

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

Resolution Number 22-

Record Number PLN-2021-17384

Assessor's Parcel Numbers: 105-101-011

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

WHEREAS, Cisco Farms, Inc. submitted an application and evidence in support of approving a Conditional Use Permit for Record No, PLN-2021-17384. Permit requested is a Conditional Use Permit for 130,680 square feet (sf) of outdoor cannabis cultivation, 43,560 square feet of light deprivation cannabis cultivation, 43,560 sf of mixed-light commercial cannabis cultivation, a proposed processing facility, 67760 sf of commercial nursery space, employee housing, and appurtenant facilities to support the operation. The applicant is also seeking a Conditional Use Permit for use of a road not meeting Category 4 standard for a cannabis support facility.

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

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

1. FINDING:

Project Description: A Conditional Use Permit for 5 acres of new cannabis cultivation, appurtenant drying facilities, commercial processing, and a community propagation center. Of the 5 acres being applied for, 3 acres will be full sun outdoor, 1 acre will be light deprivation outdoor in traditional greenhouses, and 1 acre will be mixed-light cultivation in gutter connect greenhouses. Cultivation will result in 1-3 harvests annually. Nursery areas will consist of 40,320 SF in greenhouses, 6,000 SF of indoor/enclosed nursery, 21,440 SF of nursery gutter connect greenhouses, for a total of 67,760 SF of propagation space. Processing includes 19,200 SF of dry space. The applicant proposes to construct a 3,000 square foot processing facility to process cannabis produced on site, as well as cannabis produced off site by other cultivators. The applicant proposes to utilize a groundwater well and rainwater catchment to supply water for the project. 2,840,000 gallons of water storage are proposed for irrigation storage, consisting of 2,650,000 gallon rainwater catchment pond and 38 -5,000 gallon hard tanks (190,000 gallons of hard tank storage). Annual water usage for cannabis cultivation is estimated at 2,154,095 gallons (7.54 gallons/SF/yr). Power will be provided by PG&E, which includes a proposed upgrade, and solar panels. There will be a maximum of 34 employees at peak of season with 12 employees anticipated as permanent employees. 1,280 SF farmhouse/employee housing is proposed for up to 12 employees. Water for domestic use and

cannabis processing will be sourced from rainwater catchment and bottled water, and septic system associated with the farmworker housing and processing facility will be installed. The site will be accessed via Chambers Rd. A transport-only self-distribution license will be sought at the state level to satisfy operational logistics.

EVIDENCE: Project File: PLN-2021-17384

2. FINDING: **CEQA:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 2), which evaluated the project for any adverse effects on the environment.

EVIDENCE: a) The CEQA document includes an analysis of the subject Conditional Use Permit. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated from July 27, 2022 to August 25, 2022.
b) The IS/MND included six mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

3. FINDING **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Agriculture and Forestry Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

EVIDENCE a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
b) Initial Study/Mitigated Negative Declaration circulated for public review July 27, 2022 to August 25, 2022.

4. FINDING **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The Initial Study identified potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Energy, and Geology and Soils, which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

EVIDENCE a) **Air Quality:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for air quality:

- i. During construction and operation, the following dust control measures shall be implemented:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered two times per day in areas of active construction.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
 - All construction and operation equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.

EVIDENCE b) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:

- i. Preconstruction surveys for American badgers (*Taxidea taxus*) shall be conducted prior to any ground disturbance or construction in the Proposed Project area. Surveys shall be conducted by a qualified biologist no more than one week prior to ground disturbance. If active badger dens are determined to be present, badger relocation to other onsite suitable habitat shall occur in coordination with CDFW.
- ii. For all construction-related activities that take place within the nesting season, accepted as February 1 through August 31, a preconstruction nesting-bird survey for migratory birds, including Cooper's hawk (*Accipiter cooperii*) and Golden eagle (*Accipitridae chrysaetos*), shall be conducted by a qualified biologist no more than two weeks prior to construction within the Proposed Project area and a buffer zone determined by the qualified biologist, depending on the species nesting. The timing of surveys shall be determined in coordination with the CDFW. If active nests are found, a no-disturbance buffer zone shall be established, the size of which the biologist shall determine based on nest location and species. Within this buffer zone, no construction shall take place until the young have fledged or until the biologist determines that the nest is no longer active.

c) **Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural resources:

- i. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 50-foot buffer of the discovery location, per the Cultural Resources Investigation Report. Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

If human remains are discovered during project construction, work would be stopped at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

d) **Energy:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for energy use:

- i. Power supply shall be developed to support the scale of the Proposed Project during phased build out. Mixed-light cultivation shall not occur until required power sourced from a renewable source is brought to the site (e.g., installation of solar power or completion of a PG&E upgrade). Prior to the onset of power, proposed cultivation shall be outdoor cultivation cultivated using light-deprivation techniques in greenhouses. At no point in time shall onsite activities exceed existing site power capacity.

e) **Geology and Soils:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following

mitigation measures for geology and soils:

- i. If paleontological resources are encountered during implementation of the Project, ground disturbing activities will be temporarily redirected from the vicinity of the find. A qualified paleontologist shall be retained by the developer to make an evaluation of the find. If a significant paleontological resource(s) is discovered on the property, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

5. FINDING

CEQA Public Comments: There have been a significant number of comments from the public on the project and the Mitigated Negative Declaration and one comment from the one comment from the California Department of Cannabis Control, one comment from the Department of Toxic Substances Control, and one comment from the State Water Board, DDW, on the Initial Study and Mitigated Declaration. These comments have been considered and none of these comments change the conclusions of the Mitigated Negative Declaration.

- EVIDENCE**
- a) Comments regarding light impacts. The project has been conditioned such that all artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
 - b) Comments regarding water use. The project as proposed will utilize a groundwater well for processing and employee use, and irrigation water will be sourced from rainwater catchment. Recommended conditions include verification that the proposed well will not adversely impact groundwater resources and the well must be disconnected from surface water features. This must be demonstrated in a report prepared by a licensed geologist or hydrogeologist and subject to County review. If the report is unable to demonstrate hydrologic dysconnectivity and no negative impacts on groundwater resources, the applicant has proposed to increase rainwater catchment and import bottled water to supply all project needs. The

applicant has provided rainwater catchment calculations that have been included as an attachment demonstrating project feasibility during each phase of the proposed project buildout. Rainwater catchment calculations demonstrate project feasibility even in drought years, and the applicant has proposed to utilize additional structures for rainwater catchment and to obtain additional infrastructure if the groundwater well cannot be used.

Reported water use for agricultural operations in the Mattole River Valley Groundwater Basin is 140 acre feet, and industrial and municipal use totals 7 acre feet. The proposed use of the groundwater well represents approximately 0.29% of groundwater use in the Mattole River Valley Groundwater Basin.

The rainwater catchment system as proposed represents less than one percent of the water that would fall on the 517-acre property during a drought year, and would therefore not significantly impair groundwater recharge.

- c) Comments regarding odor. Pursuant to requirements of the CCLUO, cultivation activities are more than 300 feet from the nearest off-site residence. The majority of nearby residences are over 600 feet from proposed project activities. Size of the parcel, distance to sensitive receptors, and topography would reduce odors from cannabis cultivation.
- d) Comments regarding traffic. The Project area will be accessed via a private driveway from Chambers Road. The initial segment of Chambers Road is County maintained from Mattole Road for 1.09 miles, with further segments of Chambers Road privately maintained. The distance from Mattole Road to the private driveway is approximately 1.43 miles. The applicant has submitted engineer prepared road evaluations for all relevant segments of Chambers Road verifying that the roadway is capable of safely supporting the increased traffic due to cannabis related activities. The road is generally 20' wide, with turnouts and good visibility at pinch points. Road evaluations have been referred to the Department of Public Works who recommended approval of the project with the inclusion of conditions.

Traffic concerns also include pedestrian use of Chambers Road. While pedestrian facilities exist in the form of crosswalks associated with signage designating a school zone and crossings, the remainder of Chambers Road has no existing pedestrian facilities. When pedestrians and cyclists are utilizing roads that do not have pedestrian facilities they are entering the right of way at their own risk. Current pedestrian users of Chambers Road assume this risk. In addition, vehicle users of the road must recognize and yield to pedestrian traffic and drive safely on Chambers Road. Cisco Farms, Inc. employees would be required to follow posted speed limit signs. Chambers Road is a rural County road, equivalent to Category 4 road

standards, relatively straight and has ample site distance, allowing users of the road to see each other, with no designated pedestrian facilities other than the crosswalk in front of the school. This is typical for many roads within the County including the community of Petrolia. The project would not remove or impact existing pedestrian facilities, and the majority of traffic associated with the project would occur outside of school pickup and drop-off times. The applicant will ensure that all employees were aware of the pedestrian use on Chambers Road. Employees would be required to follow posted speed limit signs and drive with caution.

- e) Comments regarding noise pollution. Project activities are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards. Project activities within the greenhouses and hoop structures will be limited from a noise-generating perspective (e.g., conventional air movement fans) and will meet applicable County building and zoning code requirements for noise levels. Outdoor noise-generating activities will include vehicle use and small agricultural support equipment.

Noise levels on the property range from 30 to 58 dBA, and compliance with the CCLUO allow for an increase of no more than 3 decibels above ambient noise levels. Due to proximity to NSO habitat, noise levels may not increase beyond 50 decibels unless ambient noise levels are in excess of 50 decibels, in which case no increase is allowed.

The applicant has proposed a PG&E upgrade, with the instillation of a solar array proposed during the interim. Generators are only permitted for emergency backup power and will not be used in daily operations.

- f) Comments regarding wildlife. Naiad Biological Consulting conducted a Biological Reconnaissance and Project Feasibility Assessment Report consisting of literature reviews and field observations and studies to identify potential sensitive biological resources that may occur within the Project area. In an initial assessment a potential wetland feature was identified, however the current proposal has all project related infrastructure and operations located approximately 0.45 miles from the potential wetland area, with several discrete geologic formations separating operations from the feature. An updated assessment was prepared to reflect the current proposal, which found no wetlands within or near the proposed project location. A Botanical Survey was also conducted, with key findings from the updated assessment and Botanical Survey summarized below:
- Special Status Species: A review of available literature indicates that 4 special status plant species and 5 special status animal species have a moderate or higher potential to occur within the Project area. Evidence of presence of American badger was detected on site, however the species was not observed. Mitigation measures,

including American badger surveys, have been included as recommended conditions of approval, and a Botanical Survey was conducted by Naiad Biological Consulting during appropriate seasons for detection, and although Monterey cypress was observed, it was believed to be a planted ornamental and will not be impacted by cannabis operations.

- Designated Critical Habitat: The Project areas do not contain designated critical habitat for any listed species.
- Sensitive Natural Communities: No sensitive natural communities were identified within the Project area.
- Wetland and Riparian Habitats: A potential wetland area was identified approximately 0.45 miles southeast of the proposed project location. Due to the distance and landscape between the potential wetland and the project site, the potential wetland will not be disrupted by Project activities. No wetland areas were identified within 100 feet of proposed project locations.
- Wildlife Movement Corridors: After a review of Essential Habitat Connections identified in the California Essential Habitat Connectivity Project, no significant wildlife movement corridors were identified within the Project area.

Biological mitigation measures include:

- i. Preconstruction surveys for American badgers (*Taxidea taxus*) shall be conducted prior to any ground disturbance or construction in the Proposed Project area. Surveys shall be conducted by a qualified biologist no more than one week prior to ground disturbance. If active badger dens are determined to be present, badger relocation to other onsite suitable habitat shall occur in coordination with CDFW.
 - ii. For all construction-related activities that take place within the nesting season, accepted as February 1 through August 31, a preconstruction nesting-bird survey for migratory birds, including Cooper's hawk (*Accipiter cooperii*) and Golden eagle (*Accipitridae chrysaetos*), shall be conducted by a qualified biologist no more than two weeks prior to construction within the Proposed Project area and a buffer zone determined by the qualified biologist, depending on the species nesting. The timing of surveys shall be determined in coordination with the CDFW. If active nests are found, a no-disturbance buffer zone shall be established, the size of which the biologist shall determine based on nest location and species. Within this buffer zone, no construction shall take place until the young have fledged or until the biologist determines that the nest is no longer active.
- g) Comments regarding impacts from potential project abandonment. Pursuant to the CCLUO "Upon termination or abandonment of a permitted

commercial cannabis cultivation site, the operator and/or property owner shall remove all materials, equipment and improvements on the site that were devoted to cannabis activities, including but not limited to bags, pots or other containers, tools, fertilizers, pesticides, fuels, hoop house frames and coverings, irrigation pipes, water bladders or tanks, pond liners, electrical lighting fixtures, wiring and related equipment, fencing, cannabis and cannabis waste products, imported soil and soil amendments not incorporated into native soil, generators, pumps, and structures not associated with noncannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the operator and/or property owner shall prepare a plan and description of the noncannabis continued use of such material or equipment on the site.”

- h) Comments regarding cumulative impacts of cannabis cultivation in the Mattole River Valley. The IS/MND analyzes cumulative impacts of cannabis within one mile. Resolution 18-43 approved by the Humboldt County Board of Supervisors limits the number of permits that can be issued and the total acres appropriate for planning watersheds consistent with the adopted EIR prepared for the Commercial Cannabis Land Use Ordinance. It is the prerogative of the Board of Supervisors to amend caps on permits and acreage after holding a public hearing and considering all testimony and information received. Caps on permits and acreage has not been altered to date. The project is proposed within the Cape Mendocino Planning Watershed, which has a cap of 650 permits and 223 acres. Approval of this project would result in 228 approved permits and 84.52 acres of cultivation in the Cape Mendocino Planning Watershed.
- i) Comments regarding fire safety. The majority of the project is located within the Petrolia Fire Protection District (Petrolia FPD), and the applicant has supplied verification from the Petrolia FPD that the entirety of the project will be served. Referral comments from Petrolia FPD recommended conditions of approval, including a minimum of 2,500 gallons of water dedicated for fire suppression and adequate emergency vehicle access. The applicant has proposed to dedicate 10,000 gallons of water for fire suppression to recommended specifications. The applicant will construct the access routes in accordance with SRA Fire Safe Regulations. The project is located within the State Responsibility Area, and as such was referred to CalFIRE for review and comment. No conditions of approval were recommended. A road evaluation form has been prepared by an engineer verifying that the road can accommodate the expected increase in traffic.
- j) Comments regarding compliance with the property Williamson Act Contract. The property has historically been used for grazing activities consistent with the Class B requirements. Current activities include a grazing lease for a dairy operations owned by Mr. John Vevoda.

The project was referred to the Williamson Act Committee for hearing on June 27, 2022, where the project was recommended to be approved with a 3-1 vote.

- k) Comments regarding energy use. The applicant has proposed a PG&E upgrade, with the instillation of a solar array proposed during the interim. Generators are only permitted for emergency backup power and will not be used in daily operations. The applicant has designed project buildout such that power needs can be supplied by the solar array constructed at each phase of buildout.

FINDINGS FOR CONDITIONAL USE PERMITS AND ZONING CLEARANCE CERTIFICATES

6. 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 and Intensive Agriculture are allowable uses in the Agricultural Grazing land use designation. The proposed cannabis project, 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.
- b) The General Plan Circulation Element requires *Decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences.* The project does not change or expand the allowable land uses in this area, as the project site is an existing agricultural operation.

Public Works Department recommended approval with the condition that the privately maintained section of Chambers Road be graveled for a minimum width of 20 feet and a length of 50 feet where it intersects with the County maintained section of Chambers Road. Public Works also requested that the intersection of the privately maintained and County maintained portions of Chambers Road, and the intersection of the driveway with Chambers Road be maintained in accordance with County Code Section 351-1 (Sight Visibility Ordinance). These are included as a conditions of project approval.

- c) The proposed project is consistent with the Conservation and Open Space Element - Biological Resources through the following project design elements: A potential wetland area was identified on the subject parcel approximately 0.45 miles southeast of the proposed project location. Due to the distance and landscape between the potential wetland and the project site, the potential wetland will not be disrupted by Project activities. No wetland areas were identified within 100 feet of any proposed project activities. After a review of Essential Habitat Connections identified in the California Essential Habitat Connectivity Project, no significant wildlife movement corridors were identified within the Project area.

Naiad Biological Consulting conducted a Biological Reconnaissance and Project Feasibility Assessment Report and associated Botanical Survey consisting of literature reviews and field observations and studies to identify potential sensitive biological resources that may occur within the Project area. Biological findings are summarized below.

- **Special Status Species:** A review of available literature indicates that 4 special status plant species and 5 special status animal species have a moderate or higher potential to occur within the Project area. Evidence of presence of American badger was detected on site, however the species was not observed. Mitigation measures, including American badger surveys, have been included as recommended conditions of approval, and a Botanical Survey was conducted by Naiad Biological Consulting during appropriate seasons for detection, and although Monterey cypress was observed, it was believed to be a planted ornamental and will not be impacted by cannabis operations.
- **Designated Critical Habitat:** The Project areas do not contain designated critical habitat for any listed species.
- **Sensitive Natural Communities:** No sensitive natural communities were identified within the Project area.

The county has consulted with the California Department of Fish and Wildlife. Formal consultation was in August of 2021 and no comments were received. CDFW was consulted in preliminary preparation stages of the Initial Study/Mitigated Negative Declaration however no comments were submitted.

- d) The Goals and policies of the Conservation and Open Space Cultural Resources have been complied with based on the referral to Northwest Information Center, Bear River Band, and Sinkyone tribe. The applicant submitted a Cultural Resource Investigation prepared by William Rich and Associates evaluating the subject property. No artifacts, features, sites or other cultural resources were identified on the subject parcel. The Cultural Resource Investigation recommended Inadvertent Discovery Protocol,

which has been included as a recommended condition of approval. Pursuant to AB52 under the California Environmental Quality Act, formal consultation was requested from the following tribes: Bear River Band of the Rohnerville Rancheria, Big Lagoon Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Hoopa Valley Tribe, Karuk Tribe, Round Valley Reservation/Covelo Indian Community, Tsnungwe Council, Wiyot Tribe, and the Yurok Tribe. No consultation was requested in response to AB52 referral outreach.

- e) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project involves mixed-light cultivation. The CCLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). The project is required to follow International Dark Sky Association Standards that exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
- f) The project is consistent with the Water Resources Element through the following project design elements: The project does not utilize diversion from a surface water source, as water will come from rainwater catchment a well that is not a diversion of surface water. The well is located within the Mattole River Valley subbasin. The subbasin is not subject to the Sustainable Groundwater Management Act (SGMA) and the basin prioritization is very low. Water storage features have emergency shutoff valves and float valves where appropriate, pond overflow features have been constructed consistent with engineering professional standards by a qualified licensed engineer in accordance with Humboldt County Code and SWRCB regulations. The slope of the cultivation area is approximately 2.7% and surface water naturally percolates through the soil without channelization. Irrigation water will be applied at agronomic rates and detected leaks in the irrigation systems shall be fixed immediately to reduce runoff. All proposed structures and cultivation areas will be located outside of Streamside Management Area buffer zones. The applicant has proposed appropriate erosion control measures including planting cover crop during the fallow season, weekly road inspections, and implementation of best practicable treatments and controls (BPTCs) at all areas of ground disturbance or spoil piles.
- g) The project is in compliance with the Noise Element as there are no sensitive receptors which would be adversely affected by the project. Project parcels are a component of a large private land holding (350+ acres) of the Project applicant. The predominant land uses in the vicinity of the Project include

grazing, agricultural and scattered rural residential uses. The surrounding vicinity is not heavily populated.

Project activities are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards. Project activities within the greenhouses and hoop structures will be limited from a noise-generating perspective (e.g., conventional air movement fans) and will meet applicable County building and zoning code requirements for noise levels. Outdoor noise-generating activities will include vehicle use and small agricultural support equipment.

- h) The project complies with the Safety Element of the General Plan as follows:

According to the Humboldt County Geographic Information System (GIS) the project location is not within the 100-year floodplain of any surface water features. The proposed project site is located within an area of low instability, and no mapped historic landslides are present in the project area.

The majority of the project is located within the Petrolia Fire Protection District (Petrolia FPD), and the applicant has supplied verification from the Petrolia FPD that the entirety of the project will be served. Referral comments from Petrolia FPD recommended conditions of approval, including a minimum of 2,500 gallons of water dedicated for fire suppression and adequate emergency vehicle access. These conditions have been included as recommended conditions of approval

7. FINDING

The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

EVIDENCE

- a) The Agricultural Exclusive Zone or AE Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for AE zones.
- b) All general agricultural uses are principally permitted in the AE zone.
- c) The location and height of all project elements meet the setback and building height requirements for the AE zone.
- d) The parcel was created in compliance with all applicable state and local subdivision regulations. The lands presently known as APNs 104-191-001, 104-232-005, and 105-101-011 are one legal parcel created by Notice of Merger and Certificate of Subdivision Compliance (2021-012670) recorded June 7, 2021.

8. FINDING

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

EVIDENCE

- a) The CCLUO allows commercial cannabis cultivation to be permitted in areas zoned AE (HCC § 314-55.4.6.1).

- b) The applicant has supplied a report prepared by a licensed engineer evaluating the road network and relevant segments of road that includes substantial evidence to support finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met.

The project will obtain water from rainwater catchment and a groundwater well that is within a defined groundwater basin and is not diverting from nearby surface waters. The applicant must submit a well evaluation report prepared by a licensed geologist or hydrogeologist demonstrating no adverse impacts to groundwater resources and a disconnection from surface water features. This report is subject to review by the Planning Department. If the report cannot make the determinations outlined above, the applicant shall increase rainwater catchment infrastructure and storage as proposed to provide water for project needs.

- d) The location of the cultivation complies with all setbacks and performance standards of the CMMLUO.
- e) All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
- f) The project as proposed is in compliance with applicable siting criteria. No timberland conversion is proposed, and the project will not be located in areas identified as having prime agricultural soils.
- g) The project is proposed within the Cape Mendocino Planning Watershed, which has a cap of 650 permits and 223 acres. Approval of this project would result in 228 approved permits and 84.52 acres of cultivation in the Cape Mendocino Planning Watershed.

9. FINDING

The operation of a commercial cannabis cultivation operation 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 site is located on a paved privately-maintained road that can safely accommodate the amount of traffic.
- b) The proposal to operate a commercial cannabis cultivation operation is similar to other agricultural uses in the immediate area.
- c) The location of the operation is more than 600 feet from any school, school bus stop, or church.

- d) Irrigation water will not be sourced from surface water.

10. 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

The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and is zoned heavy industrial.

DECISION

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

- Adopts the Mitigated Negative Declaration for the Cisco Farms, Inc. Conditional Use Permit; and
- Adopts the Mitigation Monitoring and Reporting Program for the Cisco Farms, Inc. Conditional Use Permit; and
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Cisco Farms, Inc. based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on November 17, 2022.

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 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 Ford, Director
Planning and Building Department