

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; March 16, 2021

Resolution No. ____ - ____ Resolution of the Board of Supervisors of the County of Humboldt CONSIDERING AN ADDENDUM TO A PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, UPHOLDING THE APPEAL FOR RECORD NO. PLN-2020-16376 AND APPROVING THE ROCCI COSTA, LLC CONDITIONAL USE PERMIT, RECORD NO. PLN-12176-CUP.

WHEREAS, Rocci Costa applied for a Zoning Clearance Certificate for 10,000 square feet of new commercial cannabis cultivation under the County's Commercial Medical Marijuana Land Use (CMMLUO) Ordinance on December 21, 2016; and

WHEREAS, Section 314-55.4.6.7 of the County's Commercial Cannabis Land Use Ordinance (CCLUO) adopted on May 8, 2018 retroactively requires all Zoning Clearance Certificate applications in specified Community Planning Areas that were submitted prior to January 1, 2017 to comply with specific provisions intended to ensure compatibility with surrounding uses and control of potential nuisance; and

WHEREAS, to comply with Section 314-55.4.6.7 of the CCLUO, Rocci Costa applied for a Conditional Use Permit to allow for open-air cultivation within 600 feet of residence on a separately owned parcel; and

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

WHEREAS, on March 5, 2020 the Planning Commission took the following actions:

1. Found the Conditional Use Permit application statutorily exempt from CEQA pursuant to Sections 15270 of the CEQA Guidelines (Projects which are disapproved); and
2. Found the proposed project's impacts of unenclosed cannabis cultivation to the Warren Creek neighborhood will be detrimental to the public health, safety, and welfare, and
3. Found that the Commission was unable to make the findings for approval specified in Section 312-17.1 of the Humboldt County Code; and
4. Denied the Conditional Use Permit Application No. PLN-12176.

WHEREAS, Rocci Costa, Rocci Costa ("Appellant") on March 19, 2020, filed an appeal

in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

WHEREAS, the Board of Supervisors held duly-noticed public hearings, *de-novo*, on August 25, 2020 and March 16, 2021, and reviewed, considered, and discussed the application and appeal for the Conditional Use Permit; 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: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Board of Supervisors has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE: a) Addendum for the Rocci Costa Conditional Use Permit included as Attachment 2.
b) Relocating the cannabis cultivation off the site is consistent with the provisions of the Environmental Impact Report prepared for the CCLUO that were intended to ensure impacts to the environment were reduced to a level of non-significance.

2. FINDING The County Commercial Cannabis Land Use Ordinance section 55.4.6.7 recognized there may be conflicts between communities in Community Plan Areas that object to cannabis cultivation and those sites which were submitted under the Commercial Medical Marijuana Land Use Ordinance should be allowed to relocate. This is a site that if not for the community opposition would be appropriate for cannabis cultivation and thus the Board as an alternative to denial is granting the permit to allow the site to be relocated.

EVIDENCE The proposed development is consistent with the purposes of the existing AG zone in which the site is located.
The approval of the relocation of all potential commercial cannabis cultivation off this parcel will not be detrimental to the public health, safety, or welfare as the site will record a covenant restricting all commercial cannabis cultivation from ever occurring on the property.

FINDINGS FOR APPEAL

3. FINDING

Revisions made to the project since filing the appeal support granting the appeal.

EVIDENCE

The Appellant has revised the application to seek only an entitlement to Retire, Remediate, and Relocate (RRR) the proposed 10,000 sf to a different site outside of the Warren Creek neighborhood and the Blue Lake Community Planning Area. This revision ensures that the project will not have a negative impact on the public health, safety, or welfare, which was the reason stated by the Planning Commission for denial of the Conditional Use Permit.

NOW, THEREFORE, be it resolved that the Board of Supervisors hereby:

- 1 Approves the Appeal submitted by Rocci Costa, Rodney Costa, and identified as Record Number PLN-16376; and
- 2 Approves the requested Conditional Use Permit for Record Number PLN-12176-CUP for Retirement, Remediation and Relocation (RRR) purposes only.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 16, 2021, by the following vote:

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair

Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the 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-titled 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

By: KATHY HAYES

Date: _____, 2021

By _____ Deputy

ATTACHMENT 1

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE RRR ENTITLEMENT CAN BE RELOCATED

1. The applicant shall cause the Covenant to Restrict the Use of the Property for Commercial Cannabis to be recorded against the title to the property.