



COUNTY OF HUMBOLDT

For the meeting of: 5/18/2021

File #: 21-510

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Adoption of an Urgency Ordinance Establishing a Temporary Moratorium on the Cultivation of Industrial Hemp in the Coastal Zone (4/5 Vote Required). Case # PLN-2021-17163

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the Interim Urgency Ordinance declaring a temporary moratorium on the cultivation of industrial hemp by “Established Agricultural Research Institutions” and any growers of industrial hemp in the Coastal Zone of Humboldt County based on the findings set forth within the Interim Urgency Ordinance under the provisions contained in California Government Code Sections 25123 (d) and 65858 (4/5 vote required); and
2. If adopted, direct the Clerk of the Board to publish the post-adoption summary of the ordinance within 15 days.

SOURCE OF FUNDING:

The salary funding for preparing this staff report is included in the General Fund contribution to the Long-Range Planning unit of the Planning and Building Department, 1100-282.

DISCUSSION:

Hemp cultivation in the Inland unincorporated areas of the county is prohibited by Ordinance 2667 approved by the Board on Feb. 9, 2021, but in the Coastal Zone, the ordinance prohibiting Industrial Hemp cultivation (Ordinance 2666) has yet to be certified by the Coastal Commission, so the ordinance is not yet effective. The current temporary moratorium on the cultivation of Industrial Hemp in the Coastal Zone expired on May 17, 2021. This item involves adoption of an urgency ordinance prohibiting cultivation of Industrial Hemp in the Coastal Zone to bridge the gap between the expiration of the existing temporary moratorium and the new permanent moratorium that will take effect after the Coastal Commission certification.

Planning staff transmitted Ordinance 2666 to the Coastal Commission on March 17, 2021 along with all the documentation and supporting evidence required by the Coastal Commission. In a letter dated March 29, 2021 (Attachment 3) Coastal Commission staff stated it is unlikely that the review and

certification of the ordinance will occur prior to expiration of the existing temporary moratorium of cultivation of Industrial Hemp in the Coastal Zone.

The purpose of this urgency ordinance is to put into place a temporary moratorium of cultivation of Industrial Hemp in the Coastal Zone to provide adequate time for the Commission to review, evaluate, and approve the permanent prohibition for the Coastal areas of the unincorporated vounty. No action is needed to prohibit Industrial Hemp cultivation outside the Coastal Zone because a permanent ban is already in place for that area. This Ordinance is only needed to account for Coastal Commission processing time to approve the permanent ban in the Coastal Zone.

Environmental Review

This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15308. Actions by Regulatory Agencies for Protection of the Environment, which applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

FINANCIAL IMPACT:

Staff costs and other expenses related to preparation and review of this agenda item total approximately \$3,000.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

California Coastal Commission, Agricultural Commissioner, County Counsel, and the California Department of Food and Agriculture.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose to not adopt the urgency ordinance which would lead to near term approval of Industrial Hemp cultivation in the Coastal Zone without consideration of the potential impacts. Staff is not recommending this alternative because conflicts with the Board's action to adopt Ordinance 2666 adding section 313-55.5 to Chapter 3 of Division I of Title III of the County Code, Coastal Zoning Code, which makes permanent the existing temporary prohibition of Industrial Hemp cultivation.

ATTACHMENTS:

1. Urgency Ordinance Placing a Moratorium on Industrial Hemp Cultivation in the coastal zone for 45 days 2. Post Adoption Ordinance Summary 3. Letter to Humboldt County from the Coastal Commission staff dated March 29, 2021

PREVIOUS ACTION/REFERRAL:

Board Order No.: 21-81
Meeting of: 2/9/2021

