

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

Resolution Number 22-

Record Number PLN-2022-17876

Assessor's Parcel Number: 212-061-030

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Salmon Creek Farms, LLC, Special Permit request.

WHEREAS, Salmon Creek Farms, LLC, 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.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. 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 **October 20, 2022** and reviewed, considered, and discussed the application for the Special Permits 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 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.

EVIDENCE: a) Project File: PLN-2022-17876

- 2. FINDING:** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to the Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

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 EIR. 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 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.

d) The applicant submitted a *Cultural Resource Investigation* in the application materials for the originally approved project (PLN-11822-ZCC). The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL 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 proposed project is located within the Open Space Action Program because the project site is located on the AE zoned portion of the parcel. The proposed activities are consistent with the Open Space Action Plan and Open Space Action Program because it is consistent with allowable uses of the AE zone.

- 4. FINDING** The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) Zone in which the site is located.

- EVIDENCE**
- a) The AE Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the AE zone.
 - d) Humboldt County Code section 314-55.4.10.3 allows microbusiness activities in any zones in which authorized cannabis activities is a permitted use (except on parcels zoned FP or TPZ) with a Special Permit. The locations where distribution and retail activities will be conducted are not on areas of the parcel zoned TPZ.

5. FINDING The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The subject parcel qualifies for a Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act due to approval of building permit 16-1318 B-3 and as shown on Parcel Map 3138 as remainder parcel recorded in Book 29 of Parcel Maps page 58.
 - b) Irrigation water for the proposed operation will be sourced solely from a permitted groundwater well.
 - c) Energy for the project will be sourced entirely from PG&E. The applicant has been conditioned to transition entirely to grid power supplied from 100% renewable sources prior to commencement of distribution and retail activities.
 - d) No tree removal is proposed or authorized under this special permit. The proposed project will not result in the net conversion of Timberland for cannabis cultivation.
 - e) 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.*
 - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, 270 feet from any adjacent undeveloped separately owned parcel, more than 600 feet from any school, church, public park or Tribal Cultural Resource, and 1,000 feet from all Tribal Ceremonial Sites.

- h) 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.
- i) The applicant submitted a Cultural Resource Investigation in the application materials for the originally approved project (PLN-11822-ZCC). The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

6. FINDING

The proposal to conduct non-storefront retail sales and commercial distribution activities and the continued cultivation of 30,000 square feet of 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 applicant submitted a *Cultural Resource Investigation*, prepared by Archaeological Research and Supply Company, dated February 2019. The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

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.

- b) The existing and proposed cannabis operation is located in an area where agriculture is a predominant use. The operation is not located in or near 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 will not change the character of the area.

- c) 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.*
- d) No tree removal is proposed or authorized under this permit. The proposed project will not result in the net conversion of Timberland for cannabis cultivation.
- e) 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.

7. 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 located 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 295 permits and the total approved acres would be 81.92 acres of cultivation.

8. 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.

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 Salmon Creek Farms, LLC, Conditional Use Permit and Special Permit based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **December 1, 2022**.

The motion was made by Commissioner ____ and seconded by Commissioner ____ and the following ROLL CALL vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: 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 H. Ford, Director,
Planning and Building Department