



# COUNTY OF HUMBOLDT

For the meeting of: 7/14/2020

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File #: 20-868

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**To:** The Humboldt County Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Time Certain Matter

**SUBJECT:**

11:00 a.m. - Redwood Properties' Appeal of the Planning Commission Approval of The Emerald Triangle Group, LLC Co's Special Permits to Allow Cannabis Distribution and Non-volatile Manufacturing in the C-2(D) Zoning District

**RECOMMENDATION:**

That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by the applicant, appellant, and public;
2. Close the public hearing;
3. Adopt the resolution (Resolution 20-\_\_\_). (Attachment 1) which does the following:
  - a. Find the project exempt from the California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities) and 15303 (Small New or Conversion of Existing Structures);
  - b. Make the findings to reject the appeal and approve the Special Permits as conditioned;
  - c. Deny the Appeal submitted by Redwood Properties; and
  - d. Approve the Special Permit for Cannabis Distribution and the Special Permit for Cannabis Manufacturing.

**SOURCE OF FUNDING:**

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

**DISCUSSION:**

**Executive Summary**

This is a continuance of the public hearing item from May 19 and June 23, 2020. The project has been duly noticed for a public hearing. The Board has heard the staff report on the proposed project, the applicant and representatives have spoken on behalf of the project, and members of the public have had an opportunity to speak. At the time of the May 19 hearing, the applicant Emerald Triangle Group, LLC Company was not a legal entity due to a lapse in corporate reporting with the State. It was

recommended that the hearing be continued to allow time for the corporate entity status to be reinstated to good standing. The applicant has resolved the corporate issues and now has a status of Active with the Secretary of State. The applicant is therefore a legal entity to whom a permit entitlement may be granted. At the June 23 hearing, the legal counsel and representative of the Appellant, Alison Jackson, was not present. On May 19, Ms. Jackson stated her intent to not participate in the appeal hearing due to a pending lawsuit, which she believes places the jurisdiction for a decision outside the Board. Ms. Jackson was not present at the June 23 meeting. On June 19, 2020 the court considered the appellant's request for a stay and decided not to grant it, leaving the County Board of Supervisors as the appropriate body to consider the appeal.

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:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors has a range of alternatives to the staff recommendation to deny the appeal and uphold the approval of the project, as summarized below:

1. Grant the appeal and deny the project. In the event that the Board of Supervisors finds evidence in the appeal, public testimony or from another source compelling to deny the application, the Board should state the basis for that conclusion and continue the item to July 28, 2020, so that a resolution can be prepared expressing those findings, approving the appeal and denying the application.
2. Determine the use of categorical exemptions from California Environmental Quality Act (CEQA) are not appropriate and direct that an Initial Study be prepared. This option should only be used if the Board of Supervisors finds that there is no substantial evidence demonstrating that the criteria of the cited categorical exemptions are met by this project, or that the county's conclusions that none of the potential exceptions to categorical exemptions apply are not supported by substantial evidence. This alternative would require additional study or information related to potential environmental impacts which have not been answered. This alternative would require a continuance to a date uncertain.
3. Approve the project in a modified form. The Board of Supervisors may find that there are components of the project which are acceptable, but others that are not. In that case, a condition should be written to modify the project description to omit the offensive components of the project.

**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. Attachment 1: Draft Board Resolutions and Findings
2. Attachment 2: Site and Building Plans
3. Attachment 3: Appeal filed by Allison Jackson on behalf of Redwood Properties
4. Attachment 4: Resolution of the Planning Commission, Resolution No. 19-73
5. Attachment 5: Transcript of Planning Commission hearing
6. Attachment 6: Planning Commission Staff Report
7. Attachment 7: Commercial Medical Marijuana Land Use Ordinance (CMMLUO)
8. Attachment 8: Board Report prepared for May 19, 2020 Hearing
9. Attachment 9a: Transcript of May 19, 2020 Board of Supervisors Meeting
10. Attachment 9b: Transcript of June 23, 2020 Board of Supervisors Meeting
11. Attachment 10a: Letter of Support
12. Attachment 10b: Public Comments of Support

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: May 19 and June 23, 2020: Hearing Continued

File No.: N/A