

ATTACHMENT 7A

Resolution Establishing a Cap on the Number Permits and Acres Which May Be Approved For Open Air Cannabis Cultivation

Alternative 1 - Cap Approach Presented to Planning Commission at November 14th meeting

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR OPEN AIR CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.

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, the Board of Supervisors has adopted a series of comprehensive amendments to the Humboldt County Zoning Regulations, governing commercial activities involving the Cultivation, Processing, Manufacturing, and Distribution of Cannabis within the unincorporated areas of the County of Humboldt, known as the Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, pursuant to the California Environmental Quality Act, a Programmatic Environmental Impact Report was prepared for the Commercial Cannabis Land Use Ordinance, which evaluated, mitigated, and disclosed potentially significant environmental impacts from the proposed ordinance amendments (CCLUO); and

WHEREAS, during adoption of the Commercial Cannabis Land Use Ordinance the Board of Supervisors certified that the Final Environmental Impact Report (FEIR) prepared for the CCLUO had been completed in compliance with CEQA, making the findings required by Public Resources Code Section 21081(a) and CEQA Guidelines Sections 15091 and 15092, including adoption of a Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 (b) and CEQA Guidelines Section 15093; and

WHEREAS, the Commercial Cannabis Land Use Ordinance includes provisions for the Board of Supervisors to establish by separate resolution a limit (cap) on the number of permits and acres which may be approved for open air cultivation activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) within each of the twelve (12) discrete planning watersheds of Humboldt County; and

WHEREAS, by approving this Resolution, the Board of Supervisors establishes a limit on the number of permits and acres permits which may be approved for open air cultivation activities to ensure that further permitting beyond that limit will not proceed until the County has performed further analysis of the condition of these planning watersheds, including review of water flow data and applicable studies or information prepared by state and local agencies California Department of Fish & Wildlife, North Coast Regional Water Quality Control Board, State Water Resources Control Board, and the Department of Forestry and Fire Protection.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, that the Board finds as follows based on the administrative record:

1. An Environmental Impact Report (EIR) (SCH# 2017042022) was prepared and certified for the Commercial Cannabis Land Use Ordinance, which evaluated and addressed the potential environmental impacts from the ongoing regulation of commercial cannabis activities, including a limit on the number of permits and acres of cultivation. No additional review is required under section 15162 of the CEQA Guidelines because establishing a limit on the number of permits and acres of cultivation consistent with the EIR will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes in the circumstances under which the resolution is being adopted will require any revisions of the certified Environmental Impact Report (EIR). There is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time that the EIR was certified that shows this resolution setting a limit on the number of permits and acres of cultivation consistent with the EIR will have any significant effects not discussed in the EIR, or that the significant effects examined in the EIR will be substantially more severe.
2. It is appropriate to limit the total number of permits granted as well as the total permitted acreage of existing (“<e>”) and new (“<n>”) cultivation as shown in the following table.

Cap Distribution											
		CMMLUO Ordinance ("Version 1.0")				CCLUO Ordinance ("Version 2.0")				Total	
		Permits		Acres		Permits		Acres		Permits	Acres
Watershed		<e>	<n>	<e>	<n>	<e>	<n>	<e>	<n>		
1	Cape Mendocino	334	82	84	21	344	215	85	54	975	244
2	Eureka Plain	27	28	7	7	47	29	12	7	131	33
3	Lower Eel	120	94	30	24	175	109	43	27	498	124
4	Lower Klamath	106	9	27	2	68	42	17	11	225	57
5	Lower Trinity	118	21	30	5	44	28	11	7	211	53
6	Mad River	139	91	35	23	151	95	37	24	476	119
7	Middle Main Eel	209	19	52	5	194	122	48	30	544	135
8	Redwood Creek	71	5	18	1	96	60	23	15	232	57
9	South Fork Eel	512	54	128	14	241	151	60	38	958	240
10	South Fork Trinity	52	10	13	3	34	21	8	5	117	29
11	Trinidad	7	3	2	1	7	4	2	1	21	6
12	Van Duzen	218	72	55	18	198	124	49	31	612	153
TOTALS		1,913	488	481	124	1,599	1,000	395	250	5,000	1,250

3. Following the establishment of a countywide cap on the total number of permits and acreage of cultivation that may be approved, beginning in April of 2019, the Board of Supervisors agrees to conduct an annual review of the limits and prescribed distribution of permitting and acreage allowances found in the above table. Review shall occur at a noticed public hearing held during a meeting of the Board of Supervisors, during which the Board shall receive and consider a report providing an update on local permitting efforts. The report shall provide information detailing the number and status of all applications received, permits approved, compliance agreements that have been executed, and code enforcement actions undertaken by the Department. Law enforcement and other relevant officials from

local and state agencies shall be contacted and invited to provide and present input and information to be considered by the Board during annual review. After holding a public hearing and considering all information and testimony received, the Board may choose to establish new caps on acreage and permits as well as change their distribution within watersheds.

Adopted April _____, 2018

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

AYES: Supervisors:
NAYS: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors:

RYAN SUNDBERG, CHAIRMAN,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

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

By: _____
Ryan Sharp, Deputy Clerk

Date: