

Attachment 2

Draft Board of Supervisors Resolution

Industrial Hemp Activities Outside the Coastal Zone

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on _____

RESOLUTION NO. _____

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, the Humboldt County Planning Commission held a public hearing on the proposed ordinance amendments on October 17, 2019 to receive a report on the draft ordinance amendments, as well as evidence and public testimony; and

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

WHEREAS, at their October 17, 2019 meeting, the Humboldt County Planning Commission approved Resolution # 19-133 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.
- Consider the Addendum and the Environmental Impact Report (EIR) for the CCLUO, State Clearinghouse No. 2017042022, certified by the Board of Supervisors on May 8, 2018 (Exhibit B).
- Find that the Addendum is sufficient for adoption of the adoption of the Ordinance amendments based on the evidence provided in the Addendum; and
- Based on the evidence in the staff report and public testimony, approve the Ordinance amendment as recommended by the Planning Commission;
- Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

WHEREAS, The Zoning Ordinance requires Zoning Text amendments to be in the public interest.

- a. These regulations are in the public interest because they are designed to protect the public health, safety and welfare of residents of the County of Humboldt and visitors to the County.
 - i. It is important to protect the emerging legal cannabis industry from potential harm from the potential impacts of industrial hemp on the cannabis industry through the application of pesticides, introduction of pests and the drift of pollen from new hemp cultivation sites to existing cannabis cultivation sites which could adversely impact the productivity of the cannabis crop.

WHEREAS, The Zoning Ordinance requires Zoning Text amendments to be in conformance with other applicable policies and standards of the Humboldt County General Plan.

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- a. The purpose of the ordinance amendments is to establish land use regulations concerning all Industrial Hemp activities outside the coastal zone portion of Humboldt County.
 - i. Policy UL-P21 of the 2017 Humboldt County General Plan states: Cultivation of medical cannabis shall be regulated by ordinance to provide for the health, safety, and welfare of the community, but shall not interfere with the patient's right to medical cannabis. The General Plan policy was finalized prior to California State approval of Industrial Hemp, and thus this policy should be understood to apply to Industrial Hemp regulations. This policy states the clear intent of the county that cannabis activities shall be regulated in order to protect the public, health safety and welfare. This ordinance accomplishes that objective.
 - ii. The General Plan includes goals to protect water supplies for beneficial uses, which include both irrigation and fisheries:
 - a. **WR-G1. Water Supply, Quality, and Beneficial Uses.** High quality and abundant surface and groundwater water resources that satisfy the water quality objectives and beneficial uses identified in the Water Quality Control Basin Plan for the North Coast Region.
 - b. **WR-G2. Water Resource Habitat.** River and stream habitat supporting the recovery and continued viability of wild, native salmonid and other abundant coldwater fish populations supporting a thriving commercial, sport and tribal fishery.

The ordinance prohibits all Industrial Hemp activities and will therefore protect water resources for beneficial uses consistent with the water supply and water quality protection goals, policies, standards and implementation measures of the General Plan.

WHEREAS, The Zoning Ordinance requires 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.

- a. The proposed Zoning Ordinance amendments prohibits all Industrial Hemp activities and will therefore 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.

WHEREAS, the project is exempt from environmental review per California Environmental Quality Act (CEQA) Guidelines, 14 California Code of Regulations, sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the above general exemptions, the Board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption, 14 C.C.R. § 15308 (regulatory activity to assure protection of the environment)).

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NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the Board of Supervisors:

1. Makes all of the required findings for adoption of the Industrial Hemp Ordinance amendments as stated in this Resolution; and

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.
3. Planning and Building Department staff are hereby also directed to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By:

KATHY HAYES

Date: _____, 2019

By _____

Deputy