

BOARD OF SUPERVISORS

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**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT
825 FIFTH STREET
EUREKA, CA 95501
SUPERVISORS' CHAMBER, FIRST FLOOR**

ACTION SUMMARY

Monday, June 13, 2022

9:00 AM

Special Meeting - Hybrid

A. ROLL CALL

Present: 5 - Supervisor Rex Bohn, Supervisor Michelle Bushnell, Supervisor Mike Wilson,
Supervisor Virginia Bass, and Supervisor Steve Madrone

Absent: 0

B. SALUTE TO THE FLAG

C. PUBLIC HEARINGS

Planning and Building Department

1. Two separate appeals of the Planning Commission's approval of a Special Permit to allow 24,300 square feet of new mixed-light commercial cannabis cultivation.

Appeal 1: LaDonna Haga, Gary Haga, & Maureen Catalina ("opposing appellant") appeal the Planning Commission approval of Nava Ranch, LLC Special Permit PLN-2021-17162 for 24,300 square feet of mixed light commercial cannabis and 2,500 square feet of commercial indoor cannabis cultivation.

Appeal 2: Nava Ranch, LLC ("proposing appellant") appeal of the Planning Commission's approval of PLN-2021-17162 reducing the project's mixed light square footage from 43,560 square feet to 24,300 square feet.

- Recommendation:** That the Board of Supervisors:
- a. Open the public hearing and receive the staff report, testimony by the opposing appellant, testimony from the proposing appellant, and testimony from the public; and
 - b. Close the public hearing; and
 - c. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Finds that the Board of Supervisors has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance prepared for the Nava Ranch, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Denies the Opposing Appeal submitted by LaDonna Haga, Gary Haga, & Maureen Catalina; and
 - d. Approves the proposing Appeal submitted by Nava Ranch, LLC; and
 - e. Approves the Special Permit for 43,560 square feet of mixed light cultivation and 2,500 square feet of indoor cultivation subject to the recommended conditions of approval.
 - d. Direct the Clerk of the Board to give notice of the decision to the opposing appellant, the proposing appellant, the Planning and Building Department, and any other interested party.

A motion was made by Supervisor Bushnell and Seconded by Supervisor Bohn to approve staff recommendations as amended below:

Adopt the resolution which does the following:

- a. *Finds that the Board of Supervisors has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance prepared for the Nava Ranch, LLC project); and*
- b. *Finds that the proposed project as conditioned complies with the General Plan and Zoning Ordinance; and*
- c. *Denies the Opposing Appeal submitted by LaDonna Haga, Gary Haga, & Maureen Catalina; and*
- d. *Denies the proposing Appeal submitted by Nava Ranch, LLC; and*
- e. *Approves the Special Permit for 24,300 square feet of cultivation (6,600 square feet of mixed light cultivation and 17,700 square feet of open air outdoor cultivation) and 2,500 square feet of indoor cultivation subject to the conditions of approval.*

The Board made the following changes to Finding 7 in the Resolution:

The cultivation of 24,300 square feet of commercial cannabis cultivation consisting of 6,600 square feet of mixed light and 17,700 square feet of full sun outdoor and 2,500 square feet of indoor will not be operated or maintained in a manner detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Add the following evidence in Finding 7:

- e) *Due to the inability of PG&E to provide power to the site and concern that the existing 100 amp service cannot support the proposed mixed light use, the project has been conditioned to allow expansion but only for open air outdoor cultivation.*

- f) The limited area of the site has not been demonstrated that a full acre can successfully fit in this area. The Board finds it appropriate to reduce the area of cultivation to 24,300 square feet.*
- g) Due to concerns expressed by the neighborhood relative to violations of the existing permit and County Code, the site shall have additional inspections to ensure it is operating in compliance. For the first two full seasons the site shall be inspected early in the cultivation season, at the midpoint of the cultivation season and before harvest. Inspections shall be allowed with 24-hour notice.*
- h) In order to address noise associated with use of a generator, the project has been conditioned to preclude use of a generator as a primary power source.*

Add the following condition of approval to section A:

21. The applicant shall allow inspections of the property by the Planning and Building Department at the beginning, midpoint and end of the cultivation season with 24 hours advance notice.

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

2. Appeal of the Planning Commission actions to Approve the Blocksburg Family Farms, LLC (PLN-12265-CUP) Conditional Use Permit and to Adopt a Mitigated Negative Declaration, for 6.39 acres of outdoor cultivation including 16,800 sf of existing cannabis cultivation authorized under interim permit, on a parcel of approximately 1,221 acres

Recommendation: That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by the appellant, applicant, and public; and
2. Close the public hearing; and
3. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Adopts the Initial Study and Mitigated Negative Declaration, State Clearinghouse No. 2021110058;
 - b. Makes the findings required to deny the appeal and approve the Conditional Use Permits;
 - c. Denies the Appeal;
 - d. Adopts the mitigation monitoring and reporting plan; and
 - e. Approves the Conditional Use Permits subject to the conditions of approval (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, the Planning and Building Department, and any other interested party; and
5. Direct the Planning and Building Department to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act.

A motion was made by Supervisor Bushnell and Seconded by Supervisor Bohn to approve staff recommendations as submitted. The motion carried with the following vote:

Aye: 3 - Rex Bohn, Michelle Bushnell, and Virginia Bass

Nay: 2 - Mike Wilson, and Steve Madrone

3. Appeal 1: MDRV Realty Holdings, LLC appeal of the Planning Commission's conditional approval of

a Conditional Use Permit to allow 14,450 square feet of existing outdoor and 3,600 square feet of existing mixed-light commercial cannabis cultivation.

Appeal 2: MDRV Realty Holdings, LLC appeal of the Planning Commission's conditional approval of a Special Permit to allow 2,000 square feet of existing outdoor and 4,850 square feet of existing mixed-light commercial cannabis cultivation.

Recommendation: That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by the appellant (applicant), and public; and
2. Close the public hearing; and
3. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Finds that the Board of Supervisors has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the MDRV Realty Holdings, LLC project; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Appeal submitted by MDRV Realty Holdings, LLC; and
 - d. Approves the Conditional Use Permit and Special Permit subject to the recommended conditions of approval.
4. Direct the Clerk of the Board to give notice of the decision to the appellant, the Planning and Building Department, and any other interested party.

A motion was made by Supervisor Bohn, seconded by Supervisor Wilson, to approve staff recommendations as submitted. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

D. MATTERS SET FOR TIME CERTAIN

Closed Session

1. 12:00 PM - Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d) (1) to discuss existing litigation in the case People of the State of California, et al. v. Karen Paz Dominguez, et al./County of Humboldt v. Karen Paz Dominguez, Humboldt County Superior Court Case No. CV2200584

The Board of Supervisors met in conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d) (1) to discuss existing litigation in the case People of the State of California, et al. v. Karen Paz Dominguez, et al./County of Humboldt v. Karen Paz Dominguez, Humboldt County Superior Court Case No. CV2200584. There was no reportable action.

2. 12:00 PM - Conference with Legal Counsel – Anticipated Litigation: Pursuant to Government Code Section 54956.9 subd. (d)(2) and (e)(3) to discuss exposure to litigation in one potential case: Eureka City Council Authorization to Initiate Litigation Against the County of Humboldt and Auditor-Controller Karen Paz Dominguez

The Board of Supervisors met in conference with Legal Counsel – Anticipated Litigation: Pursuant to Government Code Section 54956.9 subd. (d)(2) and (e)(3) to discuss exposure to litigation in one potential case: Eureka City Council Authorization to Initiate Litigation Against

the County of Humboldt and Auditor-Controller Karen Paz Dominguez. There was no reportable action.

3. 12:00 PM - Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of White Circle Commerce, LLC, et al. v. County of Humboldt, Humboldt County Superior Court Case Nos. CV2000513 and CV2000623

The Board of Supervisors met in Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of White Circle Commerce, LLC, et al. v. County of Humboldt, Humboldt County Superior Court Case Nos. CV2000513 and CV2000623. There was no reportable action.

4. 12:00 PM - Conference with Legal Counsel - Pursuant to Government Code Section 54954.5 and 54957 to consider Public Employee Appointment for the position of Director of Planning & Building.

The Board of Supervisors met in Conference with Legal Counsel - Pursuant to Government Code Section 54954.5 and 54957 to consider Public Employee Appointment for the position of Director of Planning & Building. There was no reportable action.

E. ADJOURNMENT

I, NIKKI TURNER, Deputy Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct original record of the above-entitled meeting of the Humboldt County Board of Supervisors held in Eureka California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

NIKKI TURNER

Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California.

06/13/2022