




AGENDA ITEM NO.
J2

COUNTY OF HUMBOLDT

Hearing Date: October 17, 2017

To: Board of Supervisors

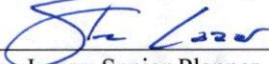
From: John Ford, Director of Planning and Building 

Subject: **Coastal Zone Commercial Cannabis Prohibition Ordinance**
Case Number OR-17-006

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the proposed Ordinance adding Humboldt County Code section 313-54 [Attachment B]; and
2. Open the public hearing, receive and consider the staff report and proposed determination of exempt status under CEQA, accept public comment, and close the public hearing; and
3. Deliberate on the proposed Ordinance; and
4. Adopt Resolution No. 17-84 [Attachment A] A Resolution of the Board of Supervisors of the County of Humboldt making findings pursuant to the California Environmental Quality Act (CEQA), Humboldt County Code Section 312-50 – concerning adoption of zoning ordinance amendments, and conformance with the California Coastal Act; and
5. Adopt Ordinance No. 2593 [Attachment B] approving the proposed Zoning Ordinance changes. The proposed amendments to Chapter 3 of the Zoning Regulations will become effective immediately upon passage; and

Prepared by 
Steven Lazar, Senior Planner

CAO Approval 

REVIEW:	Auditor _____	County Counsel <u></u>	Personnel _____	Risk Manager _____	Other _____
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

PREVIOUS ACTION/REFERRAL:

Agenda Order No. H-2

Meeting of: September 19, 2017

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Sundberg

Seconded by Supervisor Fennell

Ayes Wilson, Sundberg, Bass, Bohn, Fennell


Nays _____

Abstain _____

Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 10/17/17

By: 
Kathy Hayes, Clerk of the Board

Recommendations (continued)

6. Direct the Clerk of the Board to publish a Summary of the Ordinance within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance [Attachment C] 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 along with the names of those Supervisors voting for and against the ordinance; and
7. Direct the Clerk of the Board to record in the action summary of the Board meeting that the ordinance has been duly published and posted, and to give notice of the decision to any interested parties.

SOURCE OF FUNDING:

General Fund contribution to the Long Range Planning unit.

DISCUSSION:

This item involves an urgency ordinance prohibiting commercial cannabis activities within unincorporated portions of the county inside the Coastal Zone. The ordinance has been prepared in response to Board discussion and direction received during the September 19th 2017 meeting. Adoption of the urgency ordinance is intended to preserve local control of commercial cannabis activities in tandem with forthcoming state licensing, which is expected to begin by January 1, 2018.

The State intends to issue emergency regulations in November. Recent and ongoing conversations with officials from the state agencies responsible for licensing indicate that they intend to issue cannabis licenses in cases where local-level regulations are absent or unclear.

These recent changes to state law and rulemaking process create potential vulnerabilities to Humboldt County in two areas:

- (1) Potential State Licensing of Commercial cannabis activities within the Coastal Zone without County permits; and
- (2) Potential State Licensing of Commercial cannabis activities in support of the California Adult Use marketplace (pursuant to passage of Proposition 64 in November of 2016)

The proposed interim prohibition ordinance is part of a twofold approach to clarify Humboldt County's local land use requirements prior to the onset of temporary licensing. The ordinance has been prepared pursuant to the provisions for urgency regulations, authorized under section 65858 of the Government Code. If adopted, the regulations may persist for up to 45 days, and can be extended for a period of up to two years. Following adoption, an extension of the interim prohibition ordinance will be brought to the Board as a separate agenda item in November.

CEQA Compliance

Adoption of the urgency ordinance does not constitute a "project" as defined under section 15378 of the CEQA Guidelines, in that the adoption of the prohibitory ordinance will not result in a reasonably foreseeable direct or indirect physical change in the environment, and simply

serves to clarify the local position concerning commercial cannabis activities in advance of certification of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) or successor regulations. The urgency ordinance may also be found exempt from CEQA under the following sections: 15061(b)3 'General Rule', 15308 'Class 8: Actions taken by local ordinance to assure protection of the environment', and 15321 'Class 21: Enforcement Actions by Regulatory Agencies'. For the above-stated reasons, staff believes the proposed ordinance is exempt from further environmental review under CEQA.

FINANCIAL IMPACT:

The cost of preparing the proposed ordinance is approximately \$1,000, which is being paid by the General Fund contribution to the Planning and Building Department, Long Range Planning Unit's FY 2017-18 budget.

The proposed ordinance is consistent with the Boards 2017 Strategic Framework as it will help enforce laws and regulations to protect residents and proactively work to insure and advance local interests in natural resource discussions, as well as those involving our regional economic future.

OTHER AGENCY INVOLVEMENT:

Staff met with the local office of the California Coastal Commission in September and October. Minimal additional involvement with other agencies has occurred in association with the proposed prohibition.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Alternative 1: Modify

The Board may choose to modify the proposed ordinance amendments. This could include changes to the length the ordinance would remain in effect or refining the scope of the prohibition. If substantial revisions are suggested or contemplated, staff requests that this matter be continued to a future meeting to provide sufficient time to perform the requested changes.

Alternative 2: Not adopt

The Board may choose not to adopt the proposed interim amendments to the Coastal Zoning regulations. In this event, the existing regulations would remain unchanged. However, this is not recommended since it would leave the county's position on these land use activities in question and could result in premature or inappropriate state licensing of commercial operations ahead of local land use review and approval. This would be inconsistent with prior Board direction.

Alternative 3: Continue

The Board may also choose to continue this matter to a future meeting to provide for the receipt of additional public comment. The Board may also wish to direct staff to respond to public comments received. With adoption of emergency licensing regulations by state agencies

anticipated in November and licensing set to begin on January 1, 2018, the Board would still have an opportunity to take action to clarify the local land use position before state licensing begins.

ATTACHMENTS:

Attachment A: Resolution No. 17-84 A Resolution of the Board of Supervisors of the County of Humboldt Making Findings for Adoption of Zoning Text Amendments

Attachment B: Ordinance No. 2583 adding Section 313-54 of the Humboldt County Zoning Regulations (Chapter 3 of Division 1 of Title III of the Humboldt County Code).

Attachment C: Post-Adoption Summary of Ordinance

ATTACHMENT A

**A Resolution of the Board of Supervisors of the County of Humboldt
Making Findings Pursuant to the California Environmental Quality Act (CEQA),
Humboldt County Code Section 312-50 – Concerning Adoption of Zoning Ordinance
Amendments, and Conformance with the California Coastal Act**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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RESOLUTION NO. 17-84

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA), HUMBOLDT COUNTY CODE SECTION 312-50 - CONCERNING ADOPTION
OF ZONING ORDINANCE AMENDMENTS, AND CONFORMANCE WITH THE
CALIFORNIA COASTAL ACT**

WHEREAS, on June 27, 2017, the State of California adopted a comprehensive statute to integrate MCRSA and AUMA for the regulation of commercial medicinal and adult use cannabis cultivation, distribution, manufacturing, testing, and sale known as the Medicinal and Adult Use Cannabis Regulation and Safety Act (SB 94), Statutes of 2017, chapter 27, Business and Professions Code Section 26000, et seq.. State licensing authorities are the Department of Food and Agriculture for cultivation, the Department of Public Health for manufacturing, and the Bureau of Cannabis Control in the Department of Consumer Affairs for all other commercial cannabis activity license types. None of the licensing authorities have as yet published comprehensive regulations that include both medicinal and adult use commercial cannabis activities. SB 94 authorizes licensing authorities to adopt emergency regulations, which do not require prior notice and public comment; and

WHEREAS, on September 29, 2017, all three licensing authorities announced that they will use the emergency rulemaking process for the adoption of new regulations, which are expected to be published in November and will serve as the basis for the state to begin issuing temporary commercial cannabis licenses by 2018. Officials from these agencies have consistently confirmed that they intend to issue cannabis licenses without explicit local approval in cases where local-level regulations are absent or unclear; and

WHEREAS, Humboldt County Code Section 311-10.1 provides that "no land, building, structure or premises shall be used for any purpose or in any manner other than is included among the uses hereinafter listed [in the Zoning Ordinance] as permitted in the zone in which such buildings, land or premises is located. Within the Coastal Zone of the unincorporated area of Humboldt County the only use related to cannabis in the Humboldt County Code that has been certified by the Coastal Zone is indoor cultivation for personal medical use pursuant to Humboldt County Code Section 313-55.1, et seq. (Ord. No. 2468, 12/13/2011, eff. 3/9/12.) Commercial cannabis activities pursuant to SB 94 are therefore prohibited within the Coastal Zone of the unincorporated area of Humboldt County, until such time as the Coastal Commission certifies zoning ordinance amendments from Ordinance No. #2559 or successor regulations governing similar uses, as being in conformance with the Coastal Act; and

WHEREAS, California Government Code Section 65853 sets forth the manner in which Zoning Regulations may be amended; and

WHEREAS, California Government Code Section 65860 and Section 312-50 et seq. of the Humboldt County Code sets forth the findings that must be made before Zoning Regulations may be amended; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
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RESOLUTION NO. 17-84

WHEREAS, Section 312-15 et seq. of the Humboldt County Code sets forth provisions for waiver of procedures during an emergency and California Government Code Section 65858 specifies the manner in which Zoning Regulations may be amended to include interim prohibition of any uses that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time, without prior review or recommendation by the Planning Commission.

NOW THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, based on the Planning & Building Department's staff report, testimony and evidence presented at the public hearing, that the Board:

1. Finds that the amendments to Humboldt County Code, Title III, Division 1, Chapter 3, section 313-54 have been reviewed for compliance with CEQA and found to be not subject to further environmental review.
2. Finds that, pursuant to section 15061(b) (3), 15308, and 15321 of the CEQA Guidelines, the proposed amendments are exempt from environmental review.
3. Makes the findings for approval of the amendments to the Zoning Regulations (Case No.: OR-17-006) based on the evidence submitted as more fully set forth in Exhibit 1 attached hereto.
4. Finds that the proposed interim amendment to the Coastal Zoning Regulations does not conflict with the Coastal Act and instead will help prevent adverse effects to coastal resources.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that the Planning & Building Department - Long Range Planning unit is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research pursuant to California Environmental Quality Act.

Dated: October 17, 2017



Virginia Bass, Chair
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Bohn, Fennell, Bass, Wilson, Sundberg
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

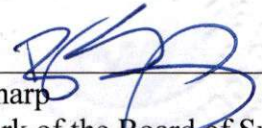
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STATE OF CALIFORNIA)
County of Humboldt)

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.



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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
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EXHIBIT 1

Findings for Adoption of Zoning Text Amendments

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
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ADMINISTRATIVE PROCEDURES ZONING TEXT AMENDMENT

Findings:

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to approve an amendment to the Zoning Regulations and the Implementation Plan for the certified Local Coastal Program. The required findings are as follows:

1. *The proposed change is in the public interest.*
2. *The proposed change is consistent with the General Plan.*
3. *That amendment to the County's Certified Local Coastal Program may be approved where the California Coastal Commission finds, upon submittal by the County, that the amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 Section 30005 and Section 30200 of the Public Resources Code, and the implementing ordinances are in conformity with and carry out the provisions of the certified Coastal Area Plans.*
4. *The proposed amendment does 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.*

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Public Interest and General Plan, Coastal Act and Housing Element Consistency.

1. Public Interest: The following table identifies the evidence which supports finding that the proposed Zoning Ordinance amendments are in the public interest.

Applicable Requirements	Evidence Supporting the Finding
<p>Government Code Section 65356.1 and §1452.2 of the Framework Plan. <i>The General Plan Amendment must be in the public interest.</i></p>	<p>The project applies in the Coastal Zone. The interim prohibition on commercial cannabis activities within the Coastal Zone is intended to preserve local land use control consistent with the Medicinal and Adult Use Cannabis Regulation and Safety Act (SB 94), during the certification of proposed amendments to the Coastal Zoning Regulations governing commercial cannabis activities within the Coastal zone. The Commercial Medical Marijuana Land Use Ordinance (CMMLUO / Ord. #2559) and draft Commercial Cannabis Land Use Ordinance (CCLUO) are both designed to help prevent conflicts between commercial cannabis activities and neighboring land uses while prescribing operational standards for addressing environmental concerns unique to these land uses. Therefore, the proposed prohibition can be found to be in the public interest as it will provide for the onset and application of local regulations in advance of licensure by state agencies.</p>

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2. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed Zoning Ordinance Amendments are consistent with a comprehensive view of the General Plan Volume 1 (Framework Plan).

Applicable Requirements	Evidence Supporting Finding
§1330 Consistency	
<p>The elements of the General Plan must be consistent.</p> <p>All the goals, policies and standards must be consistent.</p> <p>The General Plan text and diagrams must support each other and show the same conclusions.</p> <p>The data base must be consistent for all the elements.</p> <p>When a portion of the plan is amended, then the rest of the plan and its implementing programs must be brought into conformity.</p> <p>Zoning or the implementation of the plan is required to be consistent with the plan.</p>	<p>The project applies in the Coastal Zone. The zoning ordinance change serves to clarify the local land use regulations governing commercial cannabis activities within the Coastal zone during certification of permanent regulations. The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and successor regulations are primarily designed to address land use concerns unique to commercial cannabis activities involving the cultivation, manufacturing, processing, and distribution of cannabis for medicinal or adult use. The proposed prohibitory amendment is designed to ultimately enable timely implementation of commercial regulations that promote consistency with the General Plan, as well as consistency between the Coastal and Inland Zoning Regulations. Therefore, the proposed changes are found to be consistent with the goals, policies, and standards of the General Plan.</p>
§1452.2 Required Findings	
<p>Base information or physical conditions have changed; or</p> <p>Community values and assumptions have changed; or</p> <p>There is an error in the plan; or</p> <p>To maintain established uses otherwise consistent with a comprehensive view of the plan.</p>	<p>The base information of the General Plan changed with the passage of the Compassionate Use Act (Proposition 215) in 1995, the adoption of the Medical Marijuana Program (Senate Bill 420) in 2004, the passage of the Medical Marijuana Regulation & Safety Act (MMRSA – AB243, AB266, and SB643) in 2015, the passage of the Medical Cannabis Regulation & Safety Act (SB 837) and passage of the Adult Use of Marijuana Act (Proposition 64) in 2016, as well as the recent adoption of the Medicinal and Adult Use Regulation and Safety Act (MAUCRSA – SB 94) in June of 2017. The prohibitory amendments enable the County to complete the adoption processes for necessary implementing ordinances and LCP Amendments which promote consistency and clarification regarding changes in state laws that pertain to commercial activities in support of the medicinal and adult use of cannabis.</p>

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3. Consistency with the California Coastal Act: The following table identifies the evidence which supports finding that the proposed Zoning Ordinance Amendments are consistent with the California Coastal Act.

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200 (Coastal Act)</p> <p>The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding the following issues:</p>	<p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p>	<p>The proposed amendment to the Zoning Ordinance and Local Coastal Program will help promote greater consistency and guidance on unique forms of land use not previously anticipated by the Zoning Code, providing for temporary prohibition of these uses. During this period, the County will continue to work with Coastal Commission staff to have local commercial cannabis regulations certified for the Coastal Zone. This will include insuring that regulations are consistent with Coastal Act policies for protection of Access, Recreation, Marine Resources, Land Resources, Development, and Industrial activities.</p>
	<p>Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)</p>	
	<p>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>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p>	
	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	
<p>Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p>		

Section	Applicable Requirements	Evidence Supporting Finding
<p>30510(a) of the Act.</p> <p>Submission to the Commission</p> <p>The LCP Amendment shall be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.</p>		<p>The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) was submitted to the Coastal Commission for review and certification on December 31, 2016. The proposed urgency ordinance does not require certification by the Commission as it merely effectuates an interim prohibition on certain commercial activities during the certification of the CMMLUO LCP amendment. The amendments performed under the interim prohibition ordinance are consistent with the provisions of section 30005 of the Coastal Act which supports local government powers to impose further conditions, restrictions, or limitations with respect to land/water use or other activities which might adversely affect coastal resources.</p>

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4. IMPACT ON RESIDENTIAL DENSITY TARGET: The following table identifies the evidence which supports finding that 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.

§ 312-17.1.5 Housing Element Densities	
Applicable Requirements	Evidence Supporting Finding
The proposed development does 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 (the mid-point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed Zoning Ordinance amendment will help temporarily prohibit a unique form of land use not previously anticipated by the Zoning Code. The forthcoming certification of new regulations for commercial cannabis activities will provide guidance and new tools to address siting and specify operational standards for these types of activities. As these uses are only authorized in areas that are planned and zoned for agricultural, commercial and industrial uses, the provisions will have minimal potential to affect the number of housing units available within the county. The proposed interim prohibition ordinance will have no effect on the local housing inventory.

ATTACHMENT B

Ordinance No. 2583

Adding Section 313-54 of the Humboldt County Zoning Regulations
(Chapter 3 of Division 1 of Title III of the Humboldt County Code)

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**INTERIM ORDINANCE ESTABLISHING A TEMPORARY PROHIBITION OF
COMMERCIAL CANNABIS ACTIVITIES IN SUPPORT OF MEDICINAL OR ADULT USES,
INCLUDING CULTIVATION, PROCESSING, DISTRIBUTION, MANUFACTURING, OR
SALE WITHIN THE COASTAL ZONE OF THE UNINCORPORATED AREA OF HUMBOLDT
COUNTY, AND DECLARING THE URGENCY THEREOF.**

ORDINANCE NO. 2583

WHEREAS, the State of California enacted the Medical Marijuana Regulation and Safety Act (MMRSA) on October 9, 2015, establishing regulations for the commercial cultivation, distribution, manufacturing, testing, transportation, and sale of medical marijuana, subject to local land use regulation. MMRSA was subsequently amended and renamed the Medical Cannabis Regulation and Safety Act (MCRSA) by SB 837, on June 26, 2016.

WHEREAS, on January 26, 2016, the County of Humboldt adopted Ordinance No. 2544, the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), to establish land use regulations governing the commercial cultivation, processing, distribution, and manufacturing of cannabis for medical use in both the Coastal Zone and Inland Areas of the County. On September 13, 2016, the County of Humboldt adopted Ordinance No. 2559, making clarifying and corrective amendments to the CMMLUO.

WHEREAS, on July 19, 2016, the County of Humboldt adopted Ordinance No. 2554, establishing land use regulations for Medical Cannabis Dispensaries and Testing Facilities in both the Coastal Zone and Inland Areas of the County.

WHEREAS, the Coastal Zone provisions of Ordinance Nos. 2554 and 2559 only take effect after they have been certified by the California Coastal Commission as in conformance with the Coastal Act. (Pub. Res. Code § 30514.) The ordinances were submitted by the County to the Coastal Commission on December 31, 2016. Certification is pending with no known date when certification may be completed.

WHEREAS, on November 8, 2016, the voters of the State of California passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) to authorize and regulate the commercial cultivation, distribution, manufacturing, testing, transportation, and sale of marijuana for persons 21 years of age or older.

WHEREAS, on December 13, 2016, the County of Humboldt adopted Ordinance No. 2567, the Commercial Marijuana Cultivation Tax, after approval by the voters on November 8, 2016. The tax is only collected from cannabis cultivation sites that have received local permits pursuant to the CMMLUO. No tax can be collected from commercial cannabis cultivation sites located in the Coastal Zone until the Coastal Zone provisions of the CMMLUO are certified by the Coastal Commission.

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WHEREAS, on June 27, 2017, the State of California adopted a comprehensive statute to integrate MCRSA and AUMA for the regulation of commercial medicinal and adult use cannabis cultivation, distribution, manufacturing, testing, and sale known as the Medicinal and Adult Use Cannabis Regulation and Safety Act (SB 94), Statutes of 2017, chapter 27, Business and Professions Code Section 26000, et seq.. State licensing authorities are the Department of Food and Agriculture for cultivation, the Department of Public Health for manufacturing, and the Bureau of Cannabis Control in the Department of Consumer Affairs for all other commercial cannabis activity license types. None of the licensing authorities have as yet published comprehensive regulations that include both medicinal and adult use commercial cannabis activities. SB 94 authorizes licensing authorities to adopt emergency regulations, which do not require prior notice and public comment.

WHEREFORE, the Board of Supervisors of the County of Humboldt hereby finds as follows:

1. The relationship between local land use permitting and state licensing of commercial cannabis activities remains uncertain with respect to local regulations adopted by counties and cities for commercial cannabis activities in the Coastal Zone that are not yet effective because they have not been certified by the Coastal Commission. Local governments are authorized to prohibit most commercial cannabis activities or to adopt local regulations requiring issuance of a local permit. (Bus. & Prof. Code § 26200.) Pursuant to Business and Professions Code Section 26055 (d), state licensing authorities shall not approve an application for a state license if it will violate the provisions of any local ordinance or regulation. However, officials of some state licensing authorities have indicated that they intend to issue commercial cannabis activity licenses for locations where there is no local ordinance in effect that either prohibits the activity or imposes a local permit requirement.
2. Humboldt County desires to retain full local control of commercial cannabis activities in all areas of the County, including in the unincorporated areas of the County within the Coastal Zone, in order to assure the full protection of the public health, safety, and welfare with regard to the social, environmental, and economic impacts of commercial cannabis activities, including the ability to assess and collect the Commercial Marijuana Cultivation Tax from persons engaged in commercial cannabis cultivation uniformly throughout all areas of the County. State licensed commercial cannabis cultivation sites in the Coastal Zone without local permits would not be subject to the County of Humboldt's Cannabis Cultivation Tax until local permits can be issued.
3. Humboldt County Code Section 311-10.1 provides that no land, building, structure or premises shall be used for any purpose or in any manner other than is included among the uses hereinafter listed [in the Zoning Ordinance] as permitted in the zone in which such buildings, land or premises is located. Within the Coastal Zone of the unincorporated area of Humboldt County the only use related to cannabis in the Humboldt County Code that has been certified by the Coastal Zone is indoor cultivation for personal use pursuant to Humboldt County Code Section 313-55.1, (Ord. No. 2468, 12/13/2011, eff. 3/9/12.) Commercial cannabis activities pursuant to SB 94 are therefore prohibited within the Coastal Zone of the unincorporated area of Humboldt County, until such

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time as the Coastal Commission certifies zoning ordinance amendments as being in conformance with the Coastal Act. However, to avoid any uncertainty, an urgency ordinance adopted in accordance with Government Code Section 65858 to explicitly prohibit commercial cannabis activities in the Coastal Zone, until such time as the Coastal Commission can certify Humboldt County ordinances regulating such activity, is reasonably necessary to ensure that Humboldt County regulations needed to protect the public health, safety and welfare are not avoided through state licensing in the interim.

4. Public Resources Code Section 30005 of the Coastal Act states that no provision of the Coastal Act, except as otherwise limited by state law, is a limitation on the power of a county to adopt or enforce additional regulations, not in conflict with the act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone, or on the power of any county to declare, prohibit, and abate nuisances. An interim ordinance prohibiting commercial cannabis activities within the unincorporated area of the Coastal Zone of Humboldt County is not in conflict with the Coastal Act because it protects resources of the coastal zone until such time as the Coastal Commission can certify zoning regulations that permit such activities are in conformance with the requirements of the Coastal Act.
5. An interim ordinance prohibiting commercial cannabis activities within the unincorporated area of the Coastal Zone of Humboldt County is not subject to the California Environmental Quality Act (CEQA) because the activity is not a project as defined by Section 15378 of the CEQA guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly. Furthermore, pursuant to Section 15060(c) (2) of the CEQA Guidelines the prohibition of commercial cannabis activity within the Coastal Zone of the unincorporated area of the County of Humboldt is exempt because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.
6. Pursuant to Government Code Section 65858, an interim zoning ordinance prohibiting any uses that may be in conflict with a zoning proposal to regulate commercial cannabis activities that the Planning Commission and Board of Supervisors is currently studying may be adopted as an urgency measure.
7. This interim ordinance is necessary to be adopted as an urgency measure in that there is a current and immediate threat to the public health, safety, and welfare from the potential establishment of commercial cannabis activities that are located within the Coastal Zone in the unincorporated area of the County and that have not obtained local permits from the County of Humboldt, for the reasons more fully set forth in the above findings.
8. The interim ordinance meets the requirements for adoption of a zoning ordinance established by Humboldt County Code Section 312-50, and is consistent with the Humboldt County Framework General Plan for the reasons more fully set forth in Resolution No. 17-84.

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NOW, THEREFORE the Humboldt County Board of Supervisors ordains as follows:

SECTION 1. Section 313-54 is hereby added to Title III, Chapter 3 of the Humboldt County Code as follows:

313-54 PROHIBITION OF COMMERCIAL CANNABIS ACTIVITIES IN THE COASTAL ZONE

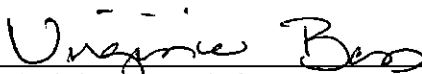
All commercial cannabis activities, including cultivation, processing, manufacturing, testing, distribution or sale, which might otherwise be conducted pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act, or any other state statute, within the Coastal Zone of the unincorporated area of the County of Humboldt are prohibited, except where expressly authorized for person, non-commercial use. Any building or use operated or maintained contrary to the provisions of this Section shall be and is hereby declared to be a public nuisance and shall be subject to injunction and abatement.

SECTION 2. DECLARATION OF URGENCY - EFFECTIVE PERIOD

This interim ordinance is hereby declared to be an urgency ordinance for the immediate preservation of the public health, safety and welfare of the County of Humboldt and it shall take effect immediately upon its adoption for the reasons more fully set forth in the above findings. Pursuant to Government Code Section 65858, this ordinance shall be in full force and effect for forty-five (45) days from the date of its adoption, unless, following a public hearing noticed pursuant to Government Code Section 65090 and four-fifths vote of its members, the Board of Supervisors extends the ordinance until such time as Humboldt County ordinances regulating Commercial Cannabis Activities in the Coastal Zone can be certified by the California Coastal Commission as in conformance with the Coastal Act and fully take effect, or the maximum period authorized by Government Code Section 65858, whichever shall occur first.

PASSED, APPROVED AND ADOPTED this 17th day of October, 2017 on the following vote, to wit:

AYES:	Supervisors	Fennell, Bass, Wilson, Sundberg, Bohn
NOES:	Supervisors	--
ABSENT:	Supervisors	--



Virginia Bass, Chair
Board of Supervisors of the County of Humboldt,
State of California

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of October 17, 2017

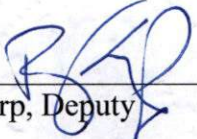
(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____

Ryan Sharp, Deputy



ATTACHMENT C

Post-Adoption Summary of Ordinance

SUMMARY OF ORDINANCE

(To be published within fifteen days after adoption of this ordinance.)

On October 17, 2017, during its regularly scheduled Board meeting, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amended the Humboldt County Zoning Code, Title III, Division 1 of Humboldt County Code. The ordinance amends section 313-54 et seq. to Title III, Division 1, Chapter 3, Section B, Part 1 of Humboldt County Code (Coastal Zoning Regulations). The ordinance prohibits all commercial cannabis activities, including cultivation, processing, manufacturing, testing, distribution or sales which might otherwise be conducted pursuant to state law within the Coastal Zone of the unincorporated area of the County of Humboldt. The ordinance took effect immediately upon adoption and will remain in effect for 45 days, and may be extended after a separate public hearing for up to 22 months and 15 days, unless repealed, or superseded by separate ordinance.

The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, Room 111, 825 Fifth Street, Eureka, California.