



COUNTY OF HUMBOLDT

For the meeting of: 12/15/2020

File #: 20-1578

To: The Humboldt County Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Continuation of a Scheduled Hearing for Revocation of the Approved Bear Butte Farms, LLC Conditional Use Permit (PLN-11676-CUP) Allowing 21,780 Square Feet of Existing Outdoor Cannabis Cultivation on Assessor's Parcel Number (APN) 221-230-003

RECOMMENDATION:

That the Board of Supervisors:

1. Continue the hearing on revocation to a date uncertain.

SOURCE OF FUNDING:

Fees associated with the revocation hearing are billed to the permittee on a time and material basis.

DISCUSSION:

Bear Butte Farms, LLC is an approved and issued Conditional Use Permit for 21,870 square feet of outdoor cannabis cultivation in the Salmon Creek area. On October 6, 2020 the California Department of Food and Agriculture (CDFA) sent a Combined Notice of Violation and License Revocation (Attachment 1) which in addition to the illegal water diversions describes numerous violations of the state's track and trace system requirements, modifications made to the site without prior approval, and cultivating in excess of the total allowable canopy size among other issues. CDFA revoked the provisional license (CCL18-0003553) and assessed a penalty of \$1,863,149. After receiving notification of the license revocation, the Planning and Building Department sent the permittee a letter on October 7, 2020 stating that the county would be considering revocation of the Conditional Use Permit due to the identified violations and revocation of state license, and a public hearing with the Board of Supervisors to consider revocation of the permit was scheduled. Subsequent to these actions, the county has received notice that the permittee has appealed the assessed penalty and is seeking a path to resolve the violations and obtain a new state license. The Planning and Building Department has determined that it is appropriate to let the state license process play out before making a determination of permit revocation, particularly given that the property is located within an impacted watershed and no new permit applications can be made under the Commercial Cannabis Land Use

Ordinance. The permittee has been advised that the county will reschedule this permit for revocation if a subsequent state license is not available and/or if any subsequent violations of the Conditional Use Permit occur, and that no commercial cannabis cultivation is able to occur on this property until the violations are resolved and the state license obtained.

FINANCIAL IMPACT:

There will be no additional effect on the General Fund. The fees associated with enforcement actions and other costs will be billed to the permittee on a time and material basis.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

California Department of Fish and Wildlife, California Department of Food and Agriculture, State Water Resources Control Board

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could decide that the violations cited in the CDFA Combined Notice of Violation and License Revocation dated October 6, 2020 are so egregious that this permit should be brought back for a hearing to consider immediate revocation.

ATTACHMENTS:

1. CDFA Combined Notice of Violation and License Revocation dated October 6, 2020
2. Public Comment

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A