

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

Resolution Number: 26-

Record Number: PLN-12788-SP

Assessor's Parcel Number: 220-251-029

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Plant Humboldt, LLC Special Permit.

WHEREAS, Plant Humboldt, LLC submitted an application for a Special Permit for 10,000 square feet of existing commercial cannabis nursery with a reduction in a Streamside Management Area setback; and

WHEREAS, Plant Humboldt, LLC also submitted an application for a zone reclassification of the subject property from Neighborhood Commercial (C-1) to Agriculture General (AG); 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 April 16, 2026, 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 Special Permit for a wholesale and retail commercial cannabis nursery of 10,000 square feet including self-distribution. Estimated annual water usage is no more than 160,000 gallons sourced by a rainwater catchment pond of approximately 250,000 gallons. Power is provided by PGE through an eligible renewable energy program. The Special Permit also proposes reducing the streamside management area setback based on the recommendation of a qualified biologist. The project also includes a Zone Reclassification from Neighborhood Commercial (C-1) to Agriculture General (AG).

EVIDENCE: a) Project File: PLN-12788-CUP

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 project is conditioned to demonstrate compliance with the State Water Board Cannabis General Order for Waste Discharge.
- d) A review of the California Natural Diversity Database indicates the presence of habitat for California Steelhead in Somerville Creek. No other species or sensitive communities of concern. The nearest mapped Northern Spotted Owl activity centers are (HUM0580) approximately 1.92 miles to the southwest and (HUM0531) approximately 1.96 miles to the northwest.
- e) A Biological Assessment was provided that supports a reduction in the streamside management area setback to approximately 20 feet from the top of the bank of the creek.
- 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 continued operation of a commercial cannabis nursery will not result in timber conversion.

- i) Consultation with the Bear River THPO resulted in the standard inadvertent discovery protocol condition of approval.
- j) The rezone from C-1 to AG is consistent with the land use designation established by the 2017 Humboldt County General Plan.

FINDINGS FOR SPECIAL 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 Rural Community Center (RCC) land use designation. The proposed cannabis nursery, 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 proposed 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

b) General agriculture is a principally permitted use in the Agriculture General (AG) zone.

c) Humboldt County Code section 314-55.4.6.5 allows 100% of the documented pre-existing cultivation area for applications received prior to December 31, 2019. The application was received prior to that date.

The application for 10,000 square feet of an existing outdoor commercial cannabis nursery is consistent with this provision.

- d) All structures meet appropriate zoning setbacks.
- e) A Biological Assessment has been provided by a qualified Biologist to support the reduction of the setback in accordance with section

61.1.7.6.3 of the Streamside Management Areas and Wetlands Ordinance. The California Department of Fish and Wildlife has reviewed the report and visited the site and supports a reduction to approximately 20 feet from the top of bank of the creek.

The staff recommended alignment of the streamside management area (Attachment 4F) resulted from a March 25, 2026, site visit and consultation with CDFW. Requiring 20 feet from the top of bank provides a minimal buffer strip for replanting and natural regeneration of native vegetation. As the reduction in the SMA would be permanent and allow for future uses to be constructed at the established setback, it is not appropriate to eliminate the setback entirely.

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 nurseries to be permitted in areas zoned Agricultural General (AG) (HCC 314-55.4.6.1.1).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations as the subject parcel has been determined to be one legal parcel as shown on Parcel Map recorded in Book 4 of Parcel Maps page 107.
 - c) The project will obtain water from rainwater catchment. A rainwater catchment analysis demonstrates sufficient irrigation water can be collected in a low rainfall year.
 - d) The access road is publicly maintained and can accommodate the expected traffic.
 - e) The slope of the land where existing cannabis will be cultivated is 0% to 15%. No new grading will occur.
 - f) The continued cultivation of cannabis will not result in the net conversion of timberland.
 - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4.1.3. 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. While the nursery is within 300 feet of some adjacent residences and 600 feet of a school bus stop setback

reductions have been granted by neighboring properties and the school district.

- h) Energy is provided by PGE through an eligible renewable energy program, no generator will be used.
- i) Prime soils are not affected by the project.

6. FINDING: The continued operation of the existing cannabis nursery 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 rural part of the County. The continued operation of the existing cannabis nursery 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. Setback waivers have been provided by neighbors and the school district.
 - c) Irrigation water will come from a rainwater catchment which is an eligible water source.
 - 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.

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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this Special Permit, the total approved permits in this planning watershed would be 308 permits and the total approved acres would be approximately 94.42 acres of cultivation.

9. FINDING: The proposed rezone is in the public interest.

EVIDENCE: a) It is in the public interest to change the zoning to allow commercial cannabis nursery on a parcel that would otherwise support a non-cannabis nursery as a conditionally permitted use. The zoning change will facilitate the continued operation of an existing cannabis nursery with no impacts to county roads or other neighboring land uses because the use has been in existence for approximately 15 years. As shown on the aerial map attached to the staff report, the site is centrally located in the town of Briceland. The parcel was previously zoned AG and was changed to C-1 to facilitate the construction of a mini storage facility that was never constructed.

10. FINDING: The proposed rezone is consistent with the general plan.

EVIDENCE: a) No general plan amendment is being requested. The zone reclassification is consistent with the General Plan because:

- For the Rural Community Center (RCC) use type that applies, the nursery would be considered as General Agriculture. (Land Use Element Table 4-D, page 4-49).
- The AG zone is consistent with the RCC designation per the Zoning Consistency Matrix (Land Use Element Table 4-H, page 4-55).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Approve the Special Permit for Plant Humboldt, LLC subject to the conditions of approval attached hereto as Attachment 1A; and
- Recommends that the Board of Supervisors approve the rezoning of the property from Neighborhood Commercial (C-1) to Agriculture General (AG).

Adopted after review and consideration of all the evidence on **April 16, 2026.**

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