

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

Resolution Number 23-

Record Number PLN-12408-SP

Assessor's Parcel Numbers: 210-061-008

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

WHEREAS, Slow and Steady, LLC, provided an application and evidence in support of approving a Special Permit for 7,400 square feet of existing commercial cannabis cultivation supported by a 600 square foot ancillary nursery.

WHEREAS, the lead agency, prepared an Addendum to the 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 November 30, 2023 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:** Special Permit for 7,400 square feet of existing outdoor commercial cannabis cultivation supported by a 600 square foot ancillary nursery. Annual irrigation water usage is estimated at 35,700 gallons sourced from a point of diversion and supported by proposed storage totaling 55,775 gallons. Processing will occur offsite, energy is provided by a generator, and a maximum of two employees will be present during peak operation.

EVIDENCE: a) Project File: PLN-12408-SP

- 2. FINDING:** **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator has considered the Addendum to the Final Mitigated Negative Declaration 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 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 Water Resources Protection Plan was prepared demonstrating compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
 - d) The parcel takes access from a private road which is the equivalent to a Category 4 standard.
 - e) A Cultural Resources Survey was completed by Archaeological Research and Supply Company which found no sensitive cultural resources.

FINDINGS FOR SPECIAL 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 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.

- 4. FINDING** The proposed development is consistent with the purposes of the Unclassified (U) zone in which the site is located.

- EVIDENCE**
- a) The U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the U zone.

- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 7,400 square feet of existing outdoor cultivation on a 60-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as described in the Notice of Merger and Certificate of Subdivision Compliance dated May 10, 2022, recording number 2022-009289.
 - c) The project will obtain water from a diversionary water source as described in the water right certificate H100239 and subject to forbearance and the terms of Lake or Streambed Alteration Agreement 1600-2020-0369-R1.
 - d) The parcel is accessed from Mattole Road. Which is a county-maintained road developed to a Category 4 standard.
 - e) The slope of the land where cannabis will be cultivated is less than 15%
 - f) Power will be provided by a generator and will transition to renewable energy by January 1, 2026.
 - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 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 commercial 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 located on a private road that is developed to the equivalent of a category 4 standard.
 - b) 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. The site is located adjacent to and behind the Humboldt County Public Works maintenance yard. Approving cultivation on this site 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 sourced from a point of diversion consistent with a water right and Lake or Streambed Alteration Agreement.
- 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.

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 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 81 permits and the total approved acres would be 35.98 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 **Slow and Steady, LLC** subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **November 30, 2023**.

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