

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

Resolution Number 24-

Record Number: PLN-12565-CUP

Assessor's Parcel Number: 217-271-005

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Big Rock Farms, Inc. Conditional Use Permit request.

WHEREAS, Big Rock Farms, Inc. provided an application and evidence in support of approving a Conditional Use Permit for the continued operation of 20,430 square feet existing cannabis cultivation, 6,480 square feet of which is mixed light cultivation, and 13,950 of which is full sun outdoor, and 2,043 square feet of ancillary nursery space; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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 May 2, 2024, and reviewed, considered, and discussed the application for a Conditional Use 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 Conditional Use Permit for 6,480 square feet of existing mixed light and 13,950 square feet of existing outdoor for a total of 20,430 square feet of commercial cannabis cultivation. A 2,043 square foot ancillary nursery is also proposed. Estimated annual water usage is 200,000 gallons and sourced from an existing permitted well, for which the applicant has provided an engineer evaluation. There is 35,000 gallons of existing tank storage. Processing will occur onsite in a proposed 3,000 square foot facility. Electricity is provided by PGE, with a generator for emergency backup use.

EVIDENCE: a) Project File: PLN-12565-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning

Commission has considered 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, and the project specific Addendum to and the MND.

- 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) The applicant has demonstrated enrollment under the State Water Resources Control Board General Order (WDID No. 1B190153CHUM). A Site Management Plan was also provided.
 - d) The applicant has submitted a Biological Resource Assessment Report prepared by TransTerra Consulting dated March, 2020. The Report assessed areas of cultivation, roads and infrastructure locations, and areas that were at that time targeted for relocation. The Report found that the scope of the project is unlikely to significantly affect the species for which habitat is present onsite.
 - e) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained existing open areas in the portions of the property containing cannabis cultivation. It appears that timber was removed from portions of the site between 2005 and 2009, however the areas were not utilized for cannabis cultivation and are not proposed for cannabis use. No additional tree removal is proposed or authorized by this permit.
 - f) A Cultural Resources Investigation concluded that the proposed project will not result in any adverse changes to historical or archaeological resources. Recommended measures have been included as conditions of approval.
 - g) The property is accessed via a driveway that intersects Alderpoint Road, a county-maintained road that meets Category 4 road standards. The applicant has submitted a road evaluation for the private access and driveway utilized on the property, which confirmed the roadway can accommodate the expected traffic.

FINDINGS FOR CONDITONAL 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 Rural Community Center (RCC), Timberland (T), and Agricultural Grazing (AG) 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 the 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) General agricultural uses are principally permitted in the U zone.

b) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to one acre of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a U zoned parcel over 1 acre in size 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 20,430 square feet of cultivation on a 47-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 U (HCC 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as the subject parcel was created by conveyance on May 4, 1956. At the time of the conveyance Humboldt County did not regulate these types of land divisions created by deed conveyance. The subject APN is comprised of two separate legal parcels. All proposed cannabis activities occur on a single legal parcel.

c) Irrigation water is provided by an existing permitted well, for which the applicant has provided an engineer evaluation prepared by Marvin Chapman of Chapman Engineering. The well evaluation notes there are no additional registered wells within 2,000 feet, and the nearest surface water feature is a seasonal creek 350 feet from the subject well, and the bottom of the creek elevation is

approximately 80 feet above the water bearing strata per the well completion report. The report concludes that the well exhibits a low probability for hydrologic connectivity or negative impact on adjacent surface water resource, and that the project will not substantially adversely affect an existing water or hydrologic resource.

A review of the well report indicates an estimated yield of 36 gallons per minute. A six-hour pump test conducted in October of 2017 resulted in a total drawdown of 0 feet. There are currently 35,000 gallons of hard tank water storage on site. Estimated annual water usage is 200,000 Gallons (9.8 gallons per square foot).

As the well is hydrologically disconnected from surface waters, it does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually.

- d) The property is accessed via a driveway that intersects Alderpoint Road, a county-maintained road that meets Category 4 road standards. The applicant has submitted a road evaluation for the private access and driveway utilized on the property, which confirmed the roadway can accommodate the expected traffic.
- e) Cannabis cultivation occurs in pre-existing graded flats.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained existing open areas in the portions of the property containing cannabis cultivation. It appears that timber was removed from portions of the site between 2005 and 2009, however the areas were not utilized for cannabis cultivation and are not proposed for cannabis use. Additionally, it appears natural revegetation has been occurring in these areas.

No additional tree removal is proposed or authorized by this permit.

- g) 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 public park. Project activities are within 600 feet of a Tribal Cultural Resource, however the applicant has received express written consent from appropriate tribal professionals to reduce the setback to 50 feet.

6. FINDING:

The cultivation of 20,430 SF 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 property is accessed via a driveway that intersects Alderpoint Road, a county-maintained road that meets Category 4 road standards. The applicant has submitted a road evaluation for the private access and driveway utilized on the property, which confirmed the roadway can accommodate the expected traffic.
 - b) The site is in a rural part of the County where the typical parcel size is over 67 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.
 - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
 - d) Irrigation water is provided by an existing permitted well, for which the applicant has provided an engineer evaluation prepared by Marvin Chapman of Chapman Engineering. The well evaluation notes there are no additional registered wells within 2,000 feet, and the nearest surface water feature is a seasonal creek 350 feet from the subject well, and the bottom of the creek elevation is approximately 80 feet above the water bearing strata per the well completion report. The report concludes that the well exhibits a low probability for hydrologic connectivity or negative impact on adjacent surface water resource, and that the project will not substantially adversely affect an existing water or hydrologic resource.
 - e) 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.
 - f) Electricity is provided by PGE, and the applicant has a generator stored onsite for emergency backup use.

- 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) The project site is in the Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 76 permits and the total approved acres would be 35.41 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 for Big Rock 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 **May 2, 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