

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

Resolution Number: 24-014

Record Numbers: PLN-11544-CUP and PLN-12492-CUP

Assessor's Parcel Numbers: 530-151-005 and 530-151-004

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Bee Kind Farms, LLC Conditional Use Permits and Special Permit.

WHEREAS, Applications for Record Numbers PLN-11544-CUP and PLN-12492 were submitted on November 29, 2016 and December 23, 2016 respectively, for Conditional Use Permits for existing outdoor cannabis cultivation; and

WHEREAS, the projects are statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **April 4, 2024**, and reviewed, considered, and discussed the application for the Conditional Use Permits and Special 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: The denial of two Conditional Use Permits and a Special Permit. The proposed project includes Conditional Use Permit for 29,500 square feet of existing outdoor light-deprivation commercial cannabis cultivation on APN 530-151-005 with 1,640 square feet of proposed propagation area (Record No. PLN-11544-CUP) and up to 14,060 of existing cultivation being relocated from the southern part of the parcel and the parcel immediately to the south (APN 530-151-004, Record No. PLN-12492-CUP) in order to meet required setbacks from cultural resources. To facilitate the relocation, an unknown number of trees would require removal in an area of approximately 2.5 acres. Retired cultivation areas on APNs 530-151-005 and 530-151-004 would be restored and restocked with conifers. Annual water use is estimated at 127,305 gallons. Water for irrigation is sourced from a 750,000-gallon rainwater catchment pond. Drying of harvested cannabis will take place on site in Conex boxes and further processing will take place off site at a licensed processing facility. The

project will require two employees. Power is provided by a generator. A Special Permit is also required to reduce the 600-foot setback from Six Rivers National Forest.

EVIDENCE: Project Files: PLN-11544-CUP and PLN-12492-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

EVIDENCE: Section 15270 of the CEQA Guidelines

FINDINGS FOR CONDITIONAL USE PERMITS AND SPECIAL PERMIT

- 3. FINDING:** The 43,560 sq. ft. of existing outdoor cannabis cultivation and the conditions under which it may be operated or maintained would be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The proposed cultivation is adjacent to an important cultural resource for both the Yurok and the Karuk tribes and both tribes have stated that approval of the project would have a significant adverse impact on cultural resources and cultural practices.
 - b) For over a year the Department has attempted to coordinate a site visit with the Yurok tribe and the applicant to attempt to find solutions to the tribal concerns and with the goal of developing a restoration plan for project activities that have occurred within the documented Tribal Cultural Resource and the applicant has refused.
 - c) The cultivation is located in an area of high habitat value and includes habitat for sensitive and listed species.
 - d) Unauthorized timber conversion of approximately 1.4 acres has occurred after submittal of the application and this timber conversion has removed habitat available for sensitive and listed species.
 - e) The cultivation does not comply with the required 600-foot setback from public lands and given the high habitat value of the adjacent lands for sensitive and listed plant and animal species a reduction in this setback is inappropriate.

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
- Deny the Conditional Use Permits and Special Permit for Bee Kind Farms, LLC.

Adopted after review and consideration of all the evidence on **April 4, 2024**.

The motion was made by COMMISSIONER Thomas Mulder and second by COMMISSIONER Jerome Qiriaz and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West, Lorna McFarlane

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

RECUSED: COMMISSIONERS: Peggy O'Neill

DECISION: Motion carried 7/0

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