



COUNTY OF HUMBOLDT

For the meeting of: 12/14/2021

File #: 21-1736

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

SUBJECT:

Adoption of an Urgency Ordinance Extending a Temporary Moratorium on the Cultivation of Industrial Hemp in the Coastal Zone (4/5 Vote Required). Case # PLN-2021-17163

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the Public Hearing;
2. Consider the staff report and comments from the public;
3. Close the Public Hearing;
4. Adopt the Interim Urgency Ordinance extending the temporary moratorium on the cultivation of industrial hemp (Ordinance 2677) by “Established Agricultural Research Institutions” and any growers of industrial hemp in the Coastal Zone of Humboldt County based on the findings set forth within the Interim Urgency Ordinance under the provisions contained in California Government Code Sections 25123 (d) and 65858 (4/5 vote required); and
5. If adopted, 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 each ordinance (Attachment 2) 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 along with the names of those Supervisors voting for and against the ordinance.

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 follows up the Board of Supervisor’s action on Item # J-1 of the June 22, 2021, meeting when the Board adopted a 6-month temporary moratorium on the cultivation of industrial hemp by “Established Agricultural Research Institutions” and any growers of industrial hemp in the Coastal Zone of Humboldt County by Ordinance 2677. Staff recommends extending for an additional 1-year period the temporary moratorium of cultivation of industrial hemp in the coastal zone to

provide adequate time for the commission to review, evaluate, and approve the permanent prohibition for the coastal areas of the unincorporated county. No action is needed to prohibit industrial hemp cultivation outside the coastal zone because a permanent ban is already in place for that area. This ordinance is only needed to account for Coastal Commission processing time to approve the permanent ban in the coastal zone.

Environmental Review

This ordinance is not subject to review under the California Environmental Quality Act (CEQA) Guidelines, 14 California Code of Regulations, sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition, this project is exempt from environmental review pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for Protection of the Environment), which applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

FINANCIAL IMPACT:

Staff costs and other expenses related to preparation and review of this agenda item total approximately \$1,000.

STRATEGIC FRAMEWORK:

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

OTHER AGENCY INVOLVEMENT:

Coastal Commission, Agricultural Commissioner, County Counsel, and the California Department of Food and Agriculture.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose to not extend the urgency ordinance which would lead to near term approval of Industrial Hemp cultivation in the Coastal Zone without consideration of the potential impacts. Staff is not recommending this alternative because conflicts with the Board's action to adopt Ordinance 2666 adding section 313-55.5 to Chapter 3 of Division I of Title III of the County Code, Coastal Zoning Code, which makes permanent the existing temporary prohibition of Industrial Hemp cultivation.

ATTACHMENTS:

1. Interim Urgency Ordinance extending a moratorium on Industrial Hemp cultivation by "Established Agricultural Research Institutions" or others in the coastal zone for twelve months effective immediately. 2. Post Adoption Summary

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PREVIOUS ACTION/REFERRAL:

Board Order No.: J-1

Meeting of: June 22, 2021

File No.: 21-762