

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of February 4, 2020

RESOLUTION NO. 20-10

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, 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).

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 Humboldt County Planning Commission held a public hearing on the proposed ordinance amendments on September 17, 2019 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 compliance with the California Environmental Quality Act (CEQA), evidence, and other testimony presented to the Commission; and

WHEREAS, at their September 17, 2019 meeting, the Humboldt County Planning Commission approved Resolution # 19-141 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.
- Make the finding the proposed ordinance amendments are exempt from environmental review per Section 15307 of the CEQA Guidelines (actions to assure protection of the environment).
- Accepts and agrees to the modifications that are suggested by the Coastal Commission as shown in Attachment 2 of the staff report.
- Take whatever formal action is necessary to implement the modifications.
- Agree to issue coastal development permits subject to the approved Local Coastal Program.
- Transmit the approved ordinance amendments to the Coastal Commission for final certification.
- Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

WHEREAS, the proposed Zoning Text Amendments may be approved if it can be found that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; (3) the 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, and (4) the proposed amendments are consistent with the Coastal Act;

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WHEREAS, Exhibit A of this Resolution includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Text Amendments; and

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the Board of Supervisors:

1. The Board of Supervisors finds that suggested modifications approved by the Coastal Commission increase protection of coastal resources consistent with the Local Coastal Plans and reduce impacts on the environment compared to the ordinances originally approved by the Board of Supervisors so the project is exempt from environmental review per Section 15307 of the CEQA Guidelines (actions to assure protection of the environment); and
2. Makes all of the required findings for adoption of the Zoning Text amendments based on evidence in Exhibit A of this resolution, which is incorporated fully into this Resolution and finds that the proposed amendments to the Coastal Zoning Regulations conform to the policies contained in Chapter 3 of the Coastal Act; and
3. The Board of Supervisors acknowledges receipt of resolutions for Part A and B adopted by the Commission on August 7, 2019 to deny the LCP amendment as submitted but to certify the LCP amendment if modified as suggested; (2) accepts and agrees to all of the suggested modifications adopted by the Coastal Commission and adopts these modifications by repealing Ordinance 2523 and replacing with Ordinance 2638; and (3) agrees to issue permits subject to the approved local coastal program.
4. The changes to the Coastal Zoning Regulations (Ordinance No. 2638) will become effective only upon 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 incorporating the Commission's suggested modifications, including all necessary supporting documentation, to the California Coastal Commission for approval; and
4. Planning and Building Department staff are hereby also directed to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

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Dated: February 4, 2020



Estelle Fennell, Chair
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Bohn, Fennell, Madrone, Wilson, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California

Exhibit "A" -- Findings of approval for Zoning Text amendments

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Attachment 1
Exhibit "A"

Findings of Approval for Zoning Text amendments

Finding

1. Public Interest: The Zoning Text amendments are in the public interest.

Facts

1 These regulations are in the public interest because they are designed to protect the public health, safety and welfare of residents of the County of Humboldt, visitors to the County, persons engaged in regulated personal cannabis cultivation activities including neighboring property owners, 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.

The modifications approved by the Coastal Commission align the Personal Use Ordinance with the County's Local Coastal Plans which is also in the public interest.

Finding

2. General Plan Consistency: The Zoning Text amendments are in conformance with other applicable policies and standards of the Humboldt County General Plan.

Facts

2 The purpose of the ordinance amendments is to establish land use regulations concerning the personal cultivation of cannabis for medicinal or adult use within the coastal zone portion of Humboldt County.

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.

The modifications approved by the Coastal Commission align the Personal Use Ordinance with the County's Local Coastal Plans as described in the findings approved by the Coastal Commission in the August 7, 2019 staff report.

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Finding

3. Housing Density

That the proposed zoning change 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 (the mid point of the density range specified in the plan designation)

Facts

3. The proposed ordinance amendments as modified by the Coastal Commission limit cultivation to properties with an existing residence, so the properties affected by the ordinance are not included in the residential land inventory used by the Department of Housing and Community Development in determining compliance with housing element law.

Finding

4. Coastal Act Consistency: The Zoning Text amendments are in conformance the Coastal Act.

Facts

4. The proposed zoning ordinance amendments as modified by the Coastal Commission will help protect coastal resources from harm resulting from cannabis activities, including streams, fish, and wildlife and wildlife habitat, and Tribal Cultural Resources.

The new policies and performance standards provide guidance and new tools to address land use issues surrounding the siting and operational standards for personal use cultivation activities. As such, no impact on coastal access concerns, recreational uses, marine or land resources, and industrial resources are likely to occur.

The suggested modifications will make the Personal Use Ordinance for the coastal zone more consistent with the County's Coastal Plans and the Coastal Act as described in the findings adopted by the Coastal Commission at their meeting on August 7, 2019.