

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-2022-18047-APPEAL

Assessor's Parcel Numbers: 509-181-061, 509-191-031, 509-191-048, and 509-221-006.

Resolution by the Board of Supervisors of the County of Humboldt to uphold the Appeal of We Are Up Conditional Use and Special Permit filed by Daniel Escajeda.

WHEREAS, We Are Up, a 501(c)(3) non-profit, submitted an application and evidence in support of approving a Conditional Use Permit and a Special Permit for a Quasi-Public use consisting of 50 units of housing, a community center with commercial kitchen, a greenhouse, barn, orchard and install associated site improvements, including an access road, walking trails, wetland creation, riparian planting, and community access, and indoor and outdoor events with associated parking, as well as an exception to the height limit to allow for a 45-foot tall building and for the creation and enhancement of wetland and streamside habitat areas, filed under Record No, PLN-2022-18047.

WHEREAS, the Planning and Building Department reviewed application and substantial evidence supporting the application and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, on July 20, 2023, the Planning Commission took the following actions:

1. Adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the We Are Up project.
2. Found based on the submitted evidence the proposed project complies with the General Plan and Zoning Ordinance, that the proposed development and conditions under which may be operated will not be detrimental to public health, safety or welfare or materially injurious to properties or improvements in the vicinity, and that the proposed development does not reduce residential density below that used by the Department of Housing and Community Development in determining compliance with housing element law.
3. Approved the Conditional Use Permit and Special Permit under record no. PLN-2022-18049

WHEREAS, on August 3, 2023 Daniel Escajeda ("Appellant") timely filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code §312-13 et seq; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on September 12, 2023, and reviewed, considered, and discussed the application and appeal for the Conditional Use Permits; and reviewed and considered all public testimony and evidence presented at the hearing.

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

1.	FINDING:	Project Description: A Conditional Use Permit for a Quasi-Public use consisting of 50 units of housing, a community center with commercial kitchen, a greenhouse, barn, orchard and install associated site improvements, including an access road, walking trails, wetland creation, riparian planting, and community access, and indoor and outdoor events with associated parking. The Special Permit is requested for an exception to the height standards, pursuant to Section 314-99 of the Humboldt County Code to allow for the building height to be up to 45 feet in height, and for the creation and enhancement of wetland and streamside habitat areas.
	EVIDENCE:	Project File: PLN-2022-18047
2.	FINDING:	CEQA: The Project has not been adequately reviewed for potential environmental effects in conformance with the California Environmental Quality Act and the public review provisions of CEQA have therefore not been satisfied.
	EVIDENCE:	a) The Initial Study and Mitigated Negative Declaration does not properly disclose or analyze the transportation impacts associated with the proposed special events that would occur in association with the project.
		b) The Initial Study and Mitigated Negative Declaration does not properly disclose or analyze the visual resource impacts associated with the proposed 45-foot height building associated with the project.
		c) The Initial Study and Mitigated Negative Declaration does not properly disclose or analyze the potential noise impacts associated with the proposed special events that would occur in association with the project.
		FINDINGS FOR APPEAL
12.	FINDING	The Appellant’s contention is correct that not enough information was provided in the Initial Study for the public to fully assess impacts because no architectural renderings or dimensions were provided in the document, and no information was provided on what noise exceptions were being provided.
	EVIDENCE	a) No specific noise information has been included in the Initial Study that would allow for a proper disclosure and analysis of noise impacts associated with proposed special events.
		b) No building massing information was included within the Initial Study that would allow for a proper disclosure and analysis of visual resources

			associated with a proposed 45-foot story building.
13.	FINDING		The appellant’s contention that the project will generate significant amounts of traffic and that mitigation measures are not sufficient cannot be determined to be correct or incorrect.
	EVIDENCE	a)	Traffic associated with proposed special events was not adequately disclosed or analyzed in the Initial Study.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Upholds the appeal submitted by Daniel Escajeda; and
- b. Direct the Planning and Building to conduct additional technical studies and revise the CEQA analysis.
- c. Remands the project back to the Planning Commission after additional environmental analysis.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on September 12, 2023, by the following vote:

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

AYES: Supervisors--
 NOES: Supervisors--
 ABSENT: Supervisors--
 ABSTAIN: Supervisors--

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 a full, true and correct copy of the original made in the above entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of

said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of
the County of Humboldt, State of California