

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



F8c

DATE: January 18, 2019

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Melissa B. Kraemer, Supervising Analyst

SUBJECT: Extension of Time Limit for Commission Action on County of Humboldt's
Local Coastal Program Amendment LCP-1-HUM-16-0075-2, Parts A, B, and C
(Humboldt County Commercial Cannabis Land Use Ordinance)

For the Commission meeting of February 8, 2019

LCP AMENDMENT DESCRIPTION

On December 30, 2016, Humboldt County transmitted its Commercial Cannabis Land Use Ordinance to the Commission under Implementation Plan (IP) Amendment Application No. LCP-1-HUM-16-0075-2. This LCP amendment application consists of three parts: (1) Part A amends existing regulations related to indoor cultivation for personal use and adds new regulations for outdoor cultivation for personal use; (2) Part B adds new regulations governing facilities involved in retail distribution of cannabis; and (3) Part C adds new regulations for commercial activities associated with cultivation, processing, manufacturing, and wholesale distribution of cannabis.

Coastal Act section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied, and an amendment is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on an IP amendment within 60 days (Coastal Act sections 30510, 30513, and 30514). On December 21, 2018, Commission staff deemed all three parts of the proposed LCP Amendment submitted. The 60th-day after the date this proposed IP Amendment was deemed submitted is February 19, 2019. Unless the Commission extends the deadline, the Commission will need to complete its action on each of the three parts of the proposed multi-part IP amendment application at the Commission's February 6-8, 2019 hearing.

The County has revised the proposed IP amendments multiple times since transmitting the amendment application for certification in December of 2016. On May 8, 2018 the County adopted amended commercial regulations to supersede and replace the previously submitted Part C of the application, and on December 10, 2018, County staff recommended further suggested changes to the Part C proposed commercial regulations. While Commission staff and County staff have been meeting regularly and coordinating closely on the proposed amendments over the past two years, staff has not

yet had sufficient time to complete its analysis of the amendments for conformance with the County's six separate certified Land Use Plans (LUPs) and to complete its coordination with the County. Coastal Act section 30517 authorizes the Commission to extend, for good cause, the time limit for Commission action on the proposed LCP amendment for a period not to exceed a year. A one-year extension would result in a new deadline for Commission action of February 19, 2020. Although it may be possible for Commission staff to bring forward parts of the multi-part application for Commission consideration prior to other parts, the County has requested that the Commission consider all three parts of the application together at a single hearing. While staff is planning to bring the proposed amendments forward during an upcoming 2019 Commission meeting in the northern portion of the state (i.e., August 7-9 in the North Coast District or November 13-15 in the North Central Coast District), staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and needed coordination time. Flexibility for coordination with the County and other interested persons regarding the resolution of Coastal Act issues and potential suggested modifications will facilitate the ability of Commission staff to narrow as much as possible the issues that the Commission will need to resolve.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action on the proposed LCP amendment for one year.

Motion:

I move that the Commission extend the time limit to act on Part A, Part B and Part C of County of Humboldt Local Coastal Program Amendment No. LCP-1-HUM-16-0075-2 for a period of one year.

Staff recommends a **YES** vote. Passage of this motion will result in a one year extension of the deadline for Commission action on the proposed LCP amendment, changing the deadline for Commission action from February 19, 2019 to February 19, 2020. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.