

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

Resolution Number: 24-

Record Number: PLN-12088-SP

Assessor's Parcel Number: 108-026-006

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the CannaDreams, LLC Special Permit.

WHEREAS, CannaDreams, LLC submitted an application for a Special Permit for the continued operation of an existing 9,500 square foot (SF) outdoor cultivation utilizing light deprivation techniques and 950 SF of ancillary propagation, a Special Permit for a reduction of public lands setbacks, and a Special Permit for encroachment into the Streamside Management Area for diversion and a hydroelectric system; and

WHEREAS, the issuance of a Special Permit for a reduction of setbacks to public lands would not be appropriate in this case, because of the project's proximity to sensitive habitat, the fact that the project is surrounded on all sides by public lands, and the Bureau of Land Management's request to uphold the 600 foot setback requirements from the CMMLUO; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (Projects which are Disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on December 5, 2024 and reviewed, considered, and discussed the application for the Special Permits, 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: Denial** of A Special Permit for the continued operation of an existing cannabis cultivation site consisting of 9,500 square feet of outdoor cannabis cultivation in greenhouses and 950 square feet of ancillary nursery space, a Special Permit to reduce the setback to BLM public land, and a Special Permit for reduction of the Streamside Management Area setback to allow for a hydroelectric facility on the onsite stream and for the point of diversion. Irrigation water is sourced from a point of diversion and is subject to forbearance. There will be 171,000 gallons of water storage on the parcel designated for cannabis irrigation and 6,500 gallons reserved for fire suppression. The applicant's estimated annual water use is approximately 88,700 gallons. Drying will occur onsite and other

processing will occur offsite at a licensed third-party facility. Power is provided by a solar array with a generator used to supply supplemental power. There will be two employees onsite at peak.

EVIDENCE: a) Project File: PLN-12088-SP

2. FINDING: **CEQA.** The project is statutorily exempt from the California Environmental Quality Act.

EVIDENCE: a) Section 15270 of the CEQA Guidelines (Projects which are Disapproved)

FINDINGS FOR SPECIAL PERMIT

3. FINDING: The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE: a) Section 55.4.11.d of the CMMLUO requires a setback of at least 600 feet from any public park, defined as land that is publicly owned or controlled for the purpose of providing recreation and/or open space for public use and/or wildlife habitat. The property is surrounded on all sides by King Range National Conservation Area, which is managed for wildlife habitat by the Bureau of Land Management. The property is less than 1,300 feet from the northern property line to the southern property line, so cultivation cannot be feasibly relocated to a point on the parcel beyond the 600-foot setback and any relocation would require removal of habitat for Northern Spotted Owl and Marbled murrelet.

b) Section 55.4.11.d allows for reduction of the 600 foot setback under certain conditions with a Special Permit. In this case, a reduction in the setback is not appropriate due to the following circumstances: The property is surrounded on all sides by public lands which are managed to protect sensitive species and their habitats and the cultivation activities would be as close as 88 feet to these lands. There is more environmentally sensitive habitat proximity than past projects requiring setback reduction have had. The Bureau of Land Management, which manages these lands for the protection of Northern Spotted Owl and Marbled murrelet, among other species, has objected to the reduction in setback.

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
- Deny the Special Permits for CannaDreams, LLC.

Adopted after review and consideration of all the evidence on **December 5, 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