

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

Resolution Number 24-

Record Number: PLN-11002-CUP

Assessor's Parcel Number: 221-021-003

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Mikes Farm LLC Conditional Use Permit request.

WHEREAS, Mikes Farm LLC submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 19,026 square foot outdoor light deprivation cannabis cultivation operation. Irrigation water is sourced from an off-stream rainwater catchment pond. Total water storage for the project is 291,715 gallons, including the 273,715-gallon capacity pond and 18,000 gallons of hard tank storage. Annual water use is estimated to be 155,500 gallons (8.17 gallons per square foot per year). The applicant is proposing to dry and cure cannabis onsite, with all further processing proposed off site at a third-party licensed processing facility until the proposed processing building has been constructed to commercial standards. Energy is provided by a 45kw generator and a 25kw generator. The applicant has proposed to install a solar system to supply 13kw of electricity for the project and retaining a generator on site for as needed emergency use; 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 June 6, 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 the continued operation of an existing 19,026 square foot outdoor light deprivation cannabis cultivation operation. Irrigation water is sourced from an off-stream rainwater catchment pond. Total water storage for the project is 291,715 gallons, including the 273,715-gallon capacity pond and 18,000 gallons of hard tank storage.

Annual water use is estimated to be 155,500 gallons (8.17 gallons per square foot per year). The applicant is proposing to dry and cure cannabis onsite, with all further processing proposed off site at a third-party licensed processing facility until the proposed processing building has been constructed to commercial standards. Energy is provided by a 45kw generator and a 25kw generator. The applicant has proposed to install a solar system to supply 13kw of electricity for the project and retaining a generator on site for as needed emergency use.

EVIDENCE: a) Project File: PLN-11002-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 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. 1_12CC413042). A Site Management Plan was prepared by Elevated Solutions, LLC for the project dated November 2019. Conditions of approval require the applicant to comply with the State Water Resources Control Board, which includes implementation of the Site Management Plan, and maintain enrollment in the Cannabis General Order for the life of the project.
- d) Per review of CDFW's California Natural Diversity Database (CNDDDB) no rare or endangered plant or animal species are mapped on the subject parcel. The nearest NSO activity center located approximately 1.65-miles away. Mapped marbled murrelet habitat is approximately 0.8 miles from the cultivation area. Power at the site is provided by generator, and the applicant has proposed to install a solar array to transition from generator use. The project is conditioned to restrict generator noise to 50 decibels (dB) at 100 feet or nearest forested edge, whichever is closer. Additionally, project conditions require the applicant to transition from

supplemental generator use to full solar power to support the project within two years of project approval, after which the generator may be kept on site for emergency use only. Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, eradicate invasive species near cultivation sites, and refrain from using anticoagulant rodenticides to further protect wildlife.

- e) The cultivation of cannabis will not result in the net conversion of timberland.
- f) The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. Referral responses recommended inadvertent discovery protocol, which has been included in recommended conditions of approval.
- g) The project site is accessed via a driveway intersecting Serendipity Road via Upper Samuels Ranch Loop Road via Thomas Road via Salmon Creek Road, the latter two of which are County maintained and identified by the County Public Works Department as suitable for commercial cannabis operations. The majority of the access road has been evaluated by an engineer in May of 2023 for a separate cannabis permit and found to be the functional equivalent of a category 4 roadway. There will be a maximum of three employees onsite during peak operations. As this is an existing operation, a significant increase in traffic is not expected under the project.

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 Residential Agriculture (RA) and Unclassified (U) land use designation. The proposed project is not located within an Open Space Action Program because the project site is not planned or zoned as open space, does not have a combining zone that would be considered open space, and there are no other open space general plan or zoning code overlays affecting this project.

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 19,026 square feet of cultivation 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 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 26, 1971. At the time of the conveyance Humboldt County did not regulate these types of land divisions created by deed conveyance.

c) Irrigation water is sourced from an off-stream rainwater catchment pond. Total water storage for the project is 291,715 gallons, including the 273,715-gallon capacity pond and 18,000 gallons of hard tank storage. Annual water use is estimated to be 155,500 gallons (8.17 gallons per square foot per year). The average rainfall for the three lowest precipitation years from 1991 to 2023 is approximately 46.41 inches annually. Given the surface area of the pond (9,100 square feet), the applicant can collect approximately 263,281 gallons per year in a low rainfall year.

d) The project site is accessed via a driveway intersecting Serendipity Road via Upper Samuels Ranch Loop Road via Thomas Road via Salmon Creek Road, the latter two of which are County maintained and identified by the County Public Works Department as suitable for commercial cannabis operations. The majority of the access road has been evaluated by an engineer in May of 2023 for a separate cannabis permit and found to be the functional equivalent of a category 4 roadway. There will be a maximum of three employees onsite during peak operations. As this is an existing operation, a significant increase in traffic is not expected under the project.

The project has been conditioned to enroll in a Road Maintenance Association to share costs associated with the maintenance and improvements of the access roads.

e) Cannabis cultivation occurs in pre-existing cultivation areas.

f) The cultivation of cannabis will not result in the net conversion of timberland.

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 cultivation of 19,026 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 project site is accessed via a driveway intersecting Serendipity Road via Upper Samuels Ranch Loop Road via Thomas Road via Salmon Creek Road, the latter two of which are County maintained and identified by the County Public Works Department as suitable for commercial cannabis operations. The majority of the access road has been evaluated by an engineer in May of 2023 for a separate cannabis permit and found to be the functional equivalent of a category 4 roadway. There will be a maximum of three employees onsite during peak operations. As this is an existing operation, a significant increase in traffic is not expected under the project.
- 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. 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 sourced from an off-stream rainwater catchment pond. Total water storage for the project is 291,715 gallons, including the 273,715-gallon capacity pond and 18,000 gallons of hard tank storage. Annual water use is estimated to be 155,500 gallons (8.17 gallons per square foot per year). The average rainfall for the three lowest precipitation years from 1991 to 2023 is approximately 46.41 inches annually. Given the surface area of the pond (9,100 square feet), the applicant can collect approximately 263,281 gallons per year in a low rainfall year.
- 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) Energy is provided by a 45kw generator and a 25kw generator. The

applicant has proposed to install a solar system to supply 13kw of electricity for the project and retaining a generator on site for as needed emergency use. The project has been conditioned to install the proposed solar array within two years, after which time the generators may be used for emergency backup power only.

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 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 305 permits, and the total approved acres would be 86.44 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 Mikes Farm LLC, 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 **June 6, 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