

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 21-124

Case Number PLN-2021-17147

RECOMMENDS THAT THE BOARD OF SUPERVISORS CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPT THE AMENDMENTS TO SECTION 314-55.3 OF CHAPTER 4 OF DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE - THE INLAND COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO).

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 October 27, 2020, the Board of Supervisors directed staff to bring forward amendments to the County's Inland Commercial Cannabis Land Use Ordinance (CCLUO) 2599 to modify revisions to the Retirement, Remediation and Relocation (RRR) permits, as well as other minor revisions to the propagation and outdoor definitions in the CCLUO; and

WHEREAS, the proposed RRR Ordinance Amendments align with these directives of the Board of Supervisors; and

WHEREAS, the proposed amendments to the CCLUO to remove the enhanced setback requirements for cannabis distribution and testing and research facilities is necessary because the enhanced setback is not necessary to protect nearby sensitive receptors from odors from these types of facilities; and

WHEREAS, Exhibit A to this resolution includes substantial evidence in support of making all the required findings for approving the proposed amendments to the zoning text; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on July 1, 2021 during which the Planning Commission reviewed the staff report, took public comments, and deliberated on the draft RRR and other CCLUO amendments;

WHEREAS, a continued public hearing was held on the matter before the Humboldt County Planning Commission on August 5, 2021 where additional public comment was received; and

WHEREAS, at these public hearings the Planning Commission received public comment in support of the amendments to the RRR program, and the relaxing of setback requirements for cannabis distribution and research/testing facilities seemed to be supported as well; and

WHEREAS, at these public hearings there was considerable debate at the meeting and in the public comments about the proposed specific allowance for propagation area and allowing low-wattage lights in greenhouses for Outdoor cultivation, primarily for the purpose of maintaining plants in a vegetative state for a short period of the growing cycle, but also recognizing the lighting benefits employees working after dark in the greenhouses; and

WHEREAS, in the interest of moving the less contentious CCLUO amendments forward modifying the RRR program and eliminating enhanced setback requirements for cannabis distribution and research/testing facilities, the proposed ordinance has been revised to delete the proposed specific allowance for propagation area and the provisions allowing low-wattage lights in greenhouses for Outdoor cultivation.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings are hereby made:

1. The proposed ordinance amendments are in the public interest; and
2. The proposed ordinance amendments are consistent with the General Plan; and
3. The proposed ordinance amendments do 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; and
4. The Planning Commission makes the findings in Exhibit A of this resolution, which is incorporated fully herein, based on the evidence provided.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Consider changes to the Tax Code needed to achieve consistency with the recommended changes to the CCLUO.
3. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of this staff report.
4. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk.
5. Direct the Clerk of the Board to publish within 15 days of approval a post approval summary in a newspaper of general circulation and give notice of the decision to interested parties.

DECISION

Adopted after review and consideration of all the evidence on August 19, 2021.

The motion was made by Commissioner Brian Mitchell and seconded by Commissioner Melanie McCavour.

AYES: Commissioners: Alan Bongio, Thomas Mulder, Noah Levy, Mike Newman, Peggy O'Neill, Brian Mitchell, Melanie McCavour

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries 7/0

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John Ford, Director,
Planning and Building Department