

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on November 13, 2018

RESOLUTION NO. 18-118

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING FINDINGS PURSUANT TO HUMBOLDT COUNTY CODE SECTION 312-50 – CONCERNING ADOPTION OF ZONING ORDINANCE AMENDMENTS NOT IN THE COASTAL ZONE.

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, on April 11, 2017 the Board of Supervisors considered a set of regulatory objectives for the proposed Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, on June 7, 2017 the Board of Supervisors considered policy areas for the proposed ordinance amendments which specified the zoning districts where cannabis activities would be allowed and the general standards that would be applied; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed ordinance amendments on November 16, 2017, December 7, 2017, December 14, 2017, January 11, 2018, and January 18, 2018 to receive a report on the draft ordinance amendments, as well as evidence and testimony; and

WHEREAS, the Planning Commission reviewed and considered the report, the Final Environmental Impact Report (FEIR) prepared for the project, evidence, and other testimony presented to the Commission; and

WHEREAS, at their January 18, 2018 meeting, the Humboldt County Planning Commission approved Resolution # 18-24 making all the required findings and recommending that the Board of Supervisors of the County of Humboldt:

- Hold a public hearing in the manner prescribed by law.
- Adopt the findings that the proposed ordinance is consistent with the applicable provisions of the Humboldt County Code and General Plan.
- Adopt a resolution certifying the Final Environmental Impact Report prepared for the ordinance amendments.
- By ordinance, approve the zoning ordinance amendments.
- Direct the Planning and Building Department to prepare and file a Notice of Determination pursuant to CEQA for the project.
- Direct the Clerk of the Board to publish a post approval summary in a newspaper of general circulation and give notice of the decision to interested parties.; and
- Adopt a Resolution transmitting the Amendment package, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 30514.

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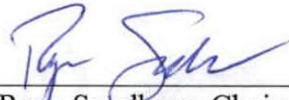
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports and all attachments thereto, supplemental reports, testimony presented at public hearings, and having considered testimony from the Planning Commission, that:

1. The Board makes the findings for approval of the amendments to the Zoning Regulations (Case No.: OR-17-002) in Exhibit A of this Resolution which is fully incorporated herein by reference.
2. The changes to the Zoning Regulations for areas outside the coastal zone (Ordinance No. 2615) will become effective 30 days from the date of adoption.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that upon adoption of the Ordinances:

1. The Clerk of the Board is hereby directed to give notice of the decision to any interested party; and
2. The Clerk of the Board is hereby directed to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage.

Dated: November 13, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

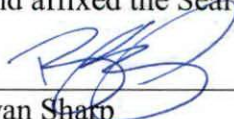
Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

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

STATE OF CALIFORNIA)
County of Humboldt)

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

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



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

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EXHIBIT A - REQUIRED FINDINGS

Section 312-50 of the Humboldt County Code specifies the findings that must be made in order to approve an amendment to the Zoning Regulations. The required findings are as follows:

1. *The proposed change is in the public interest.*
2. *The proposed change is consistent with the General Plan.*
3. *The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.*

1. **Public Interest:** The following table identifies the evidence which supports finding that the proposed Zoning Ordinance amendments are in the public interest.

Applicable Requirements	Evidence Supporting the Finding
<i>The proposed zoning change is in the public interest.</i>	The proposed amendment to Section 314-55.4.6.7 of the Cannabis 2.0 Ordinance is in the public interest because it corrects an error in the regulations. This section currently states that in certain Community Plan Areas, "Zoning Clearance Certificate applications submitted prior to January 1, 2016 shall be subject to compliance with the following provisions..." Clearly the date in Section 55.4.6.7 was intended to be January 1, 2017, not January 1, 2016 because no Zoning Clearance applications for Cannabis Activities were submitted prior to January 2016. The first Zoning Clearance applications for Cannabis Activities were submitted in March, 2016. The proposed Ordinance amendment in Attachment 2 makes that correction.

2. **General Plan Consistency:** The following table identifies the evidence which supports finding that the proposed Zoning Ordinance Amendments are consistent the 2017 General Plan.

Applicable Requirements	Evidence Supporting Finding
<i>The proposed zoning change is consistent with the General Plan.</i>	The purpose of the ordinance amendments is to correct an error in the current version of the Cannabis 2.0 Ordinance. The date in Section 55.4.6.7 was intended to be January 1, 2017, not January 1, 2016 because no Zoning Clearance applications for Cannabis Activities were submitted prior to January 2016. The date change has no implications for consistency with the General Plan except Guiding Principle #9, which states the General Plan should, "Provide a clear statement of land use values and policies to provide clarity in the County's permit processing system and simplify review of projects." By correcting an error in the Cannabis 2.0 Ordinance, the proposed ordinance amendments are consistent with that Guiding Principle.

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Applicable Requirements	Evidence Supporting Finding
	<p>Also Policy G-P26 Continuous Improvement states, "Building, Planning, Public Works, and Environmental Health land use permit processes shall be continually evaluated to eliminate inefficiencies, reduce response time, and simplify procedures." Clearly by correcting an error in the Cannabis 2.0 Ordinance, the proposed amendment will simplify procedures consistent with this Plan policy.</p>

3. Impact on Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Applicable Requirements	Evidence Supporting Finding
<p>§ 312-17.1.5 Housing Element Densities <i>The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</i></p>	<p>The proposed Zoning Ordinance amendments will have no effect on the local housing inventory or sites identified in the Housing Element to help accommodate the County's share of the regional housing need.</p>