

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

Resolution Number: 23-

Record Number: PLN-11491-CUP

Assessor's Parcel Number: 522-021-010-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Stay Humboldt LLC Conditional Use Permit.

WHEREAS, Stay Humboldt LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 42,000 square feet of existing outdoor commercial cannabis cultivation; and

WHEREAS, the County Planning Division, the lead agency, prepared an 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. 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 Section 15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October, 19 2023 and reviewed, considered, and discussed the application for the Conditional Use Permit and Special 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:

A Conditional Use Permit for 42,000 square feet of existing outdoor commercial cannabis cultivation. Ancillary propagation will occur in existing greenhouses used for cultivation. Estimated annual irrigation water usage is 520,000 gallons and is sourced from an existing groundwater well, rainwater catchment is proposed. There are 20,000 gallons of existing water tank storage and a 1,000,000-gallon pond is proposed. Power is provided by a single 33KW generator and solar is proposed as part of the post-harvest processing structure. The 85'x56' building is proposed to handle the post-harvest processing needs that had been conducted in temporary structures at various locations on the parcel. This structure will have a 35'x85' residence on the second story. The first story will consist of a 12'x75' harvest storage room, a 12'x65' processing room with 10'x12' ADA restroom and a 32'x85' drying room. A 10'x12' detached bedroom will be permitted as part of the residence for employee housing. The project includes onsite relocation of three dispersed cultivation areas that total approximately 12,000 square feet. Restoration areas will be treated for erosion control and be revegetated with native plants. The operation is staffed by 3 full-time employees with up to 10 part-time employees for harvest processing.

EVIDENCE a) Project File: PLN-11491-CUP

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the adopted 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, and has considered the Addendum to the MND that was prepared for the Stay Humboldt, LLC. project.

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 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.

c) A Water Resources Protection Plan was prepared by Timberland Resource Consultants in 2017. The subject property contains two

class three watercourses. One of the Class III watercourses is a tributary to Pine Creek. The project has been designed and conditioned such that surface water resources will not be impacted by water use for cannabis cultivation.

- d) A Lake or Stream Bed Alteration Agreement (LSAA) notification was received from the California Department of Fish and Wildlife (CDFW) on February 8, 2019. CDFW authorized the replacement of 3 culverts. As a condition of approval, the applicant shall execute the culvert replacements described in the LSAA notification issued by CDFW
- e) A Biological Assessment report was carried out by O'Brien Biological Consultants in 2019. The Assessment methods included a search of the California Natural Diversity Database and California Native Plant Society database. A biological assessment was conducted in the project area. No special-status species were observed during the assessment. Northern Spotted Owl habitat exists in the vicinity, but the nearest activity center is over 1.1 miles from the site. Conditions of approval will require noise to be at or below 50 decibels at 100 feet, which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- f) A Timber Conversion Report was prepared by Timberland Resource Consultants in December 2019 which indicated the initial conversion to create the cultivation areas occurred between 2006 and 2008. Approximately 3.41 acres of timberland was converted from 6 cultivation sites, which exceeds the 3-acre conversion exemption maximum. This total exceeds the three-acre conversion exemption maximum. The conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules. The RPF recommends relocating Cultivation Site 3, 4, 5, and 6 (including the appurtenant access roads) into the footprint of Cultivation Site 1. The RPF recommends restocking Cultivation Site 3, 4, 5, and 6 per the Restocking Plan in the report.
- g) There was Cultural Resources Investigation performed in the project's area of potential effect. The investigation, conducted by Archeological Research and Supply in March of 2019, discovered no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Hoopa Valley Tribe in 2017. The NWIC responded that their

office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and a study is recommended prior to commencement of project activities. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

- h) As requested by Public Works, a Road Evaluation Report was prepared to the site from Cloud Crossing Road and Old 3 Creeks Road to Highway 299 and concluded that the road segment is developed to the equivalent of a road category 4 standard.

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 Timber Production Zone (TPZ) 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 TPZ-Zone in which the site is located.

EVIDENCE a) The TPZ zone is applied to areas of the County in which timber production and recreation is the desirable predominant uses and general agriculture is the secondary uses.

- b) All general agricultural uses are principally permitted in the TPZ zone.

- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed light cannabis cultivation on a parcel over 5 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application is for 42,000 SF of outdoor cultivation

on a parcel 168-acres in size.

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 TPZ (Section 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, a Notice of Lot Line Adjustment and COSC was issued in 2013, Document Number 2013-32534.
 - c) Water for irrigation will be provided by a permitted well and a proposed rainwater catchment pond. A well evaluation determined that there was little likelihood of significant hydrological connection between the well and surface water resources. The project proposes developing enough water storage to serve at least 100% of the total annual water budget for the cultivation operation though the May 15th to October 31st forbearance period.
 - d) The applicant submitted a Road Evaluation Report on September 10, 2018. The report states that the entire road segment is developed to the equivalent of road category 4 standard.
 - e) The cultivation of cannabis will not result in the net conversion of timberland.
 - f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING: The cultivation of 42,000 square feet of outdoor cannabis cultivation with ancillary propagation 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 Cloud Crossing Road, a privately maintained road. The Road Evaluation Report concluded that the entire road segment is developed to the functional equivalent of a road category 4 standard and has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.

- 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 and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Irrigation water will come from a groundwater well that has been permitted by the Division of Environmental Health.
- d) 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: 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 a) The project site is in the Lower Trinity River Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 59 cultivation permits and the total approved acres would be 26.77 acres of cultivation. If all the supply Creek projects on the agenda were to be approved there would be a total of 73 permits and 34 acres of cultivation.

8. 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.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Stay Humboldt LLC., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference.

Adopted after review and consideration of all the evidence on October 19, 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 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