

ATTACHMENT 7B

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

Alternative 2 - No permits for new or expanded cultivation within impacted and refuge subwatersheds

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.

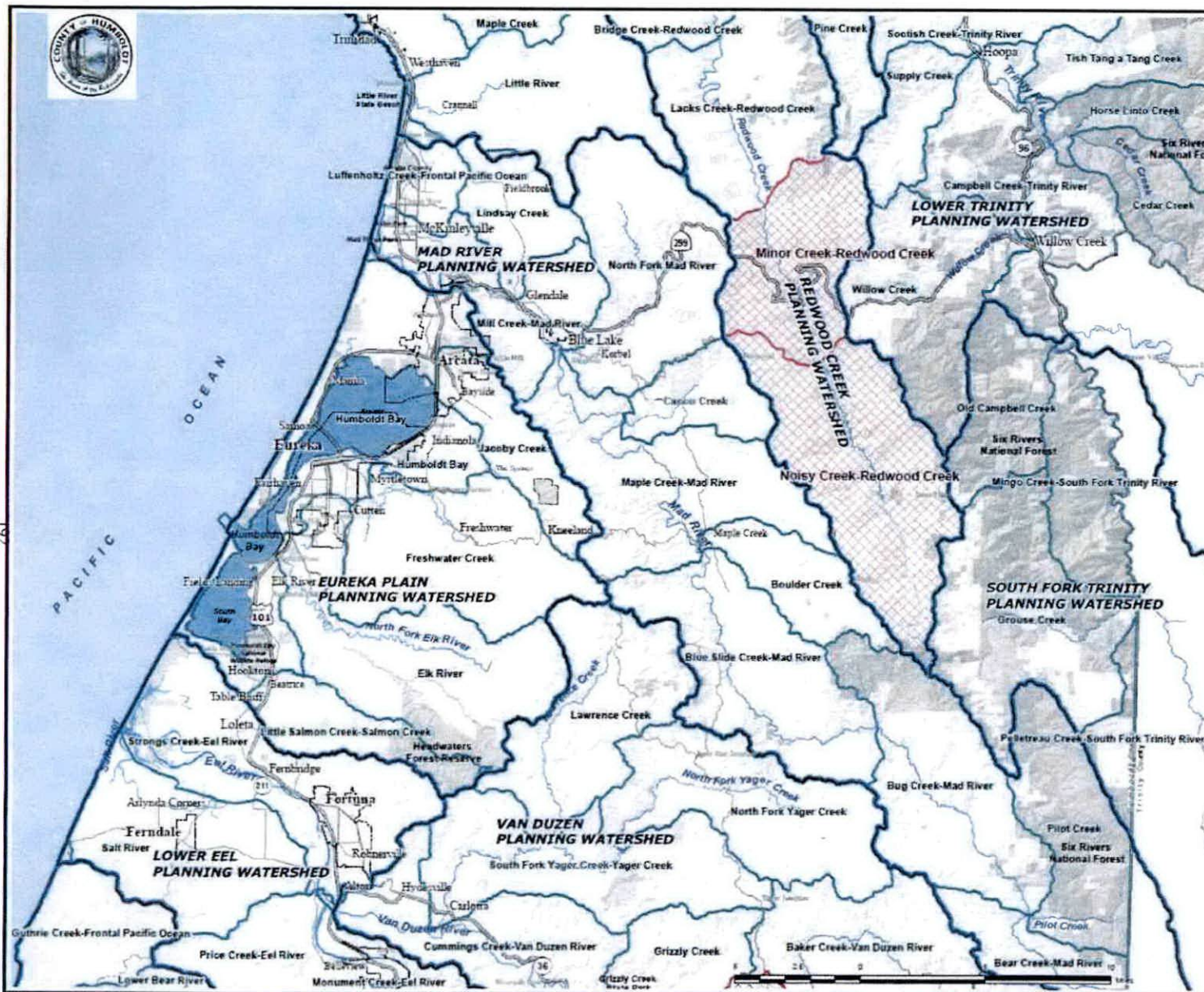
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, that the Board finds as follows based on the administrative record:

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>	<e>	<n>
1	Cape Mendocino	334	82	84	21	344	154	85	39	914	229
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	10	225	56
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	31	544	136
8	Redwood Creek	71	5	18	1	96	19	23	5	191	47
9	South Fork Eel	512	54	128	14	241	93	60	23	900	225
10	South Fork Trinity	52	10	13	3	34	22	8	5	118	29
11	Trinidad	7	3	2	1	7	4	2	1	21	6
12	Van Duzen	218	72	55	18	198	75	49	19	563	141
TOTALS		1,913	488	481	124	1,599	792	395	198	4,792	1,198

3. Certain subwatersheds are hereby declared to be impacted by low streamflows due to high concentrations of current cannabis cultivation activities. Additionally, certain other subwatersheds are hereby declared to be refuges critical to the recovery strategy for key populations of California Coho Salmon, as well as a number of other aquatic species currently listed pursuant to the federal Endangered Species Act. These subwatersheds are identified by their USGS HUC-12 (Hydrological Unit Code) names and grouped by planning watershed in the following table and mapping. Permits for new open air cultivation activities or expansion of lawful pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or remediated pursuant to the Retirement, Remediation, and Relocation provisions of the Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code.

Impacted & Refuge HUC-12 subwatersheds by PLANNING WATERSHED
PLANNING WATERSHED #1 CAPE MENDOCINO
* <i>Headwaters Mattole River</i>
Middle Mattole River
Upper Mattole River
PLANNING WATERSHED #8 REDWOOD CREEK
Noisy Creek-Redwood Creek
Minor Creek-Redwood Creek
PLANNING WATERSHED #9 SOUTH FORK EEL RIVER
Redwood Creek
Salmon Creek
* <i>Sprovel Creek</i>
PLANNING WATERSHED #12 VAN DUZEN RIVER
Hoagland Creek-Van Duzen River
Butte Creek
Little Van Duzen River
* <i>Refuge watersheds</i>



Central Humboldt

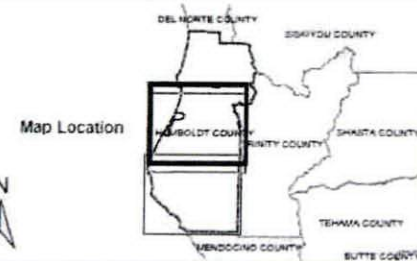
2017 Humboldt County Impacted and Refuge HUC-12 Subwatersheds

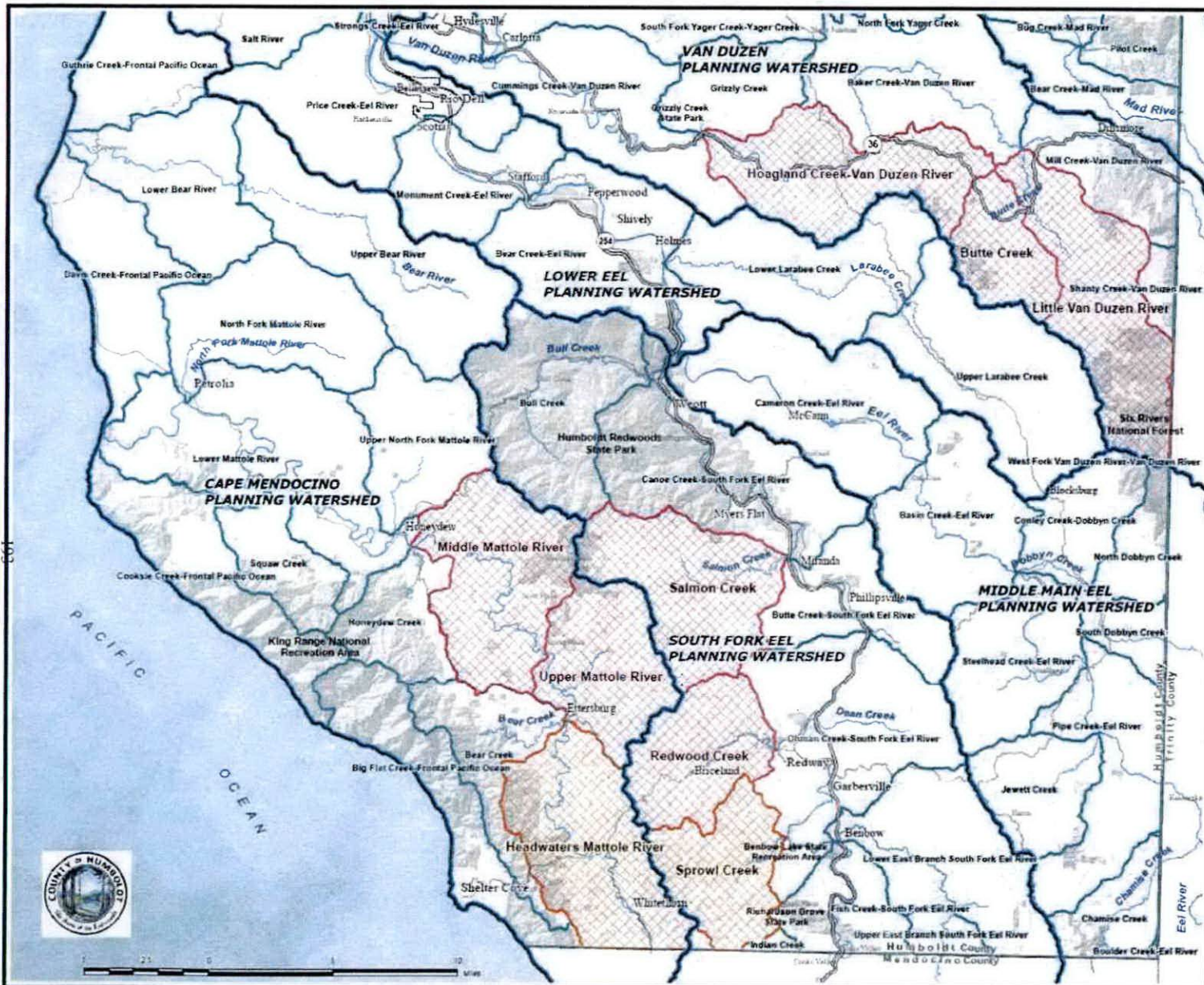
Legend

Planning Watersheds

- Planning Watershed
- Impacted HUC-12 Subwatersheds
- HUC 12 Subwatersheds
- Public Lands

This map is intended for planning purposes only and should not be used for precise measurement or legal boundary delineation. Original map size is 17"x11".
 Map produced by Humboldt County Planning & Building Department, Oct. 2017
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Southern Humboldt

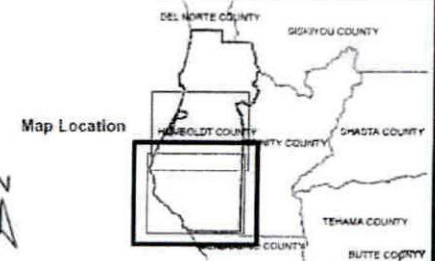
2017 Humboldt County Impacted and Refuge HUC-12 Subwatersheds

Legend

Planning Watersheds

- Planning Watershed
- Refuge Subwatersheds
- Impacted HUC-12 Subwatersheds
- HUC 12 Subwatersheds
- Public Lands

This map is intended for planning purposes only and should not be used for precise measurement or legal boundary delineation. Original map size is 17"x11".
 Map produced by Humboldt County Planning & Building Department, Mar. 2018
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4. 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: