

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

Resolution Number 24-

Record Number PLN-13373-SP

Assessor's Parcel Number: 207-141-007

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the White Acres Family Farm, LLC Special Permits and Conditional Use Permit.

WHEREAS, White Acres Family Farm, LLC seeks a Special Permit for 3,000 square feet (SF) of existing outdoor cannabis cultivation, with appurtenant propagation and drying activities, a Special Permit for a reduction of a 600-foot setback to a school bus stop, and a Conditional Use Permit for an exception to the planting within native Prime Ag. Soils requirement.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on June 8, 2018. The proposed project does not present substantial changes that would require major revisions to the 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; 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 requested 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:** The project is a Special Permit for a 3,000 square foot existing outdoor medical cannabis cultivation, a Special Permit for the reduced setback to a school bus stop, and a Conditional Use Permit for an exception to the planting within native Prime Ag. Soils requirement. The proposed project includes 320 square feet of propagation area located in the on-site garage. Water for irrigation will be provided by a rain catchment system. There are 24,500-gal. of water storage. Projected water usage is 18,000 gallons per year. The mature plants are dried in the garage and

then machine trimmed by the applicants on site. There will be no employees. Electricity is provided by PGE.

EVIDENCE: a) Project File: PLN-13373-SP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on June 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) A list of potential special status species was generated in January 2023 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The closest special status species, the western bumble bee, is presumed extant approximately 8,500 feet north and 9,500 feet east of the project area. The western bumble bee is a candidate for the state endangered species list. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with project mitigation measures in place are considered low and unlikely.

d) The project lies within the aboriginal territory of the Bear River Band of the Rohnerville Rancheria. A referral was sent to the Bear river Tribal Historic Preservation Officer (THPO) and the Northwest Information Center (NWIC) at Sonoma State. A records search for known cultural resources was requested from the NWIC. NWIC recommended a qualified professional study the rest of the project area and provide project-specific recommendations. The NWIC recommended contacting local

Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria recommended a cultural resource survey, and Inadvertent Discovery Protocol. A subsequent Cultural Resource Survey was conducted by Archaeological Research and Supply Company received 12/17/2018 located no onsite resources of note and recommended inadvertent discovery protocol. No other recommendations were made by the Bear River Band of the Rohnerville Rancheria.

FINDINGS FOR ALL PERMITS

- 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 and is 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 complementary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING:** The proposed development, an agricultural activity, is consistent with the purposes of the existing Unclassified (U) zoning designation in which the site is located.
- EVIDENCE:** a) Unclassified zoning designation is intended to apply to lands where insufficient studies exist to justify precise zoning classifications. All general agricultural uses, including cannabis cultivation, are principally permitted in this zoning district.
- b) Humboldt County Code (HCC) section 314-55.4.6.5.3 allows up to 3,000 SF of cultivation with a Special Permit on a parcel between one and five acres in size. The application for 3,000 SF of outdoor cultivation on a roughly 4-plus-acre parcel is consistent with this section.
- 5. FINDING:** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

EVIDENCE: a) Humboldt County Code (HCC) section 314-55.4.6.5.3 allows up to 3,000 SF of cultivation with a Special Permit on a parcel between one and five acres in size. The application for 3,000 SF of outdoor cultivation on a roughly 4-plus-acre parcel is consistent with this section.

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by an issued building permit, No. 13-543-A-4, an addition to the existing residence.

c) The annual 18,000-gallon irrigation water budget is sourced from rainwater catchment and the applicant has 24,500-gallons of tank water storage. Including the ancillary nursery water usage translates to approximately 5.4-gal./SF. PRISM data indicates an average precipitation of approximately 47.5 inches over the last ten years, and an average precipitation for the three lowest years of approximately 30.6 inches. Approximately 34,100 gallons of rainwater can be harvested per year based on the 30.6 inches per year estimate.

Referral comments from CDFW indicate a concern regarding on-site water storage. Per CDFW recommendations, the applicant has been conditioned to obtain and install additional water storage tanks, for a total on-site water storage of 30,000 gallons.

d) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or Tribal Cultural Resource. Neighboring property owners have consented to setback reductions.

6. FINDING: The cultivation of 3,000 SF of 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 project area is in a rural part of the County. The proposed cannabis will not be in a location where there are sensitive receptors such as a church, park or other use which may be sensitive to cannabis cultivation. Neighboring property owners have provided signed letters consenting to a reduction of the required setbacks to residences within 300 feet. Additional letters

have been submitted from parents of children who utilize a bus stop supporting a reduction of the required setbacks. 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.

- b) The annual 18,000-gallon irrigation water budget is sourced from rainwater catchment and the applicant has 24,500-gallons of tank water storage. Including the ancillary nursery water usage translates to approximately 5.4-gal./SF. PRISM data indicates an average precipitation of approximately 47.5 inches over the last ten years, and an average precipitation for the three lowest years of approximately 30.6 inches. Approximately 34,100 gallons of rainwater can be harvested per year based on the 30.6 inches per year estimate.

Referral comments from CDFW indicate a concern regarding on-site water storage. Per CDFW recommendations, the applicant has been conditioned to obtain and install additional water storage tanks, for a total on-site water storage of 30,000 gallons.

- c) A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 2 discharges (WDID No. 1B170007CHUM).

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 project will not increase or decrease the number of housing units, no housing is proposed, nor will any housing be lost as part of this project. The parcel was not included in the 2019 adopted Housing Element Inventory.

8. **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 in the Van Duzen Watershed, which under

Resolution 18-43 is limited to 425 permits and 146-acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 131 permits and the total approved acres would be 44.12-acres of cultivation.

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 Special Permits and Conditional Use Permit for White Acres Family Farm, LLC subject to the conditions of approval attached hereto as Attachment 1.

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

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: 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 Ford, Director
Planning and Building Department