

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

Resolution Number 23-

Record Number PLN-12355-CUP

Assessor's Parcel Numbers: 208-251-008

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Peach Tree LLC Conditional Use Permit

WHEREAS, Peach Tree LLC provided an application and evidence in support of approving 6,800 square feet of existing outdoor and 6,800 square feet of existing mixed light commercial cannabis cultivation supported by a 1,360 square foot ancillary nursery.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING** A Conditional Use Permit for 6,800 square feet of existing outdoor and 6,800 square feet of existing mixed light commercial cannabis cultivation supported by a 1,360 square foot ancillary nursery. Irrigation water is sourced from a combination of a jurisdictional spring and proposed rainwater catchment supported by 100,000 gallons of proposed hard tank storage. Annual water usage is estimated at 138,600 gallons per year. Power is provided by two generators and processing will be done off site at a licensed facility. The project includes on site relocation and restoration of cultivation areas.

EVIDENCE a) Project File: PLN-12355-CUP

- 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 Nava Ranch LLC 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 Biological Assessment found that no plant or animal community would be potentially impacted by cannabis cultivation activities in manner that would be CEQA significant.
- d) The parcel takes access from a private road that is equivalent to Category 4 standard.
- e) A Timber Conversion Evaluation concluded that the 1.35 acres of conversion was conducted consistent with the Forest Practice Rules and CalFire stated no timberlands were involved.
- f) A rainwater collection analysis found that adequate rainwater can be collected for irrigation even in low rainfall years. The diversionary spring will be subject to forbearance.

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) The parcel has a designation of Residential Agriculture (RA). The proposed project is covered by the Open Space Action Program because the project site includes streamside management areas. 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. 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 Forestry Recreation (FR) zone in which the site is located.

EVIDENCE a) General agricultural uses are principally permitted in FR zone.
 b) The location of all project elements meets the setback requirements for the FR Zone.

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 parcel was created in compliance with all applicable state and local subdivision regulations described as lot 89 as shown on Record of Survey in Book 26 of Surveys page 135.
 c) The project will obtain water from a point of diversion with an associated water right as well as rainwater catchment, which are eligible water sources.

- d) The parcel is accessed from a private road developed to an equivalent Category 4 standard.
- e) No new grading is proposed, no additional timber conversion will occur, and oak woodland enhancement will occur.
- f) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
- g) The parcel complies with the 2021 Airport Influence Review area 2 for the Dinsmore airport because the permit is for non-residential development. The FAA has issued a determination that the project does not present a hazard to air navigation.

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 of a road with equivalent category 4 standard.
- b) The proposed project 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. Continuing cultivation on this site will not change the character of the area due to the historic and current uses 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 with an associated water right and rainwater catchment.
- 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 Mad River 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 for cultivation in this Planning Watershed would be 73 permits and the total approved acres would be 27.09 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 **Peach Tree LLC** subject to the conditions of approval attached hereto as Attachment 1A and the Cultivation Operations Plan attached hereto as Attachment 1B and Site Plan attached hereto as Attachment 1C.

Adopted after review and consideration of all the evidence on **May 4, 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 H. 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 H. Ford, Director
 Planning and Building Department