

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

Resolution Number: 24-

Record Number: PLN-2023-18808

Assessor's Parcel Number: 200-243-010

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the PJC Wellness, LLC Conditional Use Permit.

WHEREAS, PJC Wellness, LLC provided an application and evidence in support of approving a Conditional Use Permit for additional ancillary operations in the form of a microbusiness in the Fortuna Community Planning Area including non-volatile manufacturing, self-distribution, and farm-based retail at offsite special events with no customer traffic; 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 September 19, 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 conduct additional ancillary operations in the form of a microbusiness in the Fortuna Community Planning Area including non-volatile manufacturing, self-distribution, and farm-based retail at offsite special events with no customer traffic. All additional ancillary operations would source cannabis from cultivation occurring onsite, no offsite cannabis is imported. The site contains an existing, approved cannabis permit for 10,000 square feet of mixed light commercial cannabis cultivation with onsite processing. Water source remains unchanged with an existing permitted well. The proposal includes adding rainwater catchment as an irrigation source to provide at least 33% of irrigation needs. Annual water usage will increase to up to 180,000 gallons per year to align with data from installed water

meters. The existing approximate 32,000 gallons of irrigation water tank storage is proposed to increase to up to 62,000 gallons total of tank storage. Electricity is provided by PGE.

EVIDENCE: a) Project File: PLN-2023-18808

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 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) The proposed accessory uses will occur in existing building so there will be no ground disturbance.
- d) Continued use of the existing, approved, and legal non-conforming well will not impact Public Trust Resources.
- e) The project takes access from a private road that is equivalent to Category 4.
- f) A rainwater catchment analysis concluded that sufficient rainfall can be collected in low rainfall years to provide the estimated annual irrigation needs.
- g) Energy will be provided through an eligible renewable energy program.
- h) The project includes standard inadvertent discovery protocol as a condition of approval.

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 Estates (RE) 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) The Agriculture General (AG) zone is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary. Principally permitted uses in the Unclassified (U) zone include general agriculture.

b) All accessory agricultural uses are principally permitted in the Agriculture General (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 Agriculture General (AG) (HCC 314-55.4.6.1.1).

b) The subject parcel qualifies for Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act due to approval of building permit 16-1063 AE-4 and planning permit ZCC-16-008

c) The project will obtain water from legal non-conforming well and rainwater catchment, an eligible water source. A provided rainwater catchment analysis demonstrates adequate water can be collected in low rainfall years.

d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.

- e) The proposed accessory uses will occur in existing buildings.
- f) No timber conversion will occur.
- g) No impact to prime soils will occur
- 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.
- j) A drawdown test was conducted and provided in accordance with 55.4.12.9 of the CCLUO.

6. FINDING:

The additional ancillary operations in the form of a microbusiness in the Fortuna Community Planning Area including non-volatile manufacturing, self-distribution, and farm-based retail at offsite special events with no customer traffic 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 road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a part of the County where the land uses provide a transition between resource uses and residential uses. The proposed accessory uses 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 in the area.
- c) Irrigation water will come from rainwater catchment, an eligible water source and an existing, legal non-conforming well.
- d) 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.

- e) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- 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 Lower Eel River Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. The approval of this project does not increase the amount of cultivation within this watershed.

9. FINDING: The continued use of the legally nonconforming well for irrigation purposes will not have any adverse impacts on any public trust resources.

EVIDENCE: a) A well analysis concluded that the well is not connected to surface water. Therefore, continued use of groundwater well will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access. The additional irrigation associated with this application will come entirely from rainwater catchment.

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 PJC Wellness, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **September 19, 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 H. 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