## RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

#### **Resolution Number: 23-**

# **Records Number: PLN-13193-CUP** Assessor's Parcel Number: 524-016-005

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Enchanted Springs Inc. Conditional Use Permit & Special Permit.

**WHEREAS**, **Enchanted Springs Inc.**, submitted an application on December 30, 2016 for a Conditional Use Permit for 34,500 sq. ft. of existing outdoor cannabis cultivation with ancillary drying and propagation; and a Special Permit to reduce the 600-foot setback to public lands (USFS); and

**WHEREAS**, the applicant was generally unresponsive to requests for information necessary to review and analyze the proposed application; and

**WHEREAS,** the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on March 2, 2023, and reviewed, considered, and discussed the application for a Conditional Use Permit 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:

- FINDING Project Description: The denial of a Conditional Use Permit and Special Permit. The applicant seeks a Conditional Use Permit for 34,500 sq. ft. of existing outdoor cannabis cultivation and 3,488 sq. ft. of ancillary propagation. Water source is an onsite well. Water storage onsite is 30,500 gallons in one 10,000-gallon pool, six 3,000-gallon hard tanks, and one 2,500-gallon hard tank. Anticipated annual water needs for irrigation is 350,000 gallons. The Applicant plans to dry on-site and trim off-site at a licensed processing facility. Power is supplied by generators. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (USFS).
  EVIDENCE Project File: PLN-13193-CUP
- 2. FINDING CEQA. The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

**EVIDENCE** Section 15270 of the CEQA Guidelines

# FINDINGS FOR CONDITIONAL USE PERMIT & SPECIAL PERMIT

- **3. FINDING** The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
  - **EVIDENCE** Information necessary to determine consistency with the ordinance has not been submitted. Request for additional information was sent to the applicant's agent on July 27, 2021, and then to the applicant on August 16, 2021. No response was received. An email was sent to the applicant on September 13, 2022, to see if the applicant wanted to continue moving the project forward or if they would like to withdraw, and no response was received.

On October 13, 2022, the assigned planner had a phone conversation with the applicant to let them know that this project needs a Well Assessment Report in order to analyze the well for potential hydrologic connectivity to surface waters and to determine if its use for the project would result in impacts to nearby surface waters. On November 18, 2022, a follow up email was sent to the applicant to let them know that if no response was received in regards to whether they wanted to continue moving the project forward in the application process or if they would like to withdraw the application, a 30-day deficiency letter would be sent and the application may be denied. No response was received.

On December 14, 2022, a 30-day deficiency letter was sent to the applicant giving 30 days to submit additional requested items for the project. No response has been received.

- **4. FINDING** The 34,500 sq. ft. of existing outdoor cannabis cultivation and 3,488 sq. ft. of ancillary propagation and the conditions under which it may be operated or maintained could be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
  - **EVIDENCE** The applicant has not provided sufficient evidence to support the continued use of the well for cannabis irrigation to show that its use will not divert surface waters and would not result in impacts to nearby surface waters.

## 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
- Denies the Conditional Use Permit & Special Permit for Enchanted Springs Inc., based upon the Findings and Evidence.

Adopted after review and consideration of all the evidence on March 2, 2023.

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