial cannabis cultivation within the South Coast Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

F. Trinidad Area Plan

1. At page "Chapter 3-5" of the Trinidad Area Plan (Rev. December 2014), Section 3.11 URBAN LIMIT, Subsection B. DEVELOPMENT POLICIES, Subsection 2. General Development Policies Within the Urban Limit, the following text is inserted after policy d. Nonconforming uses and structures:

e. **Commercial Cannabis Cultivation.**

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative ("Initiative"), which amended the Humboldt County General Plan to protect the County's residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative's purposes, commercial cannabis cultivation within the Trinidad Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

2. At page "Chapter 3-12" of the Trinidad Area Plan (Rev. December 2014), Section 3.20 RURAL DEVELOPMENT, the following text is inserted after Policy A. EXISTING USES:

B. COMMERCIAL CANNABIS CULTIVATION

In 2022, the voters of Humboldt County adopted the Humboldt Cannabis Reform Initiative ("Initiative"), which amended the Humboldt County General Plan to protect the County's residents and natural environment from harm caused by large-scale commercial cannabis cultivation. To advance the Initiative's purposes, commercial cannabis cultivation within the Trinidad Planning Area shall be subject to the definitions, goals, policies, standards, and implementation measures in the Humboldt County General Plan, Land Use Element Section 4.9 Cannabis Cultivation.

SECTION 4: AMENDMENTS TO SECTION 313-55.4 OF THE HUMBOLDT COUNTY CODE

A. Text Amendments

This section of the Initiative hereby amends Section 313-55.4 et seq. of Title III, Division 1, Chapter 3, Section B, Part 1 (Coastal Zoning Regulations) of the Humboldt County Code, as amended through the Submittal Date. New text to be inserted in the Humboldt County Code is indicated in **bold** type. Text to be deleted from the Humboldt County Code is indicated in ~~strikeout~~ type. Text in standard type currently appears in the Humboldt County Code and is not readopted by this Initiative. The text inserted or deleted by the following amendments may only be amended by a vote of the people.

1. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.5.6 TERM OF COMMERCIAL CANNABIS ACTIVITY CLEARANCE OR PERMIT is amended as follows:

55.4.5.6 Term of Commercial Cannabis Activity Clearance or Permit. Authorization for any commercial cannabis activity zoning clearance certificate, special permit, coastal development permit or use permit issued pursuant to this section shall terminate after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an **on-site, in-person** annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.

2. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.5 – GENERAL PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS ACTIVITY LAND USE PERMITS is amended to add:

55.4.5.11. No waiver of public hearings. Notwithstanding any contrary provision of the Humboldt County Code, including but not limited to Section 312-9.2, a public hearing on an application for a special permit, use permit, or coastal development permit for commercial cannabis cultivation shall not be waived.

3. Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.6.8 CAP ON PERMITS is amended as follows:

55.4.6.8 Cap on Permits. **Within each of the County's Coastal Planning Areas (areas within the planning boundaries of the North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Humboldt Bay Area Plan, Eel River Area Plan, and South Coast Area Plan), caps on the total number of permits granted for commercial cannabis cultivation and on the total permitted acreage of cultivation shall be established and implemented as follows:**

55.4.6.8.1. In each Coastal Planning Area, the cap on the total number of permits granted for commercial cannabis cultivation shall be 1.05 times the total number of existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that Coastal Planning Area as of March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt. In each Coastal Planning Area, the permit cap shall be rounded to the nearest whole number.

55.4.6.8.2. In each Coastal Planning Area, the cap on the total permitted acreage of cultivation area shall be 1.05 times the total permitted acreage of cultivation area approved by the County under existing approved, unexpired permits for Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within that Coastal Planning Area as of March 4, 2022, the date on which the notice

of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

55.4.6.8.3. If, at any time, in any Coastal Planning Area, either (i) the total number of permits granted for commercial cannabis cultivation or (ii) the total permitted acreage of cultivation area exceeds a cap for that Coastal Planning Area established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2, any new applications for commercial cannabis cultivation activities within that Coastal Planning Area shall be placed in a queue and shall not be further considered or processed until such time as the total number as the total number of approved permits and the total acreage of cultivation both fall below the applicable caps for that Coastal Planning Area. If and when the total number of approved permits and the total permitted acreage of cultivation area both fall below the applicable caps for a watershed, the Board of Supervisors may, by resolution and without a vote of the people, establish procedures for processing applications within the queue for that watershed.

55.4.6.8.4. Notwithstanding Section 313-55.4.6.8.3, the County may continue to process, and may approve, applications for permits for commercial cannabis cultivation that the County determines were complete on or before March 4, 2022, the date on which the notice of intention to circulate the Humboldt Cannabis Reform Initiative was submitted to the elections official of the County of Humboldt.

55.4.6.8.5. Notwithstanding Sections 313-55.4.6.8.1, 313-55.4.6.8.2, and 313-55.4.6.8.3, the County may renew a previously approved permit for commercial cannabis cultivation, provided that all applicable state and local requirements for permit renewal are satisfied.

55.4.6.8.6. This Section 313-55.4.6.8 was adopted as part of the Humboldt Cannabis Reform Initiative. The Board of Supervisors may, by resolution and without a vote of the people, reduce the caps on permits and acres established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2. This Section 313-55.4.6.8 may not otherwise be amended unless approved by a vote of the people.

55.4.6.8.7. In order to facilitate participation in and compliance with the County’s commercial cannabis cultivation permitting programs, the County shall publish and make available the caps on permits and acres established pursuant to Sections 313-55.4.6.8.1 and 313-55.4.6.8.2.

The total number of permits issued for commercial cultivation activities (including outdoor, indoor, and mixed light cultivation and nurseries) in each of the six local coastal plan areas shall be as follows:

Coastal Planning Area	Permits	Aeres
North Coast Area Plan	4	2
Trinidad Area Plan	0	0
McKinleyville Area Plan	4	2
Humboldt Bay Area Plan*	38	13
Eel River Area Plan	112	39
South Coast Area Plan	13	5
Total	171	61

*Cannabis cultivation sites on properties zoned MG—industrial general or CG—commercial general with public water from the Humboldt Bay Municipal Water District may be exempt from the cap with a will serve letter from the district providing public water service to the site.

Once the permit cap for a given local coastal plan has been reached, no additional permit applications for open air and indoor cultivation activities will be processed until the Planning Commission and Board of Supervisors consider a review of the limits and prescribed distribution of permitting and acreage allowances found in the above table and approve an increase in the cap by amendment of this section of the Humboldt County Code certified by the California Coastal Commission. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and State agencies shall be contacted and invited to provide and present input to be considered by the Board during annual review. After holding a public hearing and considering all public testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds

- Title III – LAND USE AND DEVELOPMENT, Section 313-55.4.12.1.8.2 – PERFORMANCE STANDARD – ROAD SYSTEMS: STANDARD 2 – FUNCTIONAL CAPACITY is amended as follows:

55.4.12.1.8.2 Standard 2 – Functional Capacity. Unless otherwise specified, roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect). The application package must demonstrate compliance with this requirement in one (1) of the following ways:

55.4.12.1.8.2.1 Parcel(s) served exclusively by roads which are paved publicly maintained or private roads where all portions of the paved road system feature a centerline stripe and two (2) ten (10) foot wide travel lanes require no further analysis, only a notation on the plans that the access to the site meets this requirement; or

55.4.12.1.8.2.2 Parcel(s) served by roads without a centerline stripe must submit a written assessment of the functional capacity of these road segments. If the assessment ~~reveals~~ **concludes** that all road systems meet or exceed the Category 4 standard (or same practical effect), ~~then no additional review is necessary, that conclusion must be verified by a report prepared by a licensed engineer. Documentation of self-certification shall be produced to the satisfaction of the County; including use of appropriate forms where provided.~~ The County reserves the right to independently verify ~~general~~ compliance with this standard.

55.4.12.1.8.2.3 Where access to a site is provided by roads not meeting the Category 4 standard, the application shall require a special permit and include a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the project, in addition to the existing traffic using the road(s). In the event that the roads cannot accommodate the traffic volume anticipated the engineer shall recommend improvements to bring the road up to an adequate functional capacity.

55.4.12.1.8.2.4 Where accessed via a driveway or private road intersecting a State highway, applications shall provide an evaluation of the performance and design of the road or driveway encroachment. The evaluation will identify the required improvements necessary to ensure proper function of the access based on anticipated traffic volumes. Improvements may include paving or widening of the throat of the driveway or private road, provision of adequate sight distances, and other improvements determined necessary to comply with Caltrans standards. A copy of an approved State encroachment permit (if required) will be provided to the County. All required improvements shall be completed prior to the initiation of any new commercial cannabis use(s). (FEIR mitigation measure 3.12-2)

B. Implementation

The Board of Supervisors is hereby authorized and directed to request California Coastal Commission certification of the amendments to the Humboldt County Code and Zoning Regulations in this Section 4 of the Initiative. In the event the California Coastal Commission requests or proposes modifications to the provisions found in Section 4 of the Initiative prior to or as part of certification of any Local Coastal Program amendments included therein, the Board of Supervisors is permitted to adopt such modifications without a vote of the people provided that the Board finds that the modifications further the purpose and intent of the Initiative as set forth in Section 1 and are consistent with the goals, policies, standards, and implementation measures set forth in Section 2. The amendments in this Section 4 shall be effective upon the California Coastal Commission's certification.

SECTION 5: AMENDMENTS TO SECTION 314-55.4 OF THE HUMBOLDT COUNTY CODE

This section of the Initiative hereby amends Section 314-55.4 et seq. of Title III, Division 1, Chapter 4, Section B, Part I (Inland Zoning Regulations) of the Humboldt County Code, as amended through the Submittal Date. New text to be inserted in the Humboldt County Code is indicated in **bold** type. Text to be deleted from the Humboldt County Code is indicated in ~~strikeout~~ type. Text in standard type currently appears in the Humboldt County Code and is not readopted by this Initiative. The text inserted or deleted by the following amendments may only be amended by a vote of the people.

A. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.5.6 TERM OF COMMERCIAL CANNABIS ACTIVITY CLEARANCE OR PERMIT is amended as follows:

55.4.5.6 Term of Commercial Cannabis Activity Clearance or Permit. Any commercial cannabis activity zoning clearance certificate, special permit, or use permit issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an **on-site, in-person** annual compliance inspection has been conducted and the permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.

B. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.5 – GENERAL PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS ACTIVITY LAND USE PERMITS is amended to add:

55.4.5.11. No waiver of public hearings. Notwithstanding any contrary provision of the Humboldt County Code, including but not limited to Section 312-9.2, a public hearing on an application for a special permit or use permit for commercial cannabis cultivation shall not be waived.

C. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.12.1.8.2 – PERFORMANCE STANDARD – ROAD SYSTEMS: STANDARD 2 – FUNCTIONAL CAPACITY is amended as follows:

55.4.12.1.8.2 Standard 2 – Functional Capacity. Unless otherwise specified, roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect). The application package must demonstrate compliance with this requirement in one (1) of the following ways:

55.4.12.1.8.2.1 Parcel(s) served exclusively by roads which are paved publicly maintained or private roads where all portions of the paved road system feature a center-line stripe and two (2) ten (10) foot wide travel lanes require no further analysis, only a notation on the plans that the access to the site meets this requirement; or

55.4.12.1.8.2.2 Parcel(s) served by roads without a centerline stripe must submit a written assessment of the functional capacity of the road segments. If the assessment ~~reveals~~ **concludes** that all road systems meet or exceed the Category 4 standard (or same practical effect), ~~then no additional review is necessary, that conclusion must be~~

verified by a report prepared by a licensed engineer. ~~Documentation of self-certification shall be produced to the satisfaction of the County; including use of appropriate forms where provided.~~ The County reserves the right to independently verify general compliance with this standard.

55.4.12.1.8.2.3 Where access to a site is provided by roads not meeting the Category 4 standard, the application shall require a special permit and include a report prepared by a licensed engineer evaluating whether the design, condition, and performance of all necessary road segments are currently capable of supporting increases in traffic volume created by the project, in addition to the existing traffic using the road(s). In the event that the roads cannot accommodate the traffic volume anticipated the engineer shall recommend improvements to bring the road up to an adequate functional capacity.

55.4.12.1.8.2.4 Where accessed via a driveway or private road intersecting a State highway, applications shall provide an evaluation of the performance and design of the road or driveway encroachment. The evaluation will identify the required improvements necessary to ensure proper function of the access based on anticipated traffic volumes. Improvements may include paving or widening of the throat of the driveway or private road, provision of adequate sight distances, and other improvements determined necessary to comply with Caltrans standards. A copy of an approved State encroachment permit (if required) will be provided to the County. All required improvements shall be completed prior to the initiation of any new commercial cannabis use(s).

D. Title III – LAND USE AND DEVELOPMENT, Section 314-55.4.12.7.2 – FORBEARANCE PERIOD AND STORAGE REQUIREMENTS is amended as follows:

55.4.12.7.2 Forbearance Period and Storage Requirements.

55.4.12.7.2.1 Operators of cannabis cultivation site(s) shall forbear from diversions of surface water for irrigation **between March 1 and November 15, and** during periods of low or reduced stream flows, in accordance with requirements of the State Water Resources Control Board.

55.4.12.7.2.2 The County may require the submittal of a water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar licensed professional, establishing a ~~smaller or larger~~ water storage and forbearance period, if required, based upon local site conditions.

55.4.12.7.2.3 Where subject to forbearance, the applicant shall provide a plan for developing adequate on-site water storage to provide for irrigation, based on the size of the area to be cultivated.

SECTION 6: EXEMPTIONS

- A. Nothing in this Initiative shall apply to prohibit any person or entity from exercising a vested right obtained pursuant to local or State law as of the Effective Date of this Initiative.
- B. The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California.
- C. Takings:
 - 1. If a property owner contends that any provision of this Initiative effects an unconstitutional taking of that owner's property, the County shall grant an exception to the application of that provision if the County finds, based on substantial evidence, that (1) application of that provision could constitute an unconstitutional taking of that owner's property, and (2) that any exception granted will allow additional land uses only to the minimum extent necessary to avoid such a taking.
 - 2. This takings subsection is intended to prevent this Initiative from unconstitutionally interfering with property rights and to avoid the potential fiscal impacts to the County of meritorious claims for just compensation based on allegations of such interference. This subsection is therefore intended to avoid a taking of property, not to provide a remedy for such a taking.

SECTION 7: IMPLEMENTATION

- A. **Effective Date:** "Effective Date" means the date that the Initiative became effective pursuant to State law.
- B. **Humboldt County General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the County General Plan ("General Plan"), as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the County of Humboldt City General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the Humboldt County Code, Zoning Regulations, or of any other County of Humboldt ordinance or resolution that are inconsistent with the General Plan amendments adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.

Provisions of Sections 3 and 4 of the Initiative that must be submitted to the California Coastal Commission as amendments to the County of Humboldt Local Coastal Program shall be effective upon the California Coastal Commission's certification of those amendments. Upon the California Coastal Commission's certification of those amendments, any provisions of the Humboldt County Code, Zoning Regulations, or of any other County of Humboldt ordinance or resolution that are inconsistent with the Local Coastal Plan amendments adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.

- C. **Interim Amendments:** The Humboldt County General Plan (including the six Humboldt County Local Coastal Plans) in effect on the Submittal Date as amended by this Initiative comprises an integrated, internally consistent, and compatible

statement of policies for the County of Humboldt. In order to ensure that nothing in this Initiative measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the County, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.

- D. Other County Plans, Ordinances, and Policies:** The County of Humboldt is hereby authorized and directed to amend the General Plan, Community Plans, and other plans, ordinances and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan and other County plans, ordinances, and policies.
- E. Reorganization:** The General Plan, Local Coastal Plans, and Humboldt County Code may be reorganized or updated, or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of State law, provided that the provisions of Section 2.A.1 and 2.A.2 of this Initiative shall remain in the General Plan, the provisions of Section 3 of this Initiative shall remain in the Local Coastal Plans, and the amendments made in Sections 4 and 5 of this Initiative shall remain in the Humboldt County Code, unless repealed or amended by vote of the people of the County of Humboldt.
- F. Implementing Ordinances:** The Board of Supervisors is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- G. Enforcement and Defense of Initiative:** The Board of Supervisors shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.
- H. Project Approvals:** Upon the effective date of this Initiative, the County and its departments, boards, commissions, officers, and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan or local coastal plan amendment, rezoning, specific plan, subdivision map, use permit, development plan, building permit, development agreement, or any other entitlement which is inconsistent with this Initiative.

SECTION 8: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE BALLOT

This Initiative adopts a comprehensive scheme of goals, policies, standards, and implementation measures governing commercial cannabis cultivation within the County's unincorporated areas. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses commercial cannabis cultivation within the County's unincorporated areas, or conflicts with any provision of this Initiative, shall be deemed to conflict with this Initiative. Because of this conflict, if this Initiative and any such other Humboldt County measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 8, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 9: SEVERABILITY AND INTERPRETATION

This Initiative shall be broadly construed in order to achieve its purpose. For purposes of determining whether any resolution, ordinance, or specific project is consistent with this General Plan, it is the intent of the voters that the goals, policies, plans, and implementation measures added by the Initiative be interpreted as fundamental, mandatory, and clear.

This Initiative shall be interpreted so as to be consistent with all applicable Federal and State laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 10: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of Humboldt County.

The following exhibit is attached for reference purposes only and is not adopted by the initiative:

Exhibit A: Humboldt County Board of Supervisors Resolution No. 18-43

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

RESOLUTION NO. 18-43

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR COMMERCIAL CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the Board of Supervisors has adopted a series of comprehensive amendments to the Humboldt County Zoning Regulations, governing commercial activities involving the Cultivation, Processing, Manufacturing, and Distribution of Cannabis within the unincorporated areas of the County of Humboldt, known as the Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, pursuant to the California Environmental Quality Act, a Programmatic Environmental Impact Report was prepared for the Commercial Cannabis Land Use Ordinance, which evaluated, mitigated, and disclosed potentially significant environmental impacts from the proposed ordinance amendments (CCLUO); and

WHEREAS, during adoption of the Commercial Cannabis Land Use Ordinance the Board of Supervisors certified that the Final Environmental Impact Report (FEIR) prepared for the CCLUO had been completed in compliance with CEQA, making the findings required by Public Resources Code Section 21081(a) and CEQA Guidelines Sections 15091 and 15092, including adoption of a Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 (b) and CEQA Guidelines Section 15093; and

WHEREAS, the Commercial Cannabis Land Use Ordinance includes provisions for the Board of Supervisors to establish by separate resolution a limit (cap) on the number of permits and acres which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation within each of the twelve (12) discrete planning watersheds of Humboldt County; and

WHEREAS, by approving this Resolution, the Board of Supervisors establishes a limit on the number of permits and acres permits which may be approved for Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation to ensure that further permitting beyond that limit will not proceed until the County has performed further analysis of the condition of these planning watersheds, including review of water flow data and applicable studies or information prepared by the following state and local agencies: California Department of Fish & Wildlife, North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection.

Humboldt Cannabis Reform Initiative - EXHIBIT A

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, that the Board finds as follows based on the administrative record:

1. An Environmental Impact Report (EIR) (SCH# 2017042022) was prepared and certified for the Commercial Cannabis Land Use Ordinance, which evaluated and addressed the potential environmental impacts from the ongoing regulation of commercial cannabis activities, including a limit on the number of permits and acres of cultivation. No additional review is required under section 15162 of the CEQA Guidelines because establishing a limit on the number of permits and acres of cultivation consistent with the EIR will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes in the circumstances under which the resolution is being adopted will require any revisions of the certified Environmental Impact Report (EIR). There is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time that the EIR was certified that shows this resolution setting a limit on the number of permits and acres of cultivation consistent with the EIR will have any significant effects not discussed in the EIR, or that the significant effects examined in the EIR will be substantially more severe.
2. It is appropriate to limit the total number of Open Air Cultivation (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation permits granted as well as the total permitted acreage of cultivation as shown in the following table.

Cap Distribution		
Watershed	Permits	Acres
Cape Mendocino	650	223
Eureka Plain	89	31
Lower Eel	336	116
Lower Klamath	161	56
Lower Trinity	169	58
Mad River	334	115
Middle Main Eel	360	125
Redwood Creek	141	49
South Fork Eel	730	251
South Fork Trinity	86	29
Trinidad	19	6
Van Duzen	425	146
TOTAL	3,500	1,205

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

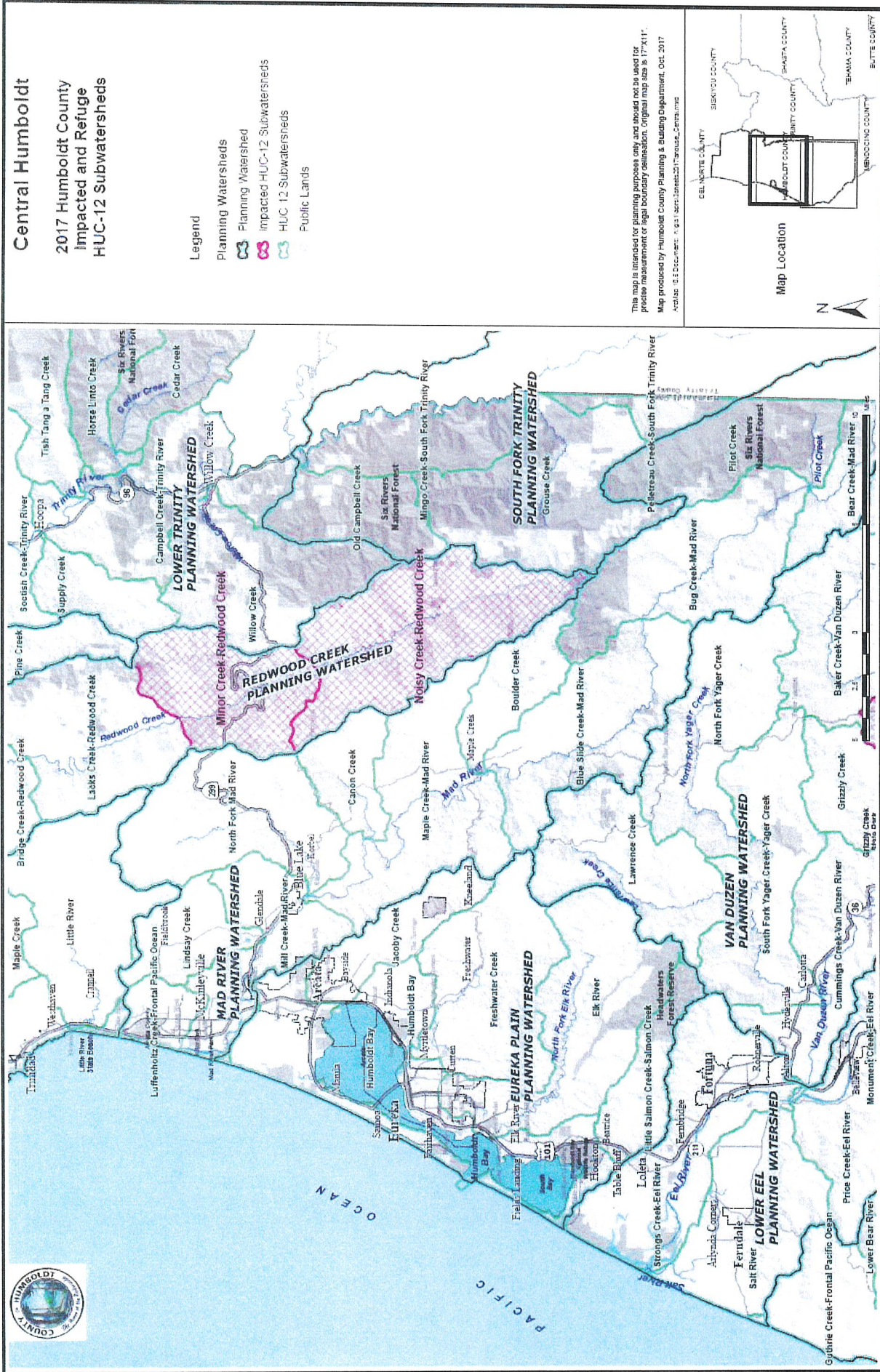
Certified copy of portion of proceedings; meeting on May 8, 2018

3. Certain subwatersheds are hereby declared to be impacted by low streamflows due to high concentrations of current cannabis cultivation activities. Additionally, certain other subwatersheds are hereby declared to be refuges critical to the recovery strategy for key populations of California Coho Salmon, as well as a number of other aquatic species currently listed pursuant to the federal Endangered Species Act. These subwatersheds are identified by their USGS HUC-12 (Hydrological Unit Code) names and grouped by planning watershed in the following table and mapping. Permits for new Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation Activities or expansion of lawful pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or are under a compliance agreement to remediate pursuant to the Retirement, Remediation, and Relocation provisions of the Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code.

Impacted & Refuge HUC-12 Subwatersheds by Planning Watershed
PLANNING WATERSHED #1 CAPE MENDOCINO
* <i>Headwaters Mattole River</i>
Middle Mattole River
Upper Mattole River
PLANNING WATERSHED #8 REDWOOD CREEK
Noisy Creek-Redwood Creek
Minor Creek-Redwood Creek
PLANNING WATERSHED #9 SOUTH FORK EEL RIVER
Redwood Creek
Salmon Creek
* <i>Sprowel Creek</i>
PLANNING WATERSHED #12 VAN DUZEN RIVER
Hoagland Creek-Van Duzen River
Butte Creek
Little Van Duzen River
* <i>Refuge watersheds</i>

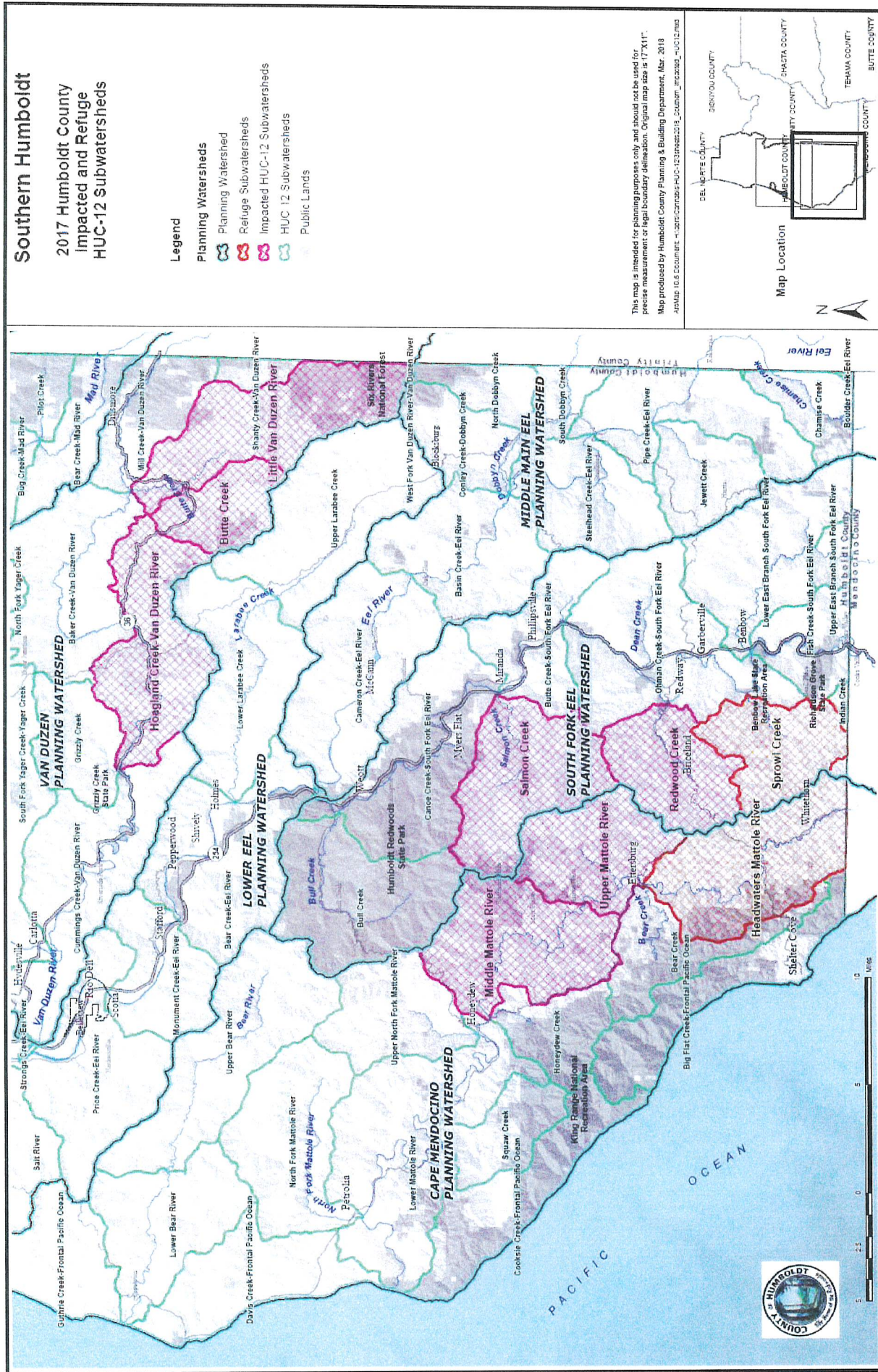
BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018



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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on May 8, 2018

4. Following the establishment of a countywide cap on the total number of permits and acreage of cultivation that may be approved, beginning in May of 2019, the Board of Supervisors agrees to conduct an annual review of the limits and prescribed distribution of permitting and acreage allowances found in the above table. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from local and state agencies shall be contacted and invited to provide and present input and information to be considered by the Board during annual review. After holding a public hearing and considering all information and testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.

Adopted May 8, 2018

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

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



RYAN SUNDBERG, CHAIRMAN,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

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

By: 
Ryan Sharp, Deputy Clerk

Date: May 8, 2018

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE:

LARGE-SCALE COMMERCIAL CANNABIS CULTIVATION RESTRICTIONS AMENDING HUMBOLDT COUNTY GENERAL PLAN, LOCAL COASTAL PLANS AND COUNTY CODE AMENDMENTS INITIATIVE

SUMMARY:

This proposed initiative measure (the “Measure”) amends the Humboldt County General Plan, Humboldt County Local Coastal Plans, and Humboldt County Code as they pertain to commercial cannabis cultivation and seeks to restrict commercial cannabis cultivation by promoting environmentally responsible cultivation practices and supporting watershed health for residents, property owners and ecosystems affected by cannabis cultivation activities. The Measure would remain in effect until repealed or amended.

The Measure states it seeks to protect the County’s residents, natural environment and reputation for high quality cannabis from harm caused by large-scale cannabis cultivation operations by adding requirements to the application and permitting process including on-site, in-person site inspections before a commercial cannabis cultivation permit could be renewed; imposing a new multiple permit limit per individual; seeking to increase collaboration among the County and other resource agencies; extending the forbearance period for water diversions from March 1st until November 15th; limiting new and expanded commercial cannabis cultivation permits to outdoor and lower-wattage mixed-light operations with a total cultivation area less than 10,000 square feet; limiting generator noise and use; establishing new requirements for private roads servicing cannabis cultivation operations; requiring hydrologic studies for certain well-water usage in cannabis cultivation operations; and, requiring the County to order cannabis cultivation applicants or permittees to either increase water storage in relation to their cannabis cultivation operations or decrease cultivation area if water storage is deemed inadequate.

The Measure would also prohibit the ability of the County to waive any public hearing requirements, expands the notice requirements the County must provide the public and increases the range of commercial cannabis cultivation applications that are subject to discretionary County review.

The Measure would limit the total number of commercial cannabis cultivation permits issued by the County in certain watersheds and in the Local Coastal Plan areas pursuant to a formula.

As submitted, the Measure includes a total of 38 pages of 8.5 x 11 single-spaced text of General Plan, Local Coastal Plans and County code amendments in 10 sections: (1) Purpose and Findings; (2) Humboldt County General Plan Amendments; (3) Amendments to the Humboldt County Local Coastal Plans; (4) Amendments to Section 313-55.4 of the Humboldt County Code; (5) Amendments to Section 314-55.4 of the Humboldt County Code; (6) Exemptions; (7) Implementation; (8) Effect of Competing or Alternative Measure on the Ballot; (9) Severability and Interpretation; and, (10) Amendment or Repeal. The Exhibit is Humboldt County resolution 18-43 adopted May 8, 2018 establishing a limit (cap) on the number of permits and acres which may be approved for commercial cannabis cultivation within unincorporated areas of the County of Humboldt.

The Measure allows the Board of Supervisors to amend certain provisions of the Measure while other provisions may expressly only be amended by a vote of the people.

Dated: March 18, 2022

By: _____ /s/ _____

Jefferson Billingsley, County Counsel
Cathie Childs, Deputy County Counsel
County of Humboldt

NOTICE TO THE PUBLIC

YOU HAVE THE RIGHT TO SEE AN “OFFICIAL TOP FUNDERS” SHEET.

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

ALL SIGNERS OF THIS PETITION MUST BE REGISTERED VOTERS IN THE COUNTY OF HUMBOLDT

		Official Use Only
Print Name: _____	Residence Address ONLY: _____	
1. _____ (Signature)	_____ (City)	
Print Name: _____	Residence Address ONLY: _____	
2. _____ (Signature)	_____ (City)	

DECLARATION OF CIRCULATION (to be completed after above signatures have been obtained).

I, _____, declare that I have served as a circulator to secure signatures in the County of Humboldt to the petition for the attached initiative measure. I circulated this petition section and saw all the appended signatures being written; each of the signatures on this section was made in my presence, and to the best of my information and belief, each is the genuine signature of the person whose name it purports to be. All signatures to this document were obtained between _____ and _____. I am 18 years of age or older.

(month/day/year)

(month/day/year)

My current residence address is _____.
(Circulator: fill in full street address, including city, state and zip code).

I showed each signer a valid and unfalsified "Official Top Funders" sheet.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: _____ at _____, California.
(month/day/year)

(Signature of Petition Circulator)
(First Name, Middle Initial, Last Name)

(Printed Name, as Signed)