



COUNTY OF HUMBOLDT

Legislation Text

File #: 19-1063, **Version:** 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Zoning Text Amendments Accepting the Coastal Commission's Suggested Modifications to the Commercial Cannabis Land Use Ordinance in the Coastal Zone (CCLUO)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ (Attachment 2) by title and waiver further reading;
2. Open the public hearing and receive the staff report and public testimony;
3. Close the public hearing;
4. Adopt the attached resolution (Resolution 19-__ (Attachment 1)) doing the following:
 - a. Consider the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) and find that it sufficiently addresses the potential environmental impacts associated with adoption of the Zoning Text Amendments to accept the Coastal Commission's Suggested Modifications to the CCLUO, which was prepared in accordance with Section 15168 (c)(2) and no new information has been presented to change the findings of the EIR in accordance with section 15162 of the State California Environmental Quality Act (CEQA) Guidelines;
 - b. Make the required findings for approval of the Zoning Text Amendments;
5. Adopt the attached ordinance (Ordinance No. ____ (Attachment 2)) repealing the existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 of Chapter 3 of Division 1 of Title III of the County Code and the Medical Cannabis Testing and Research Laboratories and on-site consumption prohibitions found in Sections 313-55.3.15 and 313-55.3.11.7 of Division 1 of Title III of the County Code to be replaced by the provisions of the proposed ordinance (Section 313-55.4 of Chapter 3 of Division 1 of Title III) with the modifications suggested by the Coastal Commission;
6. Direct the Planning and Building Department to file a Notice of Determination with the

Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act; and

7. Direct the Clerk of the Board to publish summaries 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 3) 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 salary funding for this work is included is in the General Fund contribution to the Long Range Planning unit, 1100-282

DISCUSSION:

The Board of Supervisors approved the Commercial Cannabis Land Use Ordinance (CCLUO) for both the inland and coastal areas on May 8, 2018 and directed staff to submit the coastal version to the Coastal Commission for certification. County staff and Coastal Commission staff worked together to identify suggested modifications to address Coastal Commission staff concerns the ordinance was not consistent with the County's coastal plans and the Coastal Act. On May 9, 2019 the Coastal Commission approved the ordinance with those modifications. For the ordinance to become effective, those modifications need to be accepted by the Board of Supervisors with recommendation from the Planning Commission.

When the Planning Commission reviewed the ordinance as acted upon by the Coastal Commission, they noted that there were changes from the inland ordinance. Staff explained that the primary differences involved limiting new cultivation in greenhouses to existing greenhouses on agricultural land, a Coastal Development Permit is required for all cannabis activities, no cultivation is allowed in commercial zones, there are larger agricultural parcel sizes required, and no diversionary sources of water is allowed. After considering these differences, the Planning Commission with a 5-0 vote (Newman, Bongio absent) recommended approval by the Board. Their resolution is in Attachment 4.

The necessary findings can be made for the Board of Supervisors to adopt the proposed CCCLUO with the modifications approved by the Coastal Commission. The draft resolution with these findings is included in Attachment 1. The updated draft ordinance with the Coastal Commission's suggested modifications is included in Attachment 2.

The nature of the changes made by the Coastal Commission did not change the regulatory intent or approach of the ordinance as crafted. Most of the changes are intended to increase clarity relative to regulations and policies specific to the Coastal Zone, some definitions were added, and the Mitigation Measures from the EIR were all completely written out as standards within the ordinance.

FINANCIAL IMPACT:

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

STRATEGIC FRAMEWORK:

This action supports the Board's Strategic Framework by facilitating establishment of local revenue sources to address local needs, and retaining existing and facilitating new living-wage private sector jobs,

OTHER AGENCY INVOLVEMENT:

California Coastal Commission

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Draft Board of Supervisors Resolution.
2. Draft Board of Supervisors Ordinance repealing the existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 of Chapter 3 of Division 1 of Title III of the County Code and the Medical Cannabis Testing and Research Laboratories and on-site consumption prohibitions found in Sections 313-55.3.15 and 313-55.3.11.7 of Division 1 of Title III of the County Code to be replaced by the provisions of the proposed ordinance (Section 313-55.4 of Chapter 3 of Division 1 of Title III) with the modifications suggested by the Coastal Commission.
3. Post Approval Summary of the Ordinance.
4. June 6, 2019 Planning Commission Resolution and Staff Report.
5. Link to the Environmental Impact Report for the CCLUO

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-1

Meeting of: May 5, 2018

File No.: OR-17-02