RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number: 24-

Record Number: PLN-18697-CUP
Assessor's Parcel Number: 033-271-021

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

WHEREAS, RiveRidge Farms, LLC provided an application and evidence in support of approving a Special Permit for 34,705 square feet of new mixed light commercial cannabis cultivation, distribution, non-volatile manufacturing, and offsite processing. Evidence was also provided in support of approving a Conditional Use Permit for farm-based retail sales; and

WHEREAS, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance 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 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October 3, 2024 and reviewed, considered, and discussed the application for a 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:** **Project Description:** A Special Permit for 34,705 square feet of new mixed light commercial cannabis cultivation, distribution, non-volatile manufacturing, and off-site processing. Also proposed is a Conditional Use Permit for farm-based retail sales with customer traffic. The project parcel has a previously approved Special permit (10993) for 8,855 square feet of existing mixed light commercial cannabis cultivation. If approved total cultivation will be one acre of mixed light commercial cannabis cultivation. The estimated annual water usage of 560,000 gallons for the entire operation is sourced from rainwater catchment supported by a proposed 950,000-gallon pond. The existing approved irrigation groundwater well will transition to a backup and supplemental water source once

rainwater catchment infrastructure is installed. Power is sourced from an existing PGE connection and a proposed solar array.

EVIDENCE: a) Project File: PLN-2023-18697

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Environmental Impact Report previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the Environmental Impact Report that was prepared for the project pursuant to Section 15164 of the CEQA guidelines.

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 Final 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.

c) A biological and botanical report concluded there would not be a significant impact.

d) Continued use of the existing, approved, and permitted well will not impact Public Trust Resources.

e) The cultivation area takes access from a private road that is equivalent to Category 4. The retail area takes access from Highway 271 which is Category 4.

f) A rainwater catchment analysis concluded that sufficient rainfall can be collected in low rainfall years to provide the estimated annual irrigation needs.

g) Energy will be provided through an eligible renewable energy program.

h) Consultation with the Bear River Band of the Rohnerville Rancheria resulted in the standard inadvertent discovery protocol and cultural monitoring as a condition of approval.

i) There are no positive Northern Spotted Owl sitings according to

recent surveys within 1.3 miles and no recorded activity centers within 2.1 miles. No habitat removal is proposed by the project.

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 Unclassified (U) zone in which the site is located.

EVIDENCE:

a) The Unclassified (U) zone is intended to be applied to areas of the County that have not been sufficiently studied to justify precise zoning classifications. Principally permitted uses in the Unclassified (U) zone include general agriculture.

b) All accessory agricultural uses are principally permitted in the Unclassified (U) zone.

5. FINDING: The proposed development is consistent with the requirements of the CCLUO provisions of the Zoning Ordinance.

EVIDENCE:

a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned Unclassified (U) (HCC 314-55.4.6.1.1).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by a deed recorded before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel. Its current configuration was also altered by a parcel boundary correction in 2018 as described in 074RS042.

c) The project will obtain water from rainwater catchment, an eligible

water source. A provided rainwater catchment analysis demonstrates adequate water can be collected in low rainfall years. An existing, previously approved and permitted well will be used for supplemental and emergency purposes once the proposed pond and rainwater catchment system is constructed.

d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.

e) The proposed cultivation will take place in an area of slopes 15% or less.

f) No timber conversion will occur.

g) Coverage of prime soils by the proposed project is approximately 0% which is below the 20% maximum allowed under the CCLUO.

h) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.

i) Energy is provided by PGE through an eligible renewable energy program.

6. FINDING: The cultivation of 34,705 square feet of new mixed light commercial cannabis cultivation, adding distribution, offsite processing, and onsite farm-based retail sales, 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 road that 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 sizes in the area.

c) Irrigation water will come from rainwater catchment, an eligible water source. An existing, previously approved and permitted well will be used for supplemental and emergency purposes once the proposed pond and rainwater catchment system is constructed.

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.

e) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.

f) The project is subject to specific limits on noise at the property line.

g) The project is subject to Dark Sky standards for light pollution.

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: a) The project site is in the South Fork Eel River Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 301 permits and the total approved acres would be 86.21 acres of cultivation.

9. FINDING: The continued use of the existing, approved, and permitted well for irrigation purposes will not have any adverse impacts on any public trust resources.

EVIDENCE: a) In the resolution (21-55 for the previous Special permit (10993) the Zoning Administrator found the well is not hydrologically connected to surface water. Therefore, continued use of groundwater well will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access.

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 and Special Permit for RiveRidge Farms, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **October 3, 2024**.

The motion was made by COMMISSIONER _____and second by COMMISSIONER _____ and the following 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