

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

Resolution Number 23-

Record Number PLN-11892-CUP

Assessor's Parcel Numbers: 108-023-008

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Big River Farms, LLC, Conditional Use Permit and Special Permit.

WHEREAS, Big River Farm, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 22,000 square feet (sf) of outdoor cannabis cultivation and a Special Permit (SP) for a setback reduction to public lands on the adjacent parcel to the south, APN 108-022-006, which is owned by the Bureau of Land Management; and

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project as recommended without mixed-light cultivation 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; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-11892-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 21, 2023.

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit to reduce the setback to BLM public land. An approximately 1.1-acre area at the southern parcel line will be planted with trees under the guidance and review of a Registered Professional Forester to increase the buffer to

publicly owned and managed lands, and to increase the habitat buffer. Cultivation occurs in six (6) greenhouses utilizing light deprivation to achieve two harvest cycles. Propagation occurs onsite in a 2,190 SF ancillary nursery. Irrigation water is sourced from a groundwater well which has been evaluated for connectivity to surface waters, supplemented by rain catchment. The estimated annual irrigation water usage is 219,000-gal. (9.9 gal./SF/year). Water storage totals 86,600 gallons in hard tanks, and applicant has secured grant funding to install an additional 50,000-gal. of storage tanks for a total of approximately 138,700-gal. Processing such as drying and curing will occur onsite in an existing 30' x 40' garage attached to the 1,200 square foot residence, or in the existing 30' x 40' storage shed. All other processing such as trimming and packaging will occur offsite at a licensed facility. Power for the cultivation operation is provided by P.G.&E., and generators for emergency backup power. Five employees are anticipated to meet operational needs during peak season.

EVIDENCE: a) Project File: PLN-11892-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016, and the site specific Addendum prepared for the project.

- 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 §15164 of CEQA Guidelines;
 - c) A Water Resources Protection Plan was prepared by Six Rivers Construction and Consulting dated June 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
 - d) A *Cultural Resources Investigation* (CRI) prepared by William Rich and Associates dated June 2018 to show the project will not have a direct or indirect impact on cultural resources.
 - e) A *Lake and Streambed Alteration Agreement* (1600-2018-0086-R1)

with CDFW for culvert improvements on the property.

- f) A Well Completion Report from the Humboldt County Health and Human Services to show the groundwater well is permitted (Permit No. 17/18-1912).
- g) A study titled Hydrologic Isolation of Existing Well from Surface Waters, conducted by a licensed engineering geologist indicating the groundwater well used for cultivation is isolated from surface waters, wetlands, and nearby springs.

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) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. 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. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. 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 Agriculture Exclusive (AE) and Timberland Production (TPZ) zone in which the site is located.

- EVIDENCE**
- a) The Agriculture Exclusive (AE) and Timberland Production (TPZ) Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for AE. Accessory agricultural uses and structures are a principally permitted use in TPZ zones.
 - b) All general agricultural uses are principally permitted in the AE and zone, and pre-existing cultivation is allowed within areas designated TPZ zoning.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of outdoor and 22,000 square feet of mixed light cannabis cultivation on parcels larger than 5-acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016 and is consistent

with this and with the cultivation area verification prepared by the County.

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 AE and TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel of land known as APN 108-023-008 is eligible for an unconditional certificate of compliance pursuant to Section 66499.35 of the Subdivision Map Act due to the issuance of a prior building permit (97-0791OB3).
 - c) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, or Tribal Cultural Resource.
 - d) The parcel is accessed from Wilder Ridge Road and Ettersburg Road, which are county-maintained roads developed to a Category 4 standard.
 - e) The slope of the land where cannabis will be cultivated is less than 15%
 - f) Power will be provided by PG&E.

6. FINDING The cultivation of 22,000 square feet existing outdoor 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 on publicly maintained road that is developed to a category 4 standard.
 - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis 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. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes and

agricultural uses in the area.

- c) Irrigation water will come from a from a permitted groundwater well (Permit No. 17/18-1912) that has been assessed for hydrologic isolation from surface waters and nearby wells and determined to be isolated. Any surface water features in the area likely drain to the Mattole River, which is an important resource for recreation and fisheries and accordingly is an important public trust resource. Additionally, the nearest watercourse is Jewett Creek, which supports Steelhead trout. Due to the lack of connection of the well to any surface waters in the area the use of the well will not be detrimental to these public trust resources.
- d) Five employees are anticipated to meet operational needs during peak season.
- 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 permitted and developed on this parcel.

8. FINDING

~~FINDING~~ If 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

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 277 permits and the total approved acres would be ~164.93 acres of cultivation.

