

**Attachment C:
Resolution of the Planning Commission, Resolution No. 18-10**

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-10**

**Case Number SP16-328
Assessor's Parcel Number: 203-231-003**

A RESOLUTION OF THE PLANNING COMMISSION DENYING THE QUANTUM GENETICS SPECIAL PERMIT APPLICATION

WHEREAS, Quantum Genetics submitted an application and evidence in support of approving the Special Permit to permit a new 20,000 square-foot wholesale nursery building; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes the applicant's evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 16-328); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on February 1, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission has considered the Initial Study and Mitigated Negative Declaration and the Mitigation and Monitoring Report in Attachment 4. The Planning Commission does not adopt the Initial Study and Mitigated Negative Declaration because it has determined to deny the project; and
2. Based on the submitted evidence and public testimony, Special Permit Case Numbers SP 16-328 is hereby denied as the required finding of Section 312-17.1.4, that "the proposed development and 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," cannot be made for the reasons set forth in Exhibit A attached.

Adopted after review and consideration of all the evidence on February 1, 2018.

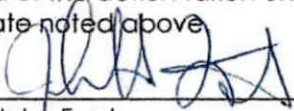
The motion was made by Commissioner Edmonds and second by Commissioner McKenny to deny the project.

Ayes: Commissioner Levy, McKenny, Morris, Edmonds, Shepherd and Bongio

Absent: Commissioner Mitchell

Decision: Motion carries 6/0.

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

RESOLUTION OF THE PLANNING COMMISSION
Exhibit A
Summary of Findings for Project Denial

1. Aspects of the proposed project not described. During the public comment period, letters were received from the public and a law firm indicating that the IS/MND and the Staff Report did not address the whole of the project that the applicant, or its successor, intends to pursue – with an attachment of a real estate listing describing possible expansion of uses to include a microbusiness license, including level 1 manufacturing, distribution, and retail uses on site. The listing stated the potential for tourist income, with development of a bud-bnb use of the proposed residence, onsite retail, and visitor's center.
2. The adequacy of the existing road and proposed parking to accommodate the proposed project. Triple K Place, accessed from Rohnerville Road, is rural, gravel road that serves five parcels including the project site. The estimated number of trips per day in the IS/MND were determined to be up to 8 vehicle/truck trips (4 in/4 out) or 2,920 trips per year. However, based on the use of the Institute of Transportation Engineers (ITE) manual, a wholesale nursery of this size would be expected generate 39 trips per day, resulting in more vehicle trips than analyzed in the IS/MND. Additionally, the site may be inviting additional trips beyond the existing cultivation operation and the proposed wholesale nursery permit with visitors and tours of the site. The proposed parking indicated for the nursery was three parking spaces, accommodating an estimated three employees. Based on Humboldt County Parking (314-109.1), along with comparison of similar uses, the proposed parking is not adequate to accommodate the parking needs of the proposed nursery.
3. Well water use and the impact on neighborhood water availability. The County received public testimony that the proposed project would result in increased water usage and thus reducing the availability of ground water for other uses. Neighbors stated that wells in the area draw from a shallow aquifer and provide limited production and poor quality (high nitrates) for residential uses. While water for the nursery will be mostly sourced from dehumidifiers, well water will be used for the nursery operation and there is insufficient evidence that the shallow aquifer can supply sufficient capacity for the project use without degrading or eliminating the water supply for to neighbors' wells for residential uses.
4. Health and safety concerns due to an increase in traffic at the intersection of Rohnerville Road and Triple K Place. Comment letters and public testimony stated concern with the safety of the intersection of Triple K Road and Rohnerville Road. The traffic and speeds are reportedly high on Rohnerville Road and there is limited area to accelerate from Triple K Road on to Rohnerville Road. No construction of acceleration, deceleration or turning lanes are proposed. The project would increase the traffic volume entering and exiting the project site, increasing road hazards.
5. Existing road is not wide enough to serve proposed project. A Road Evaluation package was received on June 30th, 2017 in response to Public Works request for a road evaluation to ensure that road serving the project has the capacity to accommodate the proposed use. The Road Evaluation Report included "Part A" signed by the applicant, attesting that the access road is developed to Road Category 4 standards (20 feet wide) or better. "Part B", completed by Darren Tully, Registered Professional Engineer, includes a diagram of the road that indicated the width varies between 12 to 15 feet, provided photographs, and recorded 44 daily trips on June 7, 2017, using a counter serving six other road users. The testimony of several neighbors that live along Triple K Place state that the road does not currently meet the Road Category 4 standard of 20 feet width, consistent with the measurements submitted by applicant's engineer in the Road Evaluation Report, "Part B", and that current traffic conditions from the permitted

cultivation site without the additional wholesale cannabis nursery are negatively impacting the road. The project would increase road use and further impact road conditions without commitment by the applicant of upgrading and maintaining the road.

6. Preludice future pending City of Fortuna annexation. The City of Fortuna provided both written and verbal comments in opposition of this project. The City has adopted a ban on cannabis activities within the City and is opposed to cannabis activities within the City's sphere of influence. The City General Plan identified four annexation areas and, to date, has completed annexation of three of these four areas. The fourth annexation area is identified as the Rohnerville Airport, including the lands in which this project is located. The City is taking steps necessary to complete this annexation area which includes a circulation planning grant to be carried out in 2018. Cannabis cultivation in this area will allow uses that are inconsistent with City policies, creating challenges to future annexation, and result in nonconforming uses upon city annexation. The City representative pointed out that the IS/MND did not include a discussion of these future annexation efforts as part of its analysis as part of this project.