

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on June 28, 2022

Resolution No. 22-86

Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, FINDING THE PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15270 OF THE GUIDELINES TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DENYING THE APPEAL FOR RECORD NO. PLN-16921 AND DENYING THE HOMESTEAD COLLECTIVE WEED COMPANY LLC SPECIAL PERMIT RECORD NO. PLN-SP-12237.

WHEREAS, Humboldt County adopted the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Ordinance on September 13, 2016 after adopting a Mitigated Negative Declaration finding that all potential impacts associated with implementation of the ordinance had been reduced to a less than significant level; and

WHEREAS, Homestead Collective Weed Company LLC applied for Special Permit PLN-SP-12237 for an existing 10,000 square feet (SF) of outdoor cannabis cultivation, with appurtenant drying and processing activities, and a Special Permit for work within the Streamside Management Area (SMA); and

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

WHEREAS, on December 17, 2020, the Zoning Administrator adopted a Resolution which did the following:

1. Considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Homestead Collective Weed Company LLC project; and
2. Found based on the submitted substantial evidence that the proposed project complies with the General Plan and Zoning Ordinance and made all findings for approval; and
3. Approved the Special Permit under record No. PLN-12443-CUP as recommended and conditioned by staff.

WHEREAS, Brian Roberts, representing Homestead Collective Weed Company LLC (“Appellant”) on January 5, 2021, 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 a duly-noticed public hearing, *de-novo*, on June 28,

2022 and reviewed, considered, and discussed the application and appeal for the Special Permit; and reviewed and considered all public testimony and evidence presented at the hearing; and

WHEREAS, the Board of Supervisors closed the public hearing on June 28, 2022 and adopted a motion to deny the appeal and to approve the Conditional Use and Special Permit.

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

1. FINDING: **Project Description:** The application is a Special Permit for 10,000 square feet of existing outdoor cannabis cultivation. Cultivation activities extend from April to October. The applicant projects one cultivation cycle per year. Water for irrigation is sourced from an existing onstream pond and one point of diversion from an unnamed spring. Annual water use is 107,000 gallons. Water storage includes 287,500 gallons in a series of hard-sided tanks and the 252,500-gallon pond. Processing activities including drying, curing, and trimming would occur onsite in an existing structure. A maximum of two people will be on-site to support operations. Electricity is sourced from generator power that is used to power the residence. The proposed project also includes a Special Permit to allow development within the Streamside Management Area of Basin Creek for a point of diversion and an onstream pond that is utilized for irrigation.

EVIDENCE: Project File: PLN-SP-12237

2. FINDING: **CEQA.** The CEQA requirements have been met. The project is exempt from CEQA pursuant to Section 15270 of the CEQA Guidelines for projects which are disapproved.

EVIDENCE: a) Section 15270 of the CEQA Guidelines.

FINDINGS FOR SPECIAL PERMIT

3. FINDING The project is not in conformance with the Humboldt County Zoning Regulations due to the lack of payment of applicable processing and annual inspection fees.

EVIDENCE: a) Section 314-55.4.11(k) requires applicants under the CMMLUO to pay all applicable application and annual inspection fees.

- b) After a final review of all processing charges on the application the applicant was sent a final invoice on October 26, 2021 and was unresponsive. The invoice was re-sent on December 20, 2021 and the applicant was unresponsive. The account has been sent to collections.

FINDINGS FOR APPEAL

4. FINDING

The appellant's contention that the wetland setback as recommended by his biologist is what should be required is irrelevant and is therefore not sufficient grounds to grant the appeal.

EVIDENCE: a)

The Appellant argues that the County should implement the recommendations from the qualified biologist that prepared the wetland delineation report and in a letter dated July 15, 2021 to Brian Roberts, the County agreed that the wetland setbacks as recommended by his biologist would be applicable to the project.

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

- a. Finds that the project is not consistent with the Humboldt County Zoning Ordinance.
- b. Denies the Appeal filed by Homestead Collective Weed Company LLC.
- c. Denies the Special Permit for Homestead Collective Weed Company LLC.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on June 28, 2022, by the following vote:

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

AYES: Supervisors: Bohn, Bass, Bushnell, Madrone

NOES: Supervisors:

ABSENT: Supervisors: Wilson

Virginia Bass,
Virginia Bass, 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: June 28, 2022

By U. Turner Deputy