

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 23, 2021

RESOLUTION NO. 21-23

RESOLUTION NO. 21-23 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT ASSOCIATED WITH THE DISPENSARY ORDINANCE AMENDMENTS

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 20, 2020, the Board of Supervisors directed staff to bring forward amendments to the County’s Cannabis Dispensary Ordinance 2554 to allow for longer operating hours aligned with State Guidelines; and

WHEREAS, Board of Supervisors Resolution No. 19-83 recognizes that consumption of cannabis during pregnancy and while breast feeding can have health impacts on the child, and directs ordinance amendments to require information be made available to employees of cannabis dispensaries and to clients warning them of about the danger of cannabis use during pregnancy and while breastfeeding; and

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

WHEREAS, 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 January 7, 2021, during which the Planning Commission reviewed the staff report, took public comments, and deliberated on the draft Cannabis Dispensary Ordinance amendments;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby makes the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).			
1.	FINDING:		The proposed Dispensary Ordinance Amendments are exempt from environmental review.
	EVIDENCE:	a)	The proposed Inland and Coastal Ordinances are exempt from environmental review This project is exempt from environmental review under the California Environmental Quality Act (CEQA)

		<p>pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines which states an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly. The proposed amendments enables dispensaries to keep their doors open to customers longer and to provide information to clients and employees about the dangers of cannabis consumption while pregnant or breastfeeding. There is no evidence allowing businesses to remain open or provide information will have any effect on the environment. The ordinance amendments in the coastal zone are exempt from environmental review because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program.</p>
<p>CONSISTENCY WITH THE ZONING ORDINANCE.</p>		
2.	FINDING:	<p>Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Cannabis Dispensaries Ordinance amendments are in the public interest.</p>
	EVIDENCE:	<p>a) The proposed Cannabis Dispensary Ordinance Amendments are in the public interest because it removes an antiquated constraint on the operation of cannabis dispensaries. When the County first adopted local regulations for dispensaries in 2016, the hours of operation in the ordinance – 10 a.m. to 7 p.m. reflected standard business practice at the time. Currently, state law allows longer hours cannabis dispensaries can be open for business – 6 a.m. to 10 p.m. Removal of the unnecessary limitations on business hours for cannabis dispensaries is in the public interest because it allows more access for cannabis dispensary clients to make their purchases, and for dispensaries to expand their market. The proposed Cannabis Dispensary Ordinance Amendment related to communicating the danger of consuming cannabis while pregnant or while breastfeeding is in the public interest because it will result in communicating information that may improve the health and well-being of cannabis consumers.</p>
3.	FINDING:	<p>Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed Dispensary Ordinance Amendments are consistent with the General Plan.</p>
	EVIDENCE:	<p>a) One purpose of the proposed Dispensary Amendments are to allow longer hours of operation for dispensaries in accordance with state law. This is consistent with the Economic Development Element of the General Plan Implementation Measure ED-IM4, Permit Streamlining for Business Growth, which supports updating ordinances addressing constraints to business growth. When the</p>

		<p>County first adopted local regulations for dispensaries in 2016, the hours of operation in the ordinance – 10 a.m. to 7 p.m. reflected the standard business model at the time. Currently, state law allows longer hours cannabis dispensaries can be open for business – 6 a.m. to 10 p.m. Removal of the unnecessary limitations on business hours for cannabis dispensaries supports business growth in that sector because it allows dispensaries to expand their market.</p> <p>The proposed Coastal and Inland Dispensary Amendments are also intended to require dispensaries to communicate health warnings for women who may become pregnant, are pregnant or breastfeeding. These proposed “clean up” amendments to fill a void in the County’s cannabis ordinances are consistent with the Land Use Element of the General Plan Policy UL-P21 which 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.</p>
4.	FINDING:	Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law.
	EVIDENCE:	a) The proposed ordinance amendment will not affect Housing Element densities because it only involves properties zoned commercial, and does not involve parcels zoned Residential Single Family or Residential Multifamily that are included in the residential land inventory used the by the Department of Housing and Community Development in determining compliance with housing element law.
5.	FINDING:	<p>Section 312-50.3.3 requires if the proposed changes to the Zoning Ordinance requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:</p> <p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p> <p>b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes)</p>

		<p>c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p>d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).</p> <p>The proposed Industrial Hemp Ordinance is consistent with the Coastal Act.</p>
	<p>EVIDENCE:</p>	<p>a) Access The proposed ordinance amendments allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. For new businesses, impacts on coastal resource access would be evaluated under the same controls and conditions that currently apply to cannabis dispensaries. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact coastal resources.</p> <p>b) Recreation The proposed ordinance allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. Impacts on coastal recreation for new businesses would be evaluated under the same controls and conditions that currently apply to dispensaries. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact coastal recreation facilities.</p> <p>c) Marine Resources The proposed ordinance amendments allow longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact marine</p>

		<p>resources. For new dispensaries, impacts on marine resources would be evaluated under the same controls and conditions that currently apply to dispensaries.</p> <p>Land Resources</p> <p>d) The proposed ordinance does not affect agricultural and timber land because dispensaries are only allowed in commercial zones.</p> <p>Development</p> <p>e) The proposed ordinance amendments allow longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact scenic resources, public works facilities, safety, and priority of coastal dependent developments. Impacts of new dispensaries on scenic resources, public works facilities, safety, and priority of coastal dependent developments would be evaluated under the same controls and conditions that currently apply to dispensaries.</p> <p>Industrial Development</p> <p>f) The proposed ordinance allows longer hours of operation for dispensaries and requires information be distributed regarding the dangers of cannabis use during pregnancy and while breastfeeding. Impacts on location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants would be evaluated under the same controls and conditions that currently apply to dispensaries. There is no evidence that increasing open hours of businesses or providing information to employees and clients will impact industrial development in the coastal zone.</p>
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BE IT FURTHER RESOLVED that the Board of Supervisors hereby:

1. Finds that the proposed amendments to the Coastal Zoning Regulations conform to and appropriately carry out the policies of each of the Humboldt County’s six Coastal Plans and Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations will be carried out in accordance with the Coastal Act;
2. Finds that the changes to the Coastal Zoning Regulations will become effective only upon certification by the Coastal Commission;

3. Directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Zoning Regulations required by the Coastal Commission for certification need not be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission;
4. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage;
5. Directs Planning and Building Department staff to transmit the Coastal Dispensary Ordinance Amendments, 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 305143;
6. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on February 23, 2021 by the following vote:

Dated: February 23, 2021



Virginia Bass, Chair
Humboldt County Board of Supervisors


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

AYES: Supervisors Bohn, Bass, Wilson, Madrone, Bushnell
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.



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