

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

Resolution Number 23-

Record Number CUP-16-076

Assessor's Parcel Numbers: 211-184-006

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Lost Creek Farms, LLC, Conditional Use Permit and Special Permits.

WHEREAS, Lost Creek Farms, LLC, submitted an application and evidence in support of approving a Conditional Use Permit and a Special Permit for the continued operation of an existing 10,800 square foot (SF) Mixed Light and 1,000 SF Outdoor commercial cannabis cultivation operation with appurtenant propagation and drying activities. The Special Permit is to address setback reductions to public lands;

WHEREAS, the County, prepared an Addendum to the Final Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous MND. 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 18, 2023, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** Conditional Use Permit for 10,800 square feet (SF) of Mixed Light and 1,000 SF of Outdoor commercial cannabis cultivation with appurtenant propagation, drying and processing activities. Power is provided by a combination of solar and generator. Water for irrigation is provided by a permitted groundwater well. Processing will occur onsite in an existing building. Two (2) Special Permits are needed to address a setback reduction to public lands.

EVIDENCE: a) Project File: PLN-10820-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 (MND) 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 Road Evaluation Report was completed by licensed engineer A.M. Baird, and is certified to meet Category 4 standards, or equivalent.
 - d) A Cultural Resources Survey was completed by Roscoe and Associates dated December 2019 which found no sensitive cultural or historical resources. The project has been conditioned for inadvertent discovery protocol for any ground disturbing activities, but development of the site has been mostly complete, so ground disturbance was not contemplated and is very limited to previously disturbed areas on the parcel.
 - e) A Site Management Plan (SMP) was provided and addressed any potential threats to water quality through 18 specific Map Points and describes upgrades needed for each specific location to meet site standards. Addressing and resolving these specific points will ensure water quality is preserved.

FINDINGS FOR ALL PERMITS

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

EVIDENCE 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 u zone in which the site is located.

- EVIDENCE**
- a) The Unclassified or U 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 U 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 Zoning Clearance Certificate and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,800 SF of existing Mixed Light and 1,000 SF commercial cannabis cultivation on a roughly 60-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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 U (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations. Determination of Status (DS17-008) resulted in the issuance of a Conditional Certificate of Subdivision Compliance for the two unlawfully created parcels which comprise APN 211-184-006-000. A Notice of Merger was approved 03/14/2023 (PLN-10820-NOM). The merger completed conditions of the recorded Conditional Certificate of Subdivision Compliance by allowing for a parcel that meets minimum General Plan standards. All other conditions of the Conditional Certificate have been completed. The merger of two unlawfully created parcels known as APN 211-184-006 resulted in one legal, contiguous 60-acre parcel.
 - c) The project will obtain water from a non-diversionary water source, which was established via analysis and reporting by a licensed engineer.
 - d) A Road Evaluation Report was completed by licensed engineer A.M. Baird, and is certified to meet Category 4 standards, or equivalent.
 - e) The slope of the land where cannabis will be cultivated is less than 15%
 - f) Power will be provided by a combination of solar and generator, with grant approval allowing upgrades to solar to eliminate generator(s) as

primary power source and rely solely on solar on or before 12/31/2024. After 12/31/2024 generators will be onsite for backup purposes, and in times of reduced insolation.

- 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. A Special Permit is required to address 600 foot setback to public lands.

6. FINDING

The cultivation of 10,800 square feet of Mixed Light and 1,000 square feet of Outdoor existing commercial 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) Access roads are developed to a category 4 standard, or equivalent.
- b) The site is in a rural part of the County where the typical parcel size is 60 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 Environmental Health Department, and analyzed by licensed engineer to be hydrologically disconnected from surface waters. Grant funding approved will allow applicant to install rainwater catchment system, including additional water storage to total 70,000-gal., to supplement and offset use of the groundwater well.
- e) Provisions have been made in the applicant's Site Management Plan (SMP) 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 not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support

one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this 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

This project is located in the Cape Mendocino planning watershed which is limited to 650 permits and 223 acres of cultivation. If approved the Cape Mendocino watershed would have 236 permits and a total of 83 acres of cultivation.

DECISION

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

- Adopts the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and a Special Permit for Lost Creek Farms, LLC subject to the conditions of approval attached hereto as Attachment 1A and the Cultivation Operations Plan attached hereto as Attachment 1B and Site Plan attached hereto as Attachment 1C.

Adopted after review and consideration of all the evidence on May 18, 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