

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

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

RESOLUTION NO. 21-24

**RESOLUTION NO. 21-24 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND 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:

<b>CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).</b>			
<b>1.</b>	<b>FINDING:</b>		The proposed Dispensary Ordinance Amendments are exempt from environmental review.
	<b>EVIDENCE:</b>	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) 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.
<b>CONSISTENCY WITH THE ZONING ORDINANCE.</b>			
<b>2.</b>	<b>FINDING:</b>		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.
	<b>EVIDENCE:</b>	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 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.
<b>3.</b>	<b>FINDING:</b>		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.
	<b>EVIDENCE:</b>	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 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

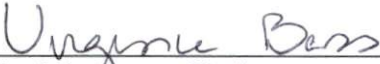
		<p>longer hours cannabis dispensaries can be open for business – 6 a.m. to 10 p.m. Removal of the unnecessary limitations on business hours for cannabis dispensaries supports business growth in that sector because it allows dispensaries to expand their market.</p> <p>The proposed Amendments are also 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.	<b>FINDING:</b>	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.
	<b>EVIDENCE:</b>	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.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby:

1. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage;
2. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
3. 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.

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