

**SUPPLEMENTAL INFORMATION
NUMBER:**

For Planning Commission Agenda of:

Consent Agenda Item	Item Number:
Continued Hearing Item	Item Number:
Public Hearing Item	Item Number:
Department Report	Item Number:
Old Business	Item Number:

Re:

Record Number:

Assessor's Parcel Number (APN):

Area:

Attached for the Planning Commission's record and review is the following supplementary information:

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

Resolution Number 22-

Record Number PLN-11241-CUP

Assessor's Parcel Numbers: 208-201-026

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Full Moon Farms Inc., Conditional Use Permit and Special Permits.

WHEREAS, Full Moon Farms Inc., submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 19,661 square feet (sq. ft.) of outdoor commercial cannabis cultivation, and appurtenant drying activities; a Special Permit for the continued use of two (2) spring diversions on-site; a Special Permit for the removal and restoration of an on-stream pond; and a Special Permit to allow the relocation of five (5) water tanks outside of streamside management areas on-site;

WHEREAS, the County Planning Division, 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 February 17, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and 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:

FINDING: **Project Description:** The application is a Conditional Use Permit for 19,661 sq. ft. of pre-existing outdoor cannabis cultivation. Water for irrigation is sourced from two (2) spring diversions on-site under Water Right Certificate H100541. A Special Permit is being requested to allow the continued use of the spring diversions, and to relocate water tanks outside of the streamside management area (SMA) for a spring and a class III stream on-site. An additional Special Permit is required for the removal of an on-stream pond and restoration of the stream. A total of 194,500 gallons of water storage for irrigation exists, and two (2) 2,500 gallon tanks are designated for fire suppression. Annual water usage is 124,000 gallons (6.3 gal/sq. ft./year). Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Two (2) employees will be utilized. Electricity is sourced from two (2) portable generators.

EVIDENCE: Project File: PLN-11241-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration

(MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

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 MND. 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 Water Resources Protection Plan was prepared by Timberland Resource Consultants, dated September 20, 2018, to show requirements to meet compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Notice of Applicability letter showing enrollment is the State Water Board's General Order No. WQ 2019-001-DWQ, under WDID 1_12CC418732. The applicant is conditioned to provide a Site Management Plan to show site requirements in order to meet compliance with the State Water Board General Order No. WQ 2019-001-DWQ.
- e) The applicant has obtained a Streambed Alteration Agreement (SAA 1600-2019-0590-R1) with the CDFW for the use and maintenance of two (2) spring diversions on-site, upgrade of four (4) culverts, and the removal and restoration of an on-stream pond. The applicant is conditioned to provide a Stream Restoration Plan approved by CDFW to the Planning Division when available, in the timeframe of the signed compliance agreement.
- f) No tree removal has occurred or is proposed as part of the project.
- g) A Cultural Resources Investigation & Report was prepared by Mark Arsenault, M.A., RPA with Arsenault & Associates, dated March 29, 2019. The Cultural Resource Survey found that no cultural resources were identified within the project area, and recommends protocols for Inadvertent Discovery.
- h) A Road Evaluation Report Form was submitted for Bear Creek Road, and Dinsmore Road designating it as being developed to a Category 4 road standard. It has been determined that the access road meets the functional capacity for the project.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL 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) 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.

- b) The project is requesting a Special Permit for the removal and restoration of an on-stream pond, for the continued use and maintenance of two (2) spring diversions on-site, and for the removal and relocation of water tanks from streamside management areas on-site.

4. FINDING

The proposed development is consistent with the purposes of the existing TPZ zone in which the site is located.

EVIDENCE

- a) The Forestry Recreation or FR Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
- b) All general agricultural uses are principally permitted in the FR zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel zoned FR over 1 acres 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 19,661 sq. ft. of outdoor on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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 FR (HCC 314-55.4.8.2.2).
- b) The subject parcel has been determined to be one legal parcel (lot 76) as shown on Record of Survey in Book 26 of Surveys page 135

The project will obtain water from two (2) on-site spring diversions under Water Right Certificate H100541, and Streambed Alteration Agreement 1600-2019-0590-R1.

- d) A Road Evaluation Report Form was submitted for Bear Creek Road, and Dinsmore Road designating it as being developed to a Category 4 road standard. It has been determined that the access road meets the functional capacity for the project.
- e) No tree removal has occurred or is proposed as part of the project.
- 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 or Tribal Cultural Resource.

6. FINDING

The cultivation of 19,661 square feet of cannabis cultivation 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 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 sized in the area.
 - b) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
 - c) Irrigation water will come from two permitted spring diversions on-site, and the applicant has enough water storage on-site for the project to meet forbearance requirements.

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 is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 61 permits and the total approved acres would be 23.17 acres of 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 and Special Permits for Full Moon Farms Inc., 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 February 17, 2022

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