

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

Resolution Number 24-

Record Number PLN-2022-17880

Assessor's Parcel Numbers: 511-141-015

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves ECD Holdings, Inc Conditional Use Permit

WHEREAS, ECD Holdings, Inc provided an application and evidence in support of approving 33,560 square feet of new mixed light commercial cannabis cultivation and associated accessory uses; and

WHEREAS, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance 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 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on March 7, 2024 and reviewed, considered, and discussed the application for a Conditional Use 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:** A Conditional Use Permit to add 33,560 square feet of new mixed light commercial cannabis cultivation to an approved project in the McKinleyville Community Planning Area. If approved, the total cultivation will be 43,560 square feet of mixed light cultivation. Accessory nursery space will increase to 4,350 square feet. The site will be reconfigured to consolidate operations. The proposed irrigation sources are a well, rainwater catchment, and water recapture. The previously approved spring will no longer be used for cannabis irrigation. Annual water usage will increase from 120,000 gallons to a total of 610,000 gallons. Existing water storage is 110,000 gallons. Previously approved onsite processing will continue. Electricity is sourced from PGE through an eligible renewable energy program with a generator for emergencies only.

EVIDENCE: a) Project File: PLN-2022-17880

2. FINDING: **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Environmental Impact Report previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the Environmental Impact Report that was prepared for the ECD Holdings Inc project pursuant to Section 15164 of the CEQA guidelines.

- 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 Final 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.
 - c) A biological and botanical report concluded there would not be a significant impact.
 - d) The parcel takes access from a private road from a county-maintained road which is functionally equivalent to Category 4 standard.
 - e) A well evaluation concluded that there will likely be no impact to water resources or neighboring wells.
 - f) A rainwater collection and water reclamation analysis found that adequate water can be collected for irrigation even in low rainfall years.
 - g) A noise assessment and mitigation plan will subject the project to noise performance standards.
 - h) Energy will be provided through an eligible renewable energy program.
 - i) A Cultural Resource Investigation concluded there are no historic resources present.

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 General (AG) zone in which the site is located.

EVIDENCE:

- a) General agricultural uses are principally permitted in AG zone.
- b) The location of all project elements meets the setback requirements for the AG zone.

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

EVIDENCE:

- a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned AG (HCC 314-55.4.6.1.1).
- b) The parcel was legally created through an approved subdivision (Parcel Map 138 Parcel Map Book 2 Page 45, recorded on April 10, 1972)
- c) The project will obtain water from reclaimed water, rainwater catchment, and a ground water well which are eligible water sources.
- d) The parcel is accessed from a private road that an Engineer has evaluated to be equivalent to Category 4.
- e) No timber conversion will occur.
- f) The proposed cultivation will take place in an area of slopes 15% or less.
- g) Coverage of prime soils by the proposed project is approximately 6% which is below the 20% maximum allowed under the CCLUO.
- h) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
- i) Energy is provided by PGE through an eligible renewable energy program.

6. FINDING: The commercial 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 off a road determined to be equivalent to a road category 4 by an Engineer.
 - b) The proposed project 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. Continuing cultivation on this site will not change the character of the area due to the historic and current uses in the area.
 - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
 - d) Irrigation water is sourced from reclaimed water, rainwater catchment, and a well that has been determined to likely be disconnected from surface water and nearby wells.
 - 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.
 - f) The project is subject to specific limits on noise at the property line.
 - g) The project is subject to Dark Sky standards for light pollution.

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 constructed on this parcel.

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 Mad River Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 74 permits and the total approved acres would be 27.67 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 Conditional Use Permit for ECD Holdings, Inc subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **March 7, 2024.**

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL 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