



COUNTY OF HUMBOLDT

For the meeting of: 12/1/2022

File #: 22-1589

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Salmon Creek Farms, LLC, Special Permit
Application Number: PLN-2022-17876
Assessor's Parcel Number: 212-061-030
Salmon Creek area

The applicant is seeking a Special Permit for a Microbusiness which will permit the applicant to conduct non-storefront retail sales and commercial distribution activities, and a Conditional Use Permit for cannabis support facilities on a road not meeting the Category 4 Standard. The site currently contains an approved Zoning Clearance Certificate (apps 11822) for 10,000 square feet of new and existing outdoor cultivation and 20,000 square feet of outdoor cultivation approved under the RRR program. Following the approval of this Special Permit, the applicant proposes to obtain a Microbusiness license for 9,640 square feet of approved outdoor cultivation, commercial distribution, and non-store front retail sales. No changes are proposed to the approved cultivation area onsite.

RECOMMENDATION(S):

That the Planning Commission:

1. Describe the application as part of the Consent Agenda
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the Salmon Creek Farms, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit and Special Permit subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project is located in Humboldt County, in the Salmon Creek area, on the North side of Salmon Creek Road, at the intersection of Road D and Salmon Creek Road, on the property known as 5014 Salmon Creek Road.

Present General Plan Land Use Designation: Timber 2017 General Plan; Density: 40-160 acres per dwelling unit; Slope Stability: Low to Moderate Instability (C).

Present Zoning: Agriculture Exclusive; Timber Production Zone (AE;TPZ).

Environmental Review: An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal: Project is NOT appealable to the California Coastal Commission.

Major concerns: None.

Executive Summary: The applicant is seeking a Special Permit for a Microbusiness which will permit the applicant to conduct non-storefront retail sales and commercial distribution activities, and a Conditional Use Permit for cannabis support facilities on a road not meeting the Category 4 Standard. The site currently contains an approved Zoning Clearance Certificate (apps 11822) for 10,000 square feet of new and existing outdoor cultivation and 20,000 square feet of outdoor cultivation approved under the RRR program. Following the approval of this Special Permit, the applicant proposes to obtain a Microbusiness license for 9,640 square feet of approved outdoor cultivation, commercial distribution, and non-store front retail sales. No changes are proposed to the approved cultivation area on the parcel.

Distribution Activities: The applicant proposes to package, label, and test cannabis in a processing and packaging room in the commercial structure. Cannabis will then be stored in a climate-controlled distribution storage room within the same structure. Packaged cannabis will include flower, pre-rolls, and kief. No manufacturing is proposed. The applicant proposes to intake cannabis from other permits under the same ownership, as well as other permitted licensed clients in the future. All cannabis in the distribution building will be stored separately by batch and identified with corresponding metric tags. The applicant proposes to sell cannabis directly to licensed retailers or sell wholesale to distributors.

Non-storefront Retail Sales: The applicant has proposed a delivery model for non-storefront retail sales. Deliveries will be made once weekly to reduce the vehicle miles traveled and traffic on the access road. Retail sales through delivery will require in person age verification using a form of photo ID, and will only be delivered to privately owned physical addresses excluding schools, day cares, or youth centers.

Water Resources: Water for the existing cultivation operation is provided by an existing permitted well. The proposed cannabis activities will not result in a net increase in water usage.

Biological Resources: The applicant has proposed to utilize an existing commercial structure for the proposed distribution and non-storefront retail sales. As no expansion of cultivation activities or ground disturbance is proposed, the addition of distribution and retail sales will have no impact on biological resources.

Access: The project site accessed via Salmon Creek Road which is a paved county-maintained Category 4 equivalent road. Three parking spaces are available, including one ADA accessible parking space. The applicant has submitted an evaluation of Salmon Creek Road demonstrating compliance with HCC §314-55.4.7.3. The report includes substantial evidence that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met.

Energy Use: Energy for the existing cultivation operation is provided by P.G.&E. The proposed distribution and non-storefront retail activities are expected to result in a negligible increase in energy consumption. The project

has been conditioned to obtain grid energy from a 100% renewable source.

Cultural Resources: The proposed cannabis activity will not impact tribal cultural resources. The Bear River Band recommended that the applicant adhere to the inadvertent discovery protocol (ongoing requirement).

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project, or to require the Applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.
2. The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the project is consistent with the adopted Environmental Impact Report. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan and Addendum
 - C. Site Plan
2. Location Maps
 - A. Watershed Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Road Evaluation Report
5. Referral Agency Comments and Recommendations
 - A. Public Works, Land Use Division Response

Owner/Applicant

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