

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 and Title 14 §13551 of the
Administrative Code and Public Resources Code, § 30200 (Coastal Act)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on March 19, 2018

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 FOR THE COASTAL ZONE AND TITLE 14 §13551 OF THE ADMINISTRATIVE CODE AND PUBLIC RESOURCES CODE, §30200 (COASTAL ACT) AND TRANSMITTING THE COASTAL ZONING ORDINANCE AMENDMENTS, INCLUDING ALL NECESSARY SUPPORTING DOCUMENTATION, 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.

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 April 11, 2017 the Board of Supervisors considered a set of regulatory objectives for the proposed Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, on June 7, 2017 the Board of Supervisors considered policy areas for the proposed ordinance amendments which specified the zoning districts where cannabis activities would be allowed and the general standards that would be applied; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed ordinance amendments on November 16, 2017, December 7, 2017, December 14, 2017, January 11, 2018, and January 18, 2018 to receive a report on the draft ordinance amendments, as well as evidence and public testimony; and

WHEREAS, the Planning Commission reviewed and considered the report, the Final Environmental Impact Report (FEIR) prepared for the project, evidence, and other testimony presented to the Commission; and

WHEREAS, at their January 18, 2018 meeting, the Humboldt County Planning Commission approved Resolution # 18-24 making all the required findings and recommending that the Board of Supervisors of the County of Humboldt:

- Hold a public hearing in the manner prescribed by law;
- Adopt the findings that the proposed ordinance is consistent with the applicable provisions of the Humboldt County Code and General Plan;
- Adopt a resolution certifying the Final Environmental Impact Report prepared for the ordinance amendments;
- By ordinance, approve the zoning ordinance amendments;
- Direct the Planning and Building Department to prepare and file a Notice of Determination pursuant to CEQA for the project;

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- Direct the Clerk of the Board to publish a post approval summary in a newspaper of general circulation, and give notice of the decision to interested parties; and
- Adopt a Resolution transmitting the Amendment package, including all necessary supporting documentation, 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.

WHEREAS, in compliance with AB 52 the County sent letters requesting consultation on the proposed ordinance to the following affected tribes on June 23, 2017:

Bear River
Big Lagoon
Blue Lake
Hoopa
Karuk
Round Valley
Sinkyone
Trinidad
Tsnungwe
Wiyot
Yurok.

The consultation resulted in the conclusion that there are resources that the Tribes consider to be Tribal Cultural Resources (TCR's) as described under AB 52 and defined in PRC Section 21074. Mitigation measures were developed and improvements to the ordinance were made as a result of consultation that resulted in greater protection of TCR's, including Mitigation 3.5-2 - Avoid potential effects on unique archaeological resources. The County is working to define the parameters of our working relationship with the Yurok Tribe in a Memorandum of Understanding to be presented to the Board at a later date that will further strengthen protection of TCR's in the Yurok's ancestral areas; and

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports and all attachments thereto, supplemental reports, testimony presented at public hearings, and having considered testimony from the Planning Commission, that:

1. The Board makes the findings for approval of the amendments to the Zoning Regulations (Case No.: OR-17-002) in Exhibit A of this Resolution which is fully incorporated herein by reference, and finds that the proposed amendments to the Coastal Zoning Regulations conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations will be carried out in accordance with the Coastal Act
2. The Board of Supervisors finds the proposed amendments to the Coastal Zoning Regulations are in conformity with and appropriately carry out the policies of each of the Humboldt County's six Coastal Plans, and certifies its intent to carry out the Coastal Plans in a manner fully consistent with the California Coastal Act.

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3. The changes to the Coastal Zoning Regulations (Ordinance No. ____) will become effective only upon certification by the Coastal Commission.
4. The Board of Supervisors directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Zoning Regulations required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that upon adoption of the Ordinances:

1. The Clerk of the Board is hereby directed to give notice of the decision to any interested party; and
2. The Clerk of the Board is hereby directed to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage.
3. Planning and Building Department staff are hereby directed to transmit the coastal zoning ordinance, including all necessary supporting documentation, 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

Adopted March 19, 2018

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

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

RYAN SUNDBERG, CHAIRPERSON,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

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

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By: _____

Ryan Sharp, Deputy Clerk

Date:

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EXHIBIT A

Findings for Adoption of Zoning Text Amendments in the Coastal Zone

EXHIBIT A - REQUIRED FINDINGS

Section 312-50 of the Humboldt County Code specifies the findings that must be made in order to approve an amendment to the Zoning Regulations. The required findings are as follows:

1. *The proposed change is in the public interest.*
2. *The proposed change is consistent with the General Plan.*
3. *The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.*

Title 14, Section 13551 of the Coastal Commission's Administrative Regulations, Public Resources Code, Section 30200, and Section 312-50.3.3 HCC requires proposed amendments to the Coastal Zoning Regulations to conform to the policies contained in Chapter 3 of the Coastal Act, which sets forth policies regarding the following issues:

4. *Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).*
5. *Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquaculture uses, and priority of development purposes).*
6. *Marine Resources (including protecting biological productivity, preventing hazardous waste spills, diking, filling, dredging, fishing, revetments and breakwaters, and water supply and flood control).*
7. *Land Resources (including protection of environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources).*
8. *Development (including placing new development within or close to existing developed areas, protection of scenic resources, maintenance of public access by encouraging public transit, providing for recreational opportunities within new development, protection of public safety, expansion of public works facilities and priority of coastal dependent developments).*
9. *Industrial Development (including location or expansion of coastal-dependent industrial facilities, Use and design of tanker facilities, oil and gas development, refineries or petrochemical facilities, thermal electric generating plants, offshore oil transportation and refining).*

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1. Public Interest: The following table identifies the evidence which supports finding that the proposed Zoning Ordinance amendments are in the public interest.

Applicable Requirements	Evidence Supporting the Finding
<i>The proposed zoning change is in the public interest.</i>	The CCLUO is in the public interest because it is designed to protect the public health, safety and welfare of residents of the County of Humboldt, visitors to the County, persons engaged in regulated commercial cannabis activities including their employees, neighboring property owners, end users of medicinal or adult use cannabis; the environment from harm resulting from cannabis activities, including but not limited to streams, fish, and wildlife, residential neighborhoods, schools, community institutions and Tribal Cultural Resources; to ensure the security of state-regulated medicinal or adult use cannabis; and to safeguard against the diversion of state-regulated medicinal or adult use cannabis for purposes not authorized by law.

2. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed Zoning Ordinance Amendments are consistent the General Plan.

Applicable Requirements	Evidence Supporting Finding
<i>The proposed zoning change is consistent with the General Plan.</i>	<p>The purpose of the ordinance amendments is to establish land use regulations concerning the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis for medicinal or adult use within the County of Humboldt.</p> <p>Policy UL-P21 of the 2017 Humboldt County General Plan states: Cultivation of medical cannabis shall be regulated by ordinance to provide for the health, safety, and welfare of the community, but shall not interfere with the patient's right to medical cannabis. The General Plan policy was finalized prior to California State approval of recreational cannabis, and thus this policy should be understood to apply to both medical and recreational cannabis regulations. This policy states the clear intent of the county that cannabis activities shall be regulated in order to protect the public, health safety and welfare. This ordinance accomplishes that objective.</p>

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3. Impact on Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Applicable Requirements	Evidence Supporting Finding
<p>§ 312-17.1.5 Housing Element Densities <i>The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</i></p>	<p>The proposed Zoning Ordinance amendments do not apply to single or multifamily residential zones. The proposed commercial cannabis activity ordinance amendments will have no effect on the local housing inventory or sites identified in the Housing Element to help accommodate the County's share of the regional housing need.</p>

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4. - 9. Required Finding for Consistency with the California Coastal Act

The following table identifies the evidence which supports finding that the proposed Coastal Zoning Ordinance Amendments are consistent with the Coastal Act.

Section(s)	Applicable Requirements
Title 14 §13551 of the Administrative Code and Public Resources Code, § 30200 (Coastal Act)	<p>4. Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p> <p>5. Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)</p> <p>6. Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p>7. Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>8. Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>9. Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p> <p>Evidence Supporting The Required Findings #4 - 9</p> <p>The proposed zoning ordinance amendments will help protect coastal resources from harm resulting from cannabis activities, including streams, fish, and wildlife and wildlife habitat, ESHA's and Tribal Cultural Resources. Cultivation activities share many similar features with more conventional agricultural uses and are therefore potentially compatible in zoning districts where agriculture is allowed. Commercial cannabis sales, manufacturing, distribution and testing are activities which share many similar features with more conventional retail sales, light manufacturing, distribution and scientific research uses and are therefore potentially compatible in a variety of zoning districts where those uses are allowed.</p> <p>The new policies and performance standards provide guidance and new tools to address land use issues surrounding the siting and operational standards for commercial activities involving the cultivation, manufacturing, processing, and distribution of cannabis for medical use. As such, no impact on coastal access concerns, recreational uses, marine or land resources, and industrial resources are likely to occur.</p>