

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

Resolution Number 24-

Record Number PLN-10842-SP

Assessor's Parcel Numbers: 214-234-007-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Yeti Enterprises, LLC Special Permit.

WHEREAS, Yeti Enterprises, LLC, seeks a Special Permit for an existing 8,640-square-foot (SF) outdoor cannabis cultivation and 10% apparent propagation. Water for irrigation is sourced from an existing well on a neighboring parcel (214-234-006). Estimated annual water usage is 106,963 gallons (12.38 gallons/SF/year). Water storage totals 35,000 gallons. Drying and bucking will occur onsite while all other processing will be performed offsite at a licensed third-party processing facility. Power is provided by generators but are conditioned to convert to a renewable source by January 1st, 2026.

WHEREAS, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical 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 §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 1, 2024, and reviewed, considered, and discussed the application for a 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 an existing 8,640-square-foot (SF) outdoor cannabis cultivation and 10% ancillary nursery. Estimated annual water usage is 106,963 gallons and is sourced from an existing permitted well on a neighboring parcel (214-234-006). Water storage totals 35,000 gallons. Drying and bucking will occur onsite while all other processing will be performed offsite at a licensed third-party processing facility. Power is provided by generators but is conditioned to switch to a renewable source by January 1st, 2026.

EVIDENCE: a) Project File: PLN-10842-SP

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration 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 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 §15162(c) of CEQA Guidelines;
- c) A Site Management Plan (SMP) was prepared by Pacific Watershed Associates for the subject site in January 2020 (Attachment 4A) in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge (WQ2019-0001-DWQ). The SMP assesses compliance with the required elements and standard conditions established in the General Order to protect water quality from cannabis cultivation and related activities. The SMP includes a series of general recommendations, winterization methods, and recommended best practices for erosion control and water quality protection consistent with the SWRCB Cannabis General Order WQ2019-0001-DWQ. The project is conditioned to implement all remaining recommendations and corrective actions identified in the SMP upon issuance of the project permits (CoA B13).
- d) Northern Spotted Owl habitat does not exist in the vicinity and the nearest activity center is 0.95 miles from the site. The project is conditioned to adhere to noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species. Dark Sky Standards for greenhouse lighting

and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.

- e) All development currently meets appropriate Streamside Management Area (SMA) Class III watercourse setbacks preserving them as wildlife and riparian corridors. No cultivation shall occur within the wetland buffer.
- f) The project was referred to the Northwest Information Center and Bear River Band of the Rohnerville Rancheria. Bear River responded stating the parcel does not appear to be sensitive/ likely to contain cultural resources. Additionally, they requested that the standard inadvertent discovery language be added as a condition. No historic or prehistoric era resources were located on the project parcel pertaining to cultivation. No further archaeological study or mitigation measures were recommended for the project beyond inadvertent discovery protocol.

FINDINGS FOR CONDITIONAL USE 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 Timberland (T) 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.
 - b) General Plan 2017, Section 10.6.4 discusses methods to identify and protect sensitive cultural resources and archaeological artifacts, and methods to address development with the potential of losing or destroying those resources.

4. FINDING: The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) and Timber Production (TPZ) in

which the site is located. All cannabis is occurring within the TPZ zone portion of the property.

- EVIDENCE:**
- a) The TPZ Zone is applied to area of the county in which accessory agriculture uses in which growing cannabis is a principally permitted use compatible with timber production.
 - b) All accessory 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 on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 8,640 SF outdoor cultivation on a 270-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
 - d) All cultivation is over 30 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

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.
 - b) Irrigation water is provided by an existing well on a neighboring parcel.
 - c) Access to the site is by a private road via French Rd of which was determined by a licensed engineer to be the equivalent of a Road Category 4.
 - d) Power is sourced from a generator with a condition to convert to a renewable source by January 1, 2026.
 - e) The cultivation of cannabis will not result in the net conversion of timberland post environmental baseline (January 1, 2016). No timber conversion is proposed.

- 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, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING: The cultivation of commercial cannabis 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) Access to the site is by two private roads via French Road. While 0.130 of French Road is maintained by the County of Humboldt, both of the private roads are not maintained by the County of Humboldt. The project is conditioned to join or form a road maintenance association.
 - b) The site is in a rural part of the County where the typical parcel size is 40 acres. 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.
 - c) Irrigation water is sourced from an existing groundwater well. Per the well completion report, the well does not appear to be diverting from surface waters.
 - d) A Site Management Plan (SMP) was prepared by Pacific Watershed Associates for the subject site in January 2020 (Attachment 4A) in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge (WQ2019-0001-DWQ). The SMP assesses compliance with the required elements and standard conditions established in the General Order to protect water quality from cannabis cultivation and related activities.

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.

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) 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 site is located in the South Fork Eel Planning 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 in this Planning Watershed would be 301 permits and the total approved acres would be 85.8 acres of total cultivation.

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 Yeti Enterprises, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **August 1, 2024**.

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