

CALIFORNIA COASTAL COMMISSION

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W9a

Date: February 21, 2020

To: Coastal Commissioners and Interested Persons

From: Jack Ainsworth, Executive Director
Alison Dettmer, Deputy Director
Bob Merrill, North Coast District Manager
Melissa Kraemer, Supervising Analyst

Subject: Concurrence with the Executive Director's determination that the action of the County of Humboldt accepting the Commission's certification, with suggested modifications, of LCP Amendment No. LCP-1-HUM-16-0075-2-Part A (Cannabis – Personal Cultivation) is legally adequate.

For the Commission meeting of March 11, 2020

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the County's action is legally adequate.

BACKGROUND

At its August 7, 2019 meeting, the Coastal Commission certified, with one suggested modification, the County of Humboldt's Local Coastal Program Amendment (LCPA) No. LCP-1-HUM-17-0075-2 Part A (Cannabis – Personal Cultivation), which changes the standards in the Implementation Plan (IP) for indoor cultivation of cannabis for personal use and adds new IP regulations pertaining to the outdoor cultivation of cannabis for personal use. The suggested multi-part modification included several modifications added by the Commission and numerous "friendly modifications" proposed by the County staff to promote consistency with current state law as well as more recently adopted terminology, definitions, and other standards adopted by the County after its original transmittal of the LCPA application to the Commission. In sum, the suggested modification: (1) deletes outdated code references; (2) updates terminology; (3) makes the regulations applicable to both medical and recreational cannabis use; (4) allows personal cultivation only as an accessory use to an existing developed use on a property; (5) conforms the regulations to state law by specifying the maximum number of cannabis plants that may be cultivated for

personal use; (6) deletes references to minimum or maximum parcel sizes where personal cultivation may occur; and (7) simplifies the enforcement provisions.

EFFECTIVE CERTIFICATION

On February 4, 2020, the Humboldt County Board of Supervisors held a public hearing and adopted Resolution No. 20-10 ([link to adopted resolution](#)) acknowledging receipt of the Commission’s resolution of certification, accepting and agreeing to the Commission’s modifications, and agreeing to issue permits in conformance with the modified LCP. Additionally, at the same hearing, the Board adopted Ordinance No. 2638 ([link to adopted ordinance](#)) amending the IP consistent with the suggested modifications.

As provided in Section 13544 of Title 14 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the County’s actions are legally adequate and report that determination to the Commission. Unless the Commission objects to that determination, the certification of LCP Amendment No. LCP-1-HUM-16-0075-2-Part A shall become effective upon the filing of a Notice of Certification for the LCPA with the Secretary of Natural Resources, as provided in Public Resources Code section 21080.5(d)(2)(E).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Humboldt to accept the Commission’s certification, with suggested modifications, of LCP Amendment No. LCP-1-HUM-16-0075-2 Part A to adopt the necessary changes to the County’s Local Coastal Program are legally adequate, as noted in the attached letter, Exhibit 1 (to be sent after Commission concurrence).

EXHIBITS

[Exhibit 1 – Notification of Effective Certification Letter \(to send after Commission action\)](#)