

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on September 21, 2021

RESOLUTION NO. 21-97 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 COMMERCIAL
CANNABIS LANU USE 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 27, 2020, the Board of Supervisors directed staff to bring forward amendments to the County's CCLUO to require that stacking of more than two Retirement, Remediation and Relocation (RRR's) on a single receiving site is required to apply for a discretionary permit, and to require applications submitted under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) also be subject to this provision; and

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

WHEREAS, the proposed amendments to the CCLUO to remove the enhanced setback requirements for cannabis distribution and testing and research facilities is justified because the enhanced setback is not necessary to protect nearby sensitive receptors from odors from these types of facilities;

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 July 1, July 15 and August 5, 2021, during which the Planning Commission reviewed the staff report, took public comments, and deliberated on the draft CCLUO 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 Amendment would not change any previous conclusions associated with effects disclosed in the Commercial Cannabis PEIR.
	EVIDENCE:	a) As discussed in the CEQA Addendum in Attachment 4 which is incorporated into this Resolution as if fully set forth herein, impacts previously found to be less than significant would not be elevated to significant as a result of the Proposed Amendment. No new significant impacts or more severe impacts resulting from the proposed modifications were identified, and no changes would occur in the Commercial Cannabis PEIR analysis of significant impacts. Therefore, based on the information above, none of the conditions described in Section 15162 of the CEQA Guidelines have occurred and there is no substantial evidence to warrant the preparation of a subsequent EIR.

CONSISTENCY WITH THE ZONING ORDINANCE.

2.	FINDING:	Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed CCLUO amendments are in the public interest.
	EVIDENCE:	a) The proposed CCLUO Amendments are in the public interest because they mitigate an unintended outcome of the RRR allowance to use Relocation Sites as commodities by assembling them in a manner that was not intended by the ordinances, and as a result, greatly increasing the amount of cultivation which can be permitted on a site by ministerial action without adequate public review. And amendments to remove the enhanced setback requirements for cannabis distribution and testing and research facilities is in the public interest because these facilities do not generate significant cannabis odors detectable in the immediate vicinity outside these types of facilities. The existing regulations are not needed to protect nearby sensitive receptors from odor impacts generated by cannabis distribution and testing and research facilities, and it is in the public interest to eliminate regulations that do not serve a legitimate public purpose.
3.	FINDING:	Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed CCLUO amendments are consistent with the General Plan.
	EVIDENCE:	a) One purpose of the proposed Inland CCLUO Amendments is to clarify that up to two RRR sites may be granted on parcels of ten acres or larger through a zoning clearance certificate (if in compliance with applicable requirements), and to enact a new requirement for a

		<p>discretionary special permit to authorize the location of more than two RRR sites on a relocation parcel ten acres or larger in size. All zoning clearance certificate applications for RRR sites and Relocation sites, including those submitted on or before December 31, 2016, shall be subject to compliance with these amendments. Due to an unexpected consequence of incentivizing RRR permitting allows much more cultivation on a property than could otherwise be permitted in agricultural settings. This is more typical of what is seen on industrially zoned properties. Typically, an acre is the maximum cultivation area that could be approved on agricultural land under normal permitting under both ordinances. By requiring discretionary review of relocation sites proposing up to or more than 40,000 sf of commercial cannabis production, the amendment provides consistency with the Land Use Element of the General Plan Goal AG-G2 which seeks to preserve the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations. When the County first adopted local regulations for RRR's in 2016, it was not anticipated that some relocation sites would propose as much as six (6) acres of cultivation on one property. The other minor amendments in the CCLUO to eliminate the enhanced setback requirements for research and testing and distribution facilities are needed to reduce regulatory burdens that do not serve a legitimate public purpose. These amendments are consistent with Economic Development Element Goal ED-G8, Regulatory and Permit Streamlining, which encourages stated and clear permitting and licensing processes which engage with businesses, (including micro-enterprise and home-based startups) in a timely, effective and proactive manner.</p>
4.	FINDING:	<p>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.</p>
	EVIDENCE:	<p>a) The proposed ordinance amendment will not affect Housing Element densities because it only involves properties zoned agricultural or having a resource production general plan land use designation, 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.</p>

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 Ordinance 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 September 21, 2021 by the following vote:

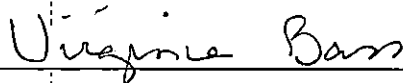
Adopted on motion by Supervisor Madone, seconded by Supervisor Wilson and the following vote:

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

NAYS: Supervisors:

ABSENT: Supervisors:

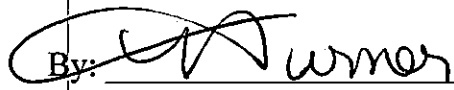
ABSTAIN: Supervisors:



VIRGINIA BASS, CHAIRPERSON,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)
ATTEST:

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

By: 
Nikki Turner, Deputy Clerk

Date: