



By **Sandy Feretto**, *Redwood Times*

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0 COMMENTS

Eureka >> A draft Humboldt County Medical Marijuana Land Use Ordinance (MMLUO) for the unincorporated areas of the county is available for public comment, and is scheduled to be before the Humboldt County Planning Commission on Thursday, Nov. 5, for a public hearing.

The draft ordinance is available at <http://ca-humboldtcounty.civicplus.com/2124/Medical-Marijuana-Land-Use-Ordinance>. In addition to the public notice on the ordinance published in the Times-Standard on Sunday, Oct. 4, a notice of intent to adopt a mitigated negative declaration (MND) for medical marijuana land use ordinance was posted, and comments are being accepted.

A copy of the MND and Initial Study and supporting documents are available for public view through the link given above.

County planner Steve Lazar may be reached at 707-268-3741 for further information about how to obtain the documents for review and how to comment. His email address is slazar@co.humboldt.ca.us.

“The ordinance is designed to apply ‘standard conditions’ and ‘best management practices’ that are defined under the Regional Board’s recent order governing ‘discharges of waste resulting from cannabis cultivation and associated activities’ (Order # 2015-0023),” Lazar said in an e-mail, “The ordinance is also designed to align with tiering found within the RWQCB (Regional Water Quality Control Board) order as well as the one-acre ceiling and 500 square foot ‘floor’ established under the pending state bills (SB643, AB266, and AB243) awaiting signature by the governor, which constitute the Medical Marijuana Regulation and Safety Act, and would result in the establishment of the Bureau of Medical Marijuana Regulation who would administer licensing various activities associated with the production, manufacturing, and distribution of medical cannabis pursuant to the act.”

Lazar went on to explain that, “All commercial cultivation in the unincorporated areas of the county would be subject to demonstrating compliance with the ordinance. Depending on scale, this includes securing a Zoning Clearance certificate, Special Permit, or Conditional Use Permit, and complying with the provisions of 55.4.10, 55.4.11, and 55.4.12.”

Lazar said that under the current draft of the ordinance, personal use cultivation occurring consistent with the Phase I or II regulations would not be subject to compliance with the Phase IV regulations, governing commercial forms of cultivation.

Phases I and II of the county's medical marijuana land use ordinance regulates indoor cultivation for personal use, and outdoor cultivation for personal use on parcels of less than five acres in size. The current draft up for consideration is the fourth phase.

In the draft ordinance is a chart of state license types; canopy sizes (ranging from 500 square feet or 50 or less plants to 43,560 square feet); zones; permit tiers; and cultivated area sizes (ranging from 500 square feet to 43,560 square feet).

One acre is 43,560 square feet.

The draft ordinance requires special permits or conditional use permits depending on where the particular cultivation activity falls within the chart.

Also included in the draft ordinance are 14 application requirements and 13 standard conditions of approval, including a standard that where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, consent to forebear from any such diversion during the period from March 1 to October 30 of each year.

Many other specifications and details are included in the ordinance. It is recommended that those planning to make comments look at the draft ordinance and the mitigated negative declaration before doing so.



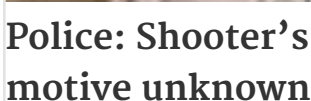
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