



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

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**File created:** 11/17/2020      **In control:** Planning and Building  
**On agenda:** 12/8/2020      **Final action:** 12/8/2020  
**Title:** 1:30 p.m. - Maple Creek Investments, LLC Appeal of the Planning Commission Denial of a Special Permit to Allow 27,025 Square Feet of New Outdoor Cannabis Cultivation

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Attachment 1 Resolution\_relocation.pdf, 3. Attachment 2 -16608 Appeal Packet with Exbits.pdf, 4. Attachment 3 - PC Staff Report, Supplemental and Public Comments.pdf, 5. Attachment 4 - Public Comment.pdf, 6. Attachment 5 - Applicant Response to Public Comment PC Packet.pdf, 7. Attachment 6 - Transcript of 8.6.2020 PC Hearing Submitted by Applicant.pdf, 8. Attachment 7 - October 20, 2020 Board Report.pdf, 9. Attachment 8 - October 20, 2020 Supplemental Information #1.pdf, 10. Attachment 9 - Application Amendment-Relocation.pdf, 11. Public Comment COB, 12. K2 16608 SUPPLEMENTAL INFORMATION #1.pdf, 13. Resolution 20-112

Date	Ver.	Action By	Action	Result
12/8/2020	1	Board of Supervisors	approved as amended	Pass

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

**From:** Planning and Building Department

**Agenda Section:** Time Certain Matter

**SUBJECT:**

1:30 p.m. - Maple Creek Investments, LLC Appeal of the Planning Commission Denial of a Special Permit to Allow 27,025 Square Feet of New Outdoor Cannabis Cultivation.

**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. Considers the Addendum along with the Environmental Impact Report certified for the CCLUO per section 15162(c) of CEQA Guidelines; and
  - b. Makes the findings to grant the appeal submitted by Maple Creek Investments, LLC and to approve the Special Permit; and

- c. Grant the Appeal
- d. Approve the Special Permit to allow the transfer of 27,025 square feet of outdoor cannabis to another location.

SOURCE OF FUNDING:

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

DISCUSSION:

*Executive Summary*

This is a continuance of the public hearing item from October 20, 2020 to allow the applicant to look at design options which would reduce the size of the cultivation area (10,000 square feet was given as the target), provide better screening and look placing all the infrastructure on the same side of the wetland areas as the cannabis cultivation. The Board also wanted to provide the opportunity for Supervisor Madrone to meet with the applicant and neighbors and determine if a solution could be developed. The direction of the Board has been followed and after significant discussion and consideration the applicant has submitted a letter requesting that the 27,025 square foot request be allowed to relocate to an alternative location.

The public has consistently asked for the cultivation proposed at this site to be relocated to an alternative location. The Board inquired as to whether this is feasible. The applicant's request is responsive to this direction.

In order to accomplish this, the appeal would need to be approved and the application would need to be approved to allow the entitlement to be transferred to an alternative location. The only this this action would do is create 27,025 square feet of cultivation which is eligible to be transferred to another property. In order to complete the transfer, the receiving site would need to be approved to accept this entitlement. The applicant intends to move this to a site in which they are processing a request for 4 acres. The approval of that site would authorize the 4 acres plus the 27,025 square feet from this site.

This addresses the concerns expressed by the public and allows the applicant to cultivate on another site the area requested for this site. Staff recommends approval of this proposal.

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.enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The only alternatives involve approval of the application at this site, which with the applicant's willingness to relocate is not recommended.

**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. Draft Board Resolutions and Findings
2. Appeal filed by Maple Creek Investments
3. Planning Commission Staff Report, Supplemental and Comments
4. Public Comment
5. Applicant Submitted Materials
6. Transcript of the August 6, 2020 Planning Commission Meeting
7. October 20, 2020 Board Report
8. October 20, 2020 Supplemental Information #1
9. Applicant's Letter requesting relocation

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: October 20, 2020: Hearing Continued

File No.: N/A