



COUNTY OF HUMBOLDT

For the meeting of: 3/16/2021

File #: 21-301

To: The Humboldt County Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Appeal of the Planning Commission action to deny the Rocci Costa Conditional Use Permit for 10,000 square feet of new cannabis cultivation in the Blue Lake Community Planning Area

RECOMMENDATION:

That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by the appellant (applicant), and public;
2. Close the public hearing;
3. Adopt the resolution (Resolution 21-__). (Attachment 1) which does the following:
 - a. Make the findings required to approve the appeal;
 - b. Approve the Conditional Use Permit for Retirement, Remediation and Relocation RRR) purposes only subject to the recommended conditions (Attachment 1A); and
4. Direct the Clerk of the Board to give notice of the decision to the appellant, the project applicant, the property owner, and any other interested party.

SOURCE OF FUNDING:

The appellant has paid the appeal fee associated with filing this appeal.

DISCUSSION:

Executive Summary

This item was continued from the August 25, 2020 Board of Supervisors meeting to allow the Appellant (Applicant) and the members of the community of Warren Creek Road meet and discuss whether a resolution of the various neighborhood compatibility issues could be reached. The County and both parties met on September 9, 2020 to discuss the project and the neighborhood concerns.

The outcome of that meeting was that all parties agreed that the Rocci Costa application would seek approval for Retirement, Remediation, and Relocation (RRR) purposes only such that this cultivation area would not be permitted in the Warren Creek area. The applicant/appellant has submitted the

necessary paperwork to Retire and Relocate off the property. This appeal is now being presented to the Board for a modified application. The proposed action is to approve the Conditional Use Permit for RRR purposes only. All parties are in support of this proposal.

Upon approval, the applicant will record a Covenant to prohibit all commercial cannabis activity on the subject property in perpetuity, and the applicant will be granted an entitlement to seek issuance of a Zoning Clearance Certificate for up to 20,000 square feet of commercial cannabis cultivation at a qualifying property to be determined later.

FINANCIAL IMPACT:

There will be no additional effect on the General Fund. The appellant has paid in full the appeal fee associated with this appeal.

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, Division of Environmental Health; Department of Public Works, Land Use Division.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The following alternative is available for consideration:

1. Uphold the appeal and deny the project. The Board may decide that the project would be detrimental to the public health, safety, and welfare. Under this alternative the Board would find the project exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines (projects which are disapproved) and deny the Costa project because the findings for approval under Section 312-17.1 of the Humboldt County Code cannot be made.

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 Resolutions and Findings
2. CEQA Addendum
3. Appeal filed by Rocci Costa
4. Covenant to Restrict Use of Property
5. Planning Commission Resolution No. 21-11
6. Planning Commission Staff Report
7. Public Comments

PREVIOUS ACTION/REFERRAL:

File #: 21-301

Board Order No.: N/A

Meeting of: August 25, 2020

File No.: N/A