

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of November 14, 2017

EXTENSION OF INTERIM ORDINANCE NO. 2583 ESTABLISHING A TEMPORARY PROHIBITION OF COMMERCIAL CANNABIS ACTIVITIES IN SUPPORT OF MEDICINAL OR ADULT USES, INCLUDING CULTIVATION, PROCESSING, DISTRIBUTION, MANUFACTURING, OR SALE WITHIN THE COASTAL ZONE OF THE UNINCORPORATED AREA OF HUMBOLDT COUNTY, AND DECLARING THE URGENCY THEREOF

ORDINANCE NO. 2586

WHEREAS, the State of California enacted the Medical Marijuana Regulation and Safety Act (MMRSA) on October 9, 2015, establishing regulations for the commercial cultivation, distribution, manufacturing, testing, transportation, and sale of medical marijuana, subject to local land use regulation. MMRSA was subsequently amended and renamed the Medical Cannabis Regulation and Safety Act (MCRSA) by SB 837, on June 26, 2016; and

WHEREAS, on January 26, 2016, the County of Humboldt adopted Ordinance No. 2544, the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), to establish land use regulations governing the commercial cultivation, processing, distribution, and manufacturing of cannabis for medical use in both the Coastal Zone and Inland Areas of the County. On September 13, 2016, the County of Humboldt adopted Ordinance No. 2559, making clarifying and corrective amendments to the CMMLUO; and

WHEREAS, on July 19, 2016, the County of Humboldt adopted Ordinance No. 2554, establishing land use regulations for Medical Cannabis Dispensaries and Testing Facilities in both the Coastal Zone and Inland Areas of the County; and

WHEREAS, the Coastal Zone provisions of Ordinance Nos. 2554 and 2559 only take effect after they have been certified by the California Coastal Commission as in conformance with the Coastal Act. (Pub. Res. Code § 30514.) The ordinances were submitted by the County to the Coastal Commission on December 31, 2016. Certification is pending with no known date when certification may be completed; and

WHEREAS, on November 8, 2016, the voters of the State of California passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) to authorize and regulate the commercial cultivation, distribution, manufacturing, testing, transportation, and sale of marijuana for persons 21 years of age or older; and

WHEREAS, on December 13, 2016, the County of Humboldt adopted Ordinance No. 2567, the Commercial Marijuana Cultivation Tax, after approval by the voters on November 8, 2016. The tax is only collected from cannabis cultivation sites that have received local permits pursuant to the CMMLUO. No tax can be collected from commercial cannabis cultivation sites located in the Coastal Zone until the Coastal Zone provisions of the CMMLUO are certified by the Coastal Commission; and

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WHEREAS, on June 27, 2017, the State of California adopted a comprehensive statute to integrate MCRSA and AUMA for the regulation of commercial medicinal and adult use cannabis cultivation, distribution, manufacturing, testing, and sale known as the Medicinal and Adult Use Cannabis Regulation and Safety Act (SB 94), Statutes of 2017, chapter 27, Business and Professions Code Section 26000, et seq.. State licensing authorities are the Department of Food and Agriculture for cultivation, the Department of Public Health for manufacturing, and the Bureau of Cannabis Control in the Department of Consumer Affairs for all other commercial cannabis activity license types. None of the licensing authorities have as yet published comprehensive regulations that include both medicinal and adult use commercial cannabis activities. SB 94 authorizes licensing authorities to adopt emergency regulations, which do not require prior notice and public comment.

WHEREFORE, the Board of Supervisors of the County of Humboldt hereby finds as follows:

1. Findings 1 – 8 as fully set forth in Ordinance No. 2583 are incorporated herein by reference as if set forth in full.
2. After notice was given pursuant to Government Code Section 65090, and a public hearing, the Humboldt County Board of Supervisors, by a unanimous vote, adopted Ordinance No. 2583 on October 17, 2017, adding Section 313-54 to Title III, Chapter 3 of the Humboldt County Code prohibiting all commercial cannabis activities within the Coastal Zone of the unincorporated area of the County of Humboldt. By its terms, and in accordance Government Code Section 65858, Ordinance No. 2583 will expire on December 2, 2017, following 45 days from the date of adoption unless extended by at least a four-fifths vote of the Board of Supervisors.
3. The current and immediate threat to public health, safety, and welfare, from the potential state licensing of commercial cannabis activities to be conducted in the Coastal Zone of the County of Humboldt which have not been permitted in accordance with the Humboldt County Zoning ordinance, remains until such time as the California Coastal Commission certifies the provisions of the Humboldt County commercial cannabis zoning ordinance, and Humboldt County land use permits for such activities can be issued.

NOW, THEREFORE, the Humboldt County Board of Supervisors ordains as follows:

SECTION 1. DECLARATION OF URGENCY

This extension of the interim ordinance adopting Section 313-54 of the Humboldt County Code is hereby declared to be an urgency ordinance for the immediate preservation of the public health, safety and welfare of the County of Humboldt.

SECTION 2. REPEAL

Section 2 of Ordinance No. 2583 is hereby repealed.

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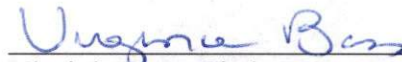
ORDINANCE NO. 2586

SECTION 3. EFFECTIVE PERIOD

Pursuant to Government Code Section 65858 (b), Section 313-54 of the Humboldt County Code shall remain in full force and effect for twenty-two (22) months and (15) days beginning December 2, 2017, or until such time as Humboldt County ordinances regulating Commercial Cannabis Activities in the Coastal Zone can be certified by the California Coastal Commission as in conformance with the Coastal Act and fully take effect, whichever shall occur first.

PASSED, APPROVED AND ADOPTED this 14th day of November, 2017 on the following vote, to wit:

AYES: Supervisors Fennell, Bass, Wilson, Bohn, Sundberg
NOES: Supervisors --
ABSENT: Supervisors --



Virginia Bass, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:

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

By: _____



Ryan Sharp, Deputy

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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RESOLUTION NO. 17-105

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), HUMBOLDT COUNTY CODE SECTION 312 50 – CONCERNING ADOPTION OF ZONING ORDINANCE AMENDMENTS, AND CONFORMANCE WITH THE CALIFORNIA COASTAL ACT.

WHEREAS, on June 27, 2017, the State of California adopted a comprehensive statute to integrate MCRSA and AUMA for the regulation of commercial medicinal and adult use cannabis cultivation, distribution, manufacturing, testing, and sale known as the Medicinal and Adult Use Cannabis Regulation and Safety Act (SB 94), Statutes of 2017, chapter 27, Business and Professions Code Section 26000, et seq.. State licensing authorities are the Department of Food and Agriculture for cultivation, the Department of Public Health for manufacturing, and the Bureau of Cannabis Control in the Department of Consumer Affairs for all other commercial cannabis activity license types. None of the licensing authorities have as yet published comprehensive regulations that include both medicinal and adult use commercial cannabis activities. SB 94 authorizes licensing authorities to adopt emergency regulations, which do not require prior notice and public comment; and

WHEREAS, on September 29, 2017, all three licensing authorities announced that they will use the emergency rulemaking process for the adoption of new regulations, which are expected to be published in November and will serve as the basis for the state to begin issuing temporary commercial cannabis licenses by 2018. Officials from these agencies have consistently confirmed that they intend to issue cannabis licenses without explicit local approval in cases where local-level regulations are absent or unclear; and

WHEREAS, Humboldt County Code Section 311-10.1 provides that “no land, building, structure or premises shall be used for any purpose or in any manner other than is included among the uses hereinafter listed [in the Zoning Ordinance] as permitted in the zone in which such buildings, land or premises is located. Within the Coastal Zone of the unincorporated area of Humboldt County the only use related to cannabis in the Humboldt County Code that has been certified by the Coastal Zone is indoor cultivation for personal medical use pursuant to Humboldt County Code Section 313-55.1, et seq. (Ord. No. 2468, 12/13/2011, eff. 3/9/12.) Commercial cannabis activities pursuant to SB 94 are therefore prohibited within the Coastal Zone of the unincorporated area of Humboldt County, until such time as the Coastal Commission certifies zoning ordinance amendments from Ordinance No. #2559 or successor regulations governing similar uses, as being in conformance with the Coastal Act; and

WHEREAS, California Government Code Section 65853 sets forth the manner in which Zoning Regulations may be amended; and

WHEREAS, California Government Code Section 65860 and Section 312-50 et seq. of the Humboldt County Code sets forth the findings that must be made before Zoning Regulations may be amended; and

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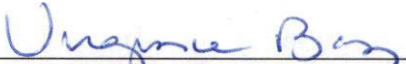
WHEREAS, Section 312-15 et seq. of the Humboldt County Code sets forth provisions for waiver of procedures during an emergency and California Government Code Section 65858 specifies the manner in which Zoning Regulations may be amended to include interim prohibition of any uses that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time, without prior review or recommendation by the Planning Commission.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors, based on the Planning & Building Department's staff report, testimony and evidence presented at the public hearing, that the Board:

1. Finds that the amendments to Humboldt County Code, Title III, Division 1, Chapter 3, section 313-54 have been reviewed for compliance with CEQA and found to be not subject to further environmental review.
2. Finds that, pursuant to section 15061(b)(3), 15308, and 15321 of the CEQA Guidelines, the proposed amendments are exempt from environmental review.
3. Makes the findings for approval of the amendments to the Zoning Regulations (Case No.: OR-17-006) based on the evidence submitted as more fully set forth in Exhibit 1 attached hereto.
4. Finds that the proposed interim amendment to the Coastal Zoning Regulations does not conflict with the Coastal Act and instead will help prevent adverse effects to coastal resources.

BE IT FURTHER RESOLVED, by the Humboldt County Board of Supervisors that the Planning & Building Department – Long Range Planning unit is hereby directed to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research pursuant to California Environmental Quality Act.

Dated: November 14, 2017



Virginia Bass, Chair
Humboldt County Board of Supervisors

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

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

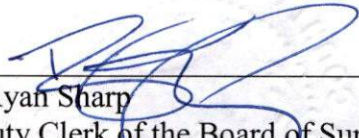
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STATE OF CALIFORNIA)
County of Humboldt)

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.



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