



# COUNTY OF HUMBOLDT

For the meeting of: 2/23/2021

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File #: 21-187

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

Public Hearing on Draft Dispensary Amendments to the Cannabis Dispensaries Ordinance; (Case # PLN-2020-16688)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Receive and consider the staff report, open the public hearing, and accept public comment; and
2. Close the public hearing; and
3. Deliberate on the proposed ordinance amendments; and
4. Adopt the proposed ordinances by taking the following actions:
  - a. Adopt Resolution No. \_\_\_\_\_ [Attachment 1] making findings the Coastal Ordinance Amendments are exempt from environmental review pursuant to CEQA and making all the required findings for consistency with the General Plan, Zoning Ordinance and the Coastal Act, and transmitting the ordinance to the California Coastal Commission for their review and certification; and
  - b. Adopt Resolution No. \_\_\_\_\_ [Attachment 2] making findings the Inland Ordinance Amendments are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), and making all the required findings for consistency with the General Plan, and Zoning Ordinance; and
  - c. Adopt Coastal Ordinance Amendments No: \_\_\_\_\_ [Attachment 3] modifying the allowed hours of operation for cannabis dispensaries in the coastal zone and to ensure information is provided about the danger of cannabis use during pregnancy and while breastfeeding, which will become effective after California Coastal Commission certification; and
  - d. Adopt Inland Ordinance Amendments No: \_\_\_\_\_ [Attachment 4] modifying the allowed hours of operation for cannabis dispensaries and to ensure information is provided about the danger of cannabis use during pregnancy and while breastfeeding in the inland parts of the County; and
  - e. Direct the Clerk of the Board to publish a Summary of the Ordinance Amendments within 15

days after adoption by the Board, along with the names of those Supervisors voting for and against the 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 amendments along with the names of those Supervisors voting for and against the ordinance (Government Code section 25124); and

- f. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

**SOURCE OF FUNDING:**

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

**DISCUSSION:**

This item involves proposed amendments to the Coastal and Inland Dispensary Ordinances (Section 313-55.3 and 314-55.3 of Chapters 3 and 4 of Division 1 of Title III of the Humboldt County Code) to modify the allowed hours of operation for cannabis dispensaries to conform to state law and to ensure information is provided to both employees and the public about the danger of cannabis use during pregnancy and while breastfeeding.

***Background***

The first proposed amendment to the Cannabis Dispensary Ordinance (Section 313-55.3 and 314-55.3 of Chapter 3 and Chapter 4 of Division 1 of Title III of the Humboldt County Code) would allow dispensary operating hours to align with State Guidelines. Currently dispensaries within the unincorporated areas of the County are allowed to be open between the hours of 10 a.m. and 7:00 p.m. daily. However, state law (California Code of Regulations, Title 16, Division 42, Section 5403 Hours of Operation), allows dispensaries to be open between 6:00 a.m. and 10:00 p.m. daily - seven hours longer than the County's ordinance. Both the Inland and Coastal Dispensary Ordinances are proposed to be amended to allow the longer open hours provided by the state.

The second amendment will align the ordinance with Board of Supervisors Resolution No. 19-83 that was passed on August 20, 2019. The Resolution recognizes that consumption of cannabis during pregnancy and while breast feeding can have health impacts on the child. The proposed amendments will 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. The Department of Health and Human Services has compiled informational brochures, palm cards, and rack cards to be made available in dispensaries.

***Environmental Review***

This project is exempt from environmental review under the California Environmental Quality Act (CEQA) 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 County's adoption of the Coastal Dispensary Ordinance Amendments is statutorily exempt from

CEQA pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).

***Public Comment***

Attachment 5 includes a letter dated September 1<sup>st</sup>, 2020 from the Humboldt County Growers Alliance (HCGA) to the Board of Supervisors to request that an amendment be made to the Dispensary Ordinance to be consistent with State Law. The letter states that state regulations allow dispensaries to be open from 6:00AM to 10:00PM and advocates for aligning the County requirements with those of the state.

**FINANCIAL IMPACT:**

Staff costs and other expenses related to preparation and review of these ordinance amendments total approximately \$3,000. These costs are supported by the General Fund contribution to the Planning and Building Department, Long Range Planning Unit's FY 2020-21 budget. The proposed amendments are anticipated to have a positive impact on local cannabis dispensaries businesses by allowing them to expand their business hours.

**STRATEGIC FRAMEWORK:**

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

**OTHER AGENCY INVOLVEMENT:**

County Counsel and Department of Health and Human Services

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may choose to adopt different hours of operation in the ordinance amendments provided they are not outside the parameters set by the state. This alternative is not recommended as there is no evidence that has been presented supporting this alternative.

**ATTACHMENTS:**

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1. Resolution No. \_\_\_\_\_ making findings the Coastal Ordinance Amendments are exempt from environmental review pursuant to CEQA and making all the required findings for consistency with the General Plan, Zoning Ordinance and the Coastal Act, and transmitting the ordinance to the California Coastal Commission for their review and certification
  2. Resolution No. \_\_\_\_\_ making findings the Inland Ordinance Amendments are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), and making all the required findings for consistency with the General Plan and Zoning Ordinance
  3. Draft Coastal Cannabis Dispensary Ordinance Amendments
  4. Draft Inland Cannabis Dispensary Ordinance Amendments
  5. Post Adoption Ordinance Summary

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6. Public Comments 7. Planning Commission staff report for January 7, 2021 meeting

PREVIOUS ACTION/REFERRAL:

Board Order No.: Resolution No. 19-83

Meeting of: August 20, 2019

File No.: 19-1140