



COUNTY OF HUMBOLDT

For the meeting of: 11/13/2018

File #: 18-1471

To: Board of Supervisors

From: Planning and Building Department

SUBJECT:

Correction to the Resolution of Transmittal to the Coastal Commission and Zoning Ordinance:
Commercial Cannabis Land Use Ordinance
Case Number OR-17-02

RECOMMENDATION(S):

That the Board of Supervisors introduce the proposed ordinance correction by title and waive further reading; receive and consider the staff report; open the public hearing, and accept public comment; close the public hearing; deliberate on the proposed corrections to the Resolution of Transmittal to the Coastal Commission and Zoning Ordinance; adopt Resolution No. ____ [Attachment 1] a corrected version of Resolution #18-41 making findings pursuant to Humboldt County Code Section 312-50 concerning adoption of zoning ordinance amendments and consistency with the Coastal Act, and transmitting the coastal zoning ordinance to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 30514; adopt Resolution No. ____ [Attachment 2] a Resolution of the Board of Supervisors of the County of Humboldt making findings pursuant to Humboldt County Code Section 312-50 concerning adoption of zoning ordinance amendments not in the coastal zone; adopt Ordinance No. ____ [Attachment 3] correcting Section 314-55.4.6.7 of Chapter 4 of Division 1 of Title III of the County Code to change the date from January 1, 2016 to January 1, 2017; and direct the Clerk of the Board to publish summaries of the Ordinance correction within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against each ordinance [Attachment 4] 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 correction along with the names of those Supervisors voting for and against the ordinance.

SOURCE OF FUNDING:

The contractual and salary funding for this work is included in the General Fund contribution to the Long Range Planning unit, 1100-282.

DISCUSSION:

On May 8th of this year, the Board of Supervisors adopted a comprehensive update of the Commercial Cannabis regulations (“Cannabis 2.0 Ordinance”) applying to both the Coastal and Inland areas of the County. Planning staff transmitted the Coastal version of the ordinance to the Coastal Commission for certification on June 7th. In reviewing the County’s transmittal, Coastal Commission staff noted that the resolution adopted by the Board did not contain the necessary language explaining how these amendments modified the previously submitted ordinances for Personal Use and Outdoor Cultivation. The resolution in Attachment 1 corrects this deficiency by including the necessary explanatory language shown in underlined text.

County staff also identified a typographical error in Section 314-55.4.6.7 of the Cannabis 2.0 Ordinance. This section states that in certain Community Plan Areas, “Zoning Clearance Certificate applications submitted prior to January 1, 2016 shall be subject to compliance with the following provisions...” The date in Section 55.4.6.7 was intended to be January 1, 2017, not January 1, 2016 because no Zoning Clearance applications for Cannabis Activities were submitted prior to January 2016. The first Zoning Clearance applications for Cannabis Activities were submitted in March, 2016. The proposed Ordinance amendment in Attachment 3 makes that correction.

FINANCIAL IMPACT:

Staff costs for preparation and review of this ordinance amendment are less than \$1,000. These costs are supported by the General Fund contribution to the Planning and Building Department, Long Range Planning Unit's fiscal year 2018-19 budget.

The proposed ordinance amendment corrects a typographical error in the Cannabis 2.0 Ordinance. The Cannabis 2.0 Ordinance is consistent with the Board's Strategic Framework because it helps enforce laws and regulations to protect residents, creates opportunities for improved safety and health, encourages new local enterprise, and supports business, workforce development and creation of private-sector jobs.

OTHER AGENCY INVOLVEMENT:

Coastal Commission staff was presented a draft of the proposed Resolution of Transmittal for review and comment. Comments received from that agency will be forwarded to the Board either before or at the public hearing.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion

ATTACHMENTS:

1. Resolution No. _____, a corrected version of Resolution #18-41 making findings pursuant to Humboldt County Code Section 312-50 concerning adoption of zoning ordinance amendments and consistency with the Coastal Act, and transmitting the coastal zoning ordinance to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 30514.
2. Resolution No. _____ a Resolution of the Board of Supervisors of the County of Humboldt making findings pursuant to Humboldt County Code Section 312-50 concerning adoption of zoning ordinance amendments not in the coastal zone.
3. Ordinance No. _____, approving the correction to Section 314-55.4.6.7 of Chapter 4 of Division 1 of Title III of the County Code to change the date from January 1, 2016 to January 1, 2017.
4. Post-Adoption Summary of Ordinance, amending Chapter 4 of Division 1 of Title III of the County Code for Areas Outside the Coastal Zone.

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-1

Meeting of: May 8, 2018