



COUNTY OF HUMBOLDT

For the meeting of: 2/4/2020

File #: 20-15857

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Zoning Text Amendments Accepting the Coastal Commission's Suggested Modifications to the Cannabis Personal Use and Dispensaries Ordinances in the Coastal Zone

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ (Attachment 3) and Ordinance No. ____ (Attachment 4) by title and waiver further reading;
2. Open the public hearing and receive the staff report and public testimony;
3. Close the public hearing;
4. Adopt the attached resolutions (Resolution 20-__ (Attachment 1)) and Resolution 20-__ (Attachment 2) doing the following:
 - a. Find the proposed ordinances are exempt from environmental review per Section 15307 of the CEQA Guidelines (actions to assure protection of the environment);
 - b. Make all the required findings for approval of the Zoning Text Amendments;
5. Adopt the attached ordinance (Ordinance No. ____ (Attachment 3)) repealing the existing Cannabis Cultivation for Personal Use Ordinances (313-55.1 & 2 of Title III, Division I, Chapter 3) to be replaced by the same ordinance with the modifications suggested by the Coastal Commission;
6. Adopt the attached ordinance (Ordinance No. ____ (Attachment 4)) repealing the existing Cannabis Dispensaries Ordinance (313-55.3 of Title III, Division I, Chapter 3) to be replaced by the same ordinance with the modifications suggested by the Coastal Commission;
7. Direct the Planning and Building Department to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act; and
8. Direct the Clerk of the Board to publish summaries of the Ordinance amendments within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against

each ordinance (Attachment 5) and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance correction along with the names of those Supervisors voting for and against the ordinance.

SOURCE OF FUNDING:

General Fund.

DISCUSSION:

The Board of Supervisors approved the Cannabis Personal Use Outdoor Ordinance No. 2523 on Oct. 28, 2014 and the Cannabis Dispensaries Ordinance No. 2554 on July 19, 2016 and directed staff to submit the coastal versions of these ordinances to the Coastal Commission for certification. County staff and Coastal Commission staff worked together to identify alternative language to address Coastal Commission staff concerns. On Aug. 7, 2019 the Coastal Commission approved those modifications. The Planning Commission reviewed and approved the proposed amendments on Sept. 17, 2019 and recommended the Board of Supervisors approve them as well. For the ordinance to become effective, those modified ordinances now need to be adopted by the Board of Supervisors and transmitted to the Coastal Commission for certification.

Staff believes the necessary findings can be made for the Board of Supervisors to adopt the proposed ordinances with the modifications approved by the Coastal Commission. The most significant modification suggested by the Coastal Commission would limit personal use outdoor cultivation to properties with an existing residence. This change is intended to better align the location of the cultivation site with the end consumer of the cannabis. The nature of the other changes made by the Coastal Commission did not change the regulatory intent or approach of the ordinances as crafted. Most of the changes are intended to increase clarity relative to regulations and policies specific to the Coastal Zone.

When they reviewed it at a public hearing on June 6, 2019 the Planning Commission asked some clarifying questions about the suggested modifications and after receiving the requested information from staff unanimously recommended approval by the Board. Their resolution is in Attachment 6.

FINANCIAL IMPACT:

Staff costs for preparation and review of the ordinance total approximately \$5,000 at the time this report was drafted. The salary funding for this work is included in the General Fund contribution to the Long Range Planning unit, 1100-282.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by supporting business, workforce development and creation of private-sector jobs .

OTHER AGENCY INVOLVEMENT:

California Coastal Commission

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion

ATTACHMENTS:

1. Draft Board of Supervisors Resolution approving the Coastal Commission's suggested modifications to the Cannabis Cultivation for Personal Use Ordinance (Part A - 313-55.1 & 2 of Title III, Division I, Chapter 3).
2. Draft Board of Supervisors Resolution approving the Coastal Commission's suggested modifications to the Cannabis Dispensaries Ordinance (Part B - 313-55.3 of Title III, Division I, Chapter 3).
3. Draft Board of Supervisors ordinance repealing the existing Cannabis Cultivation for Personal Use Ordinance (Part A - 313-55.1 & 2 of Title III, Division I, Chapter 3) to be replaced by the same ordinance with the modifications suggested by the Coastal Commission.
4. Draft Board of Supervisors ordinance repealing the existing Cannabis Dispensaries Ordinance (Part B - 313-55.3 of Title III, Division I, Chapter 3) to be replaced by the same ordinance with the modifications suggested by the Coastal Commission.
5. Post Approval Summary of the Ordinance.
6. Planning Commission September 17, 2019 Staff Report and Resolution.

PREVIOUS ACTION/REFERRAL:

Board Order No.: L-3

Meeting of: July 19, 2016

File No.: 16-4751