

**Recommended Commission Action**

1. Describe the application as part of a public hearing.
2. Request staff to present the application and staff report;
3. Open the public hearing and receive testimony;
4. Close the public hearing and adopt the Resolutions to take the following actions:

*1) Find that the Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit Modification and 3) approve the The Emerald Kid Inc. Conditional Use Permit Modification as recommended by staff subject to the recommended conditions.*

**Executive Summary:** The Emerald Kid Inc. seeks a Modification to an already approved Conditional Use Permit Modification (PLN-2020-16323) of two already approved Conditional Use Permits (PLN-12251-CUP & PLN-12011-CUP), to allow for farm-based retail sales to tourists already on-site, and retail sales off-site through delivery or off-site pickup. No increased traffic is anticipated as part of this project. The already approved projects on-site include a microbusiness consisting of up to 10,000 SF of commercial cannabis cultivation, non-volatile manufacturing, distribution, and is permitted for on-site tours. Water is sourced from the Willow Creek Community Services District and power is provided by PG&E.

The applicant would continue to conduct a commercial cannabis microbusiness consisting of 10,000 SF of cultivation (including nursery cultivation for wholesale), non-volatile manufacturing (making bubble hash and live rosin using ice water extraction), and distribution of on-site products. Other already permitted activities include processing (drying, curing, and trimming), and tours on-site. The applicant would like to add farm-based retail on-site and off-site delivery. Farm-based on-site retail activities would only include the sale of products made by the applicant to tourists already visiting the site, and off-site retail delivery would utilize two already permitted delivery vans. No increased traffic to and from the site is anticipated. The applicant shall obtain the appropriate license from the State of California Department of Cannabis Control (DCC), or shall obtain other written documentation from the DCC stating that a license is not required for the proposed retail activities (**Condition A.2**).

**Water Resources**

The approved project obtains water from the Willow Creek Community Services District under a Will-Serve letter allowing up 790,000 gallons used annually on-site, and 10,000 gallons of rain catchment tanks exist on-site. No increase in water is anticipated as a result of the proposed project. There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

**Noise, Lighting & Energy**

No significant increase in noise, lighting or energy usage is anticipated as part of the proposed project.

**Public Accommodations**

The site is served by an ADA restroom with a permitted on-site wastewater treatment system. The access road is Stagecoach Lane from Brannan Mountain Road, which are paved. Performance standards for public accommodations specify criteria for driveway and turnaround areas. The driveway meets Category 1 standards and safety standards for provision of overhead clearance, fire turn-arounds, and parking.

**Access/Parking**

The project site is accessed from Stagecoach Lane, a private drive which is accessed from Brannan Mountain Road, a paved County-maintained road that is classified by Public Works Land Use Division as

the functional equivalent of a Category 4 road. The intersection of Stagecoach Lane and Brannan Mountain Road is paved and meets County standards. An approximately 130-foot-long driveway serves the property. A turnaround provides emergency vehicle access. The Site Plan shows adequate parking available on-site. The project was approved for having up to 15 employees, up to two distribution vans with up to two trips per day, and up to five tours per day limited to 12 vehicles. The maximum vehicle trips anticipated per day by the approved project was 62 vehicle trips per day.

The proposed project would not increase vehicle traffic to the site as the applicant only plans to sell product to tourists that would already exist at the site under the approved activities. The applicant also plans to utilize two already permitted vans for the off-site retail delivery activities, and would alternate retail delivery days from wholesale delivery days, and no more than 62 vehicle trips are anticipated to and from the site per day. The project was referred to the Department of Public Works and the agency replied with the recommendation of conditional approval that all fences and gates shall be relocated out of the County right of way and all gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate, and no materials shall be stored or placed in the County right of way (**Condition A.2 & Ongoing Condition B.2**).

#### **Consistency with Humboldt County Board of Supervisors Resolution No. 18-43**

Planning staff determined 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. The project is located in the Lower Trinity Planning 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 permits and the total approved acres would be 25.4 acres of cultivation.

#### **Willow Creek Community Planning Area**

The CCLUO requires a Conditional Use Permit for all commercial cannabis activities in certain community planning areas, including the Willow Creek Community Plan. In accordance with the procedures of the CCLUO a Notice of Application was sent to surrounding property owners within 1,000 feet of the site activities, on January 13, 2022. No comments were received in response to the Early Notice of Application.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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**RECOMMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) Modification.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the EIR for the CCLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.