

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

**Resolution Number 23-**

**Record Number PLN-2022-17611-MOD01**

**Assessor's Parcel Numbers: 206-311-028-000**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Carlotta Gardens LLC, Conditional Use Permit Modification**

**WHEREAS, Carlotta Gardens, LLC**, provided an application and evidence in support of approving a modification to an approved Conditional Use Permit for Farm-Based Retail Sales in the Hydesville-Carlotta Community Planning Area.

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. 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 approved a Conditional Use Permit for a farm-based retail cannabis sales on October 20, 2022; and

**WHEREAS**, the Humboldt County Planning Commission held a duly noticed public hearing on August 3, 2023, and reviewed, considered, and discussed the application for a Conditional Use Permit modification 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:

**FINDING:**

**Project Description:** The project is located in the Carlotta area. Record Number PLN-2022-17611-MOD01; Assessor's Parcel Number: 206-331-028-000. Conditional Use Permit (CUP) Modification to approved project PLN-2022-17611 for a 200 SF portable farm stand for the sale of Farm Based Retail products including cannabis grown on site. All cannabis products are tested, packaged, and handled by a licensed distributor prior to sale. The modification will allow the farm stand to permanently remain in the proposed location on the southeast corner of the project parcel rather than being stowed in a barn after business hours. The farm stand will be staffed by one employee during the hours of operation. Customer traffic will occur on-site during the operating hours, which will be limited to 9AM - 6PM, Monday through Sunday. Hours and days of operation may vary depending on weather conditions and holidays. Power is provided by PG&E. The proposed project is located within the Hydesville-Carlotta Community Planning Area.

**EVIDENCE:**

Project File: PLN-2022-17611-MOD01 and PLN-2022-17611

## **CEQA**

**2. FINDING:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- 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 EIR. 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) The project was referred to and reviewed by the Bear River Tribal Historic Preservation Officer who recommended an inadvertent discovery protocol which is included as a condition of approval.
  - d) The project site takes access off Highway 36 and referral comments from Caltrans for commercial driveway improvements have been incorporated into the project conditions.
  - e) The applicant provided a Noise Assessment conducted in August of 2022. The project is conditioned so noise sources associated with the cannabis operation do not exceed three decibels of continuous noise above existing ambient noise levels at the legal parcel boundary.

## **FINDINGS FOR CONDITIONAL USE PERMITS**

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

- EVIDENCE**
- a) The legal parcel has a designation of Agricultural Exclusive (AE). Agricultural products processing is a use type permitted in the AE land use designation. The proposed Farm-Based Retail Sales is within land planned and zoned for Agricultural purposes, consistent with the use of Open Space land for managed production of resources. The proposed project is not located within an Open Space Action Program because the project site is not planned or zoned as open space, does not have a combining zone that would be considered open space, and there are no other open space general plan or zoning code overlays affecting this project.

**4. FINDING** The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) zone and Special Area Provisions Section 55.4.5.1.4) in which the site is located.

- EVIDENCE**
- a) Farm-Based Retail Sales is principally permitted in the AE zone and within the Hydesville-Carlotta Community Planning Area Community Planning Area with a Conditional Use Permit.

- b) The location of all project elements meets the setback requirements for the AE Zone.
- 5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CCLUO (314-55.4.10.2 & HCC 314-55.3) allows Farm-Based Retail Sales to be permitted in areas zoned Agricultural Exclusive (AE) within a community planning area with a conditional use permit.
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations because it qualifies for a Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act through approval of building permit 80-0078 B4.
  - c) Access is taken directly from Highway 36, a paved road with a center stripe.
  - d) The slope of the land is less than 15%.
  - e) The operation will not result in the net conversion of timberland.
  - f) Power will be provided by PGE through an eligible renewable energy program.
- 6. FINDING** The farm stand and appurtenant uses and 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 state-maintained highway that is paved with a centerline stripe.
  - b) The site is in a rural part of the County where agricultural uses are typical. The operation of a farm stand in an agricultural area is not out of character for the area.
- 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 and does not currently have an existing residence. The approval of cannabis cultivation on this parcel will not conflict with the ability to construct a residence if one is proposed in the future.
- 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**
- a) The project site is in the Van Duzen Planning Watershed. Since this project does not include cultivation, the number of permits and acres in cultivation will not change.

**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 Carlotta Gardens, LLC Conditional Use Permit Modification 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 **August 3, 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