

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-12498-CUP

Assessor's Parcel Numbers: 208-251-002

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Mad River Farms, Inc., Conditional Use Permit.

WHEREAS, Mad River Farms, Inc. submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 18,500 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and processing activities;

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** A Conditional Use Permit for 18,500 square feet (SF) of existing Outdoor commercial cannabis cultivation supported by a 1,920 square foot ancillary nursery, and a Special Permit for development within a Streamside Management Area (SMA) for a water diversion. Water is sourced from a groundwater well and a Point of Diversion from an onsite spring. The annual estimated water budget is 158,000-gallons is supported by 12,500-gal. of existing and 65,000-gal. proposed tank storage. Processing such as drying and curing will occur on site, with trimming and packaging occurring offsite at a licensed facility. Power source is a 1.7-kW solar system with a generator as emergency backup. No employees are proposed, only operators and one immediate family member.

EVIDENCE: a) Project File: PLN-12498-CUP

- 2. FINDING:** **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines;
- c) A Water Resources Protection Plan was prepared to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) Road Evaluation completed by licensed engineer details road improvements ended within two years of project approval, including resizing and cleaning culverts, addressing drainage and runoff issues, developing turnouts, and repairing slide areas. Further, the project is conditioned to join or attempt to form a Road Maintenance Association to ensure the current needs and ongoing maintenance of the privately maintained access roadway.
- e) Project was referred to affected tribal entities and Northwest Information Center at Sonoma State, and inadvertent discovery protocol has been applied to the project for any ground disturbing activities.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program.

Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zone in which the site is located.

EVIDENCE a) The Forestry Recreation (FR) Zone is intended to be applied to areas of the County in which general agriculture residential uses are the

desirable predominant uses.

- b) All general agricultural uses are principally permitted in the FR zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 18,500 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) Development in an SMA for the ongoing use and maintenance of a Point of Diversion from surface water is allowed with the Special Permit that is being requested per Section 314-61.1.9.1.6 H.C.C.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by survey filed August 14, 1968 in Book 24 of Surveys at Page 24.
- c) The project will obtain water from a permitted groundwater well and Point of Diversion from an onsite spring with an issues Right to Divert and Use Water (Cert. No. H100568).
- d) The parcel is accessed from River Road and an unnamed road, both privately maintained. Engineer's Road Evaluation indicates multiple improvements will be required within two years of project approval. Additionally, applicant is required to attempt to form or join a Road Maintenance Association for the current necessary road improvements and ongoing maintenance of the access roads.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) Power will be provided by 1.7-kW existing solar system with generator backup, and will provide a plan within 60 days of project approval detailing energy use primarily from renewable energy implemented no later than Jan. 1, 2026.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 18,500 square feet of existing cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The parcel is accessed from River Road and an unnamed road, both privately maintained. Engineer's Road Evaluation indicates multiple improvements will be required within two years of project approval. Additionally, applicant is required to attempt to form or join a Road Maintenance Association for the current necessary road improvements and ongoing maintenance of the access roads.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well that has been permitted by the Division of Environmental Health (WCR2019-013014; 18/19-1259), and a Point of Diversion from an onsite spring with an issued Right to Divert and Use Water (Cert. No H100568).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel was included in the housing inventory of Humboldt County's 2019 Housing Element. The approval of cannabis cultivation on this parcel will does not conflict with the existing unpermitted residence constructed on the parcel.

8. FINDING

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Mad River Watershed, which under Resolution 18-43 is limited to 334 permits and 115-acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 74 permits and the total approved acres would be 27.52-acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

Conditionally approves the Conditional Use Permit for Mad River Farms, Inc. subject to the conditions of approval attached hereto as EXHIBIT A and the Cultivation Operations Plan attached hereto as EXHIBIT B and Site Plan attached hereto as Exhibit C.

Adopted after review and consideration of all the evidence on **October 5, 2023.**

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

- AYES: COMMISSIONERS:
- NOES: COMMISSIONERS:
- ABSENT: COMMISSIONERS:
- ABSTAIN: COMMISSIONERS:
- DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department