

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

**Resolution Number 24-
Record Number PLN-2019-15835-MOD01
Assessor's Parcel Number 201-311-016**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Kamino, LLC Conditional Use Permit Modification

WHEREAS, Kamino, LLC provided an application and evidence in support of approving increased irrigation water use from 334,000 gallons annually to 937,000 gallons annually; 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 Modification 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 Modification to a Conditional Use Permit, PLN-2019-15835. The applicant proposes to increase annual irrigation water use from 334,000 gallons to 937,000 gallons. Water will be sourced from a 160' deep well installed in 2018 that is not hydrologically connected to surface waters. No additional modifications to the project are proposed.

EVIDENCE: a) Project File: PLN-2019-15835-MOD01

- 2. FINDING:** **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Final 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 Kamino, LLC 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 Hydrogeologic Well Assessment of the well prepared by Lindberg Geologic Consulting identifies that the well is drawing water from a confined bedrock aquifer that is not significantly connected to the Eel River Groundwater basin or other surface waters.
 - d) The project was referred to the Humboldt County Groundwater Sustainability Agency (GSA) Administrator. GSA analysis concluded that the proposed increase water use would not affect interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values. The analysis also concluded that the proposed increase in water use is consistent with the Eel River Valley Groundwater Sustainability Plan.
 - e) No changes to the approved energy use, traffic, fertilizer or pesticide use, noise levels, or staffing requirements are anticipated.

FINDINGS FOR CONDITIONAL USE PERMIT MODIFICATION

- 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 Agriculture Exclusive (AE) land use designation. The proposed increase in the volume of irrigation water for 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.
 - b) The project parcel is within the Airport Safety Review (AP) land use designation. No changes in structure height or structure locations are

proposed. No changes are proposed that would result in non-compliance with the most recent Airport Land Use Compatibility Plan (ALUCP).

- 4. FINDING:** The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone in which the site is located.

- EVIDENCE:**
- a) General agricultural uses are principally permitted in AE zone.
 - b) No new structures are proposed.

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

- EVIDENCE:**
- a) No new cannabis activities are proposed.
 - b) The project will obtain water from a well that has been evaluated by a Lindberg Geologic Consulting, which concluded the groundwater is drawn from confined bedrock not significantly connected to the alluvial aquifer of the greater Eel River Groundwater basin or other surface waters.
 - c) The project was referred to the Humboldt County Groundwater Sustainability Agency (GSA) Administrator. GSA analysis concluded that the proposed increase water use would not affect interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values. The analysis also concluded that the proposed increase in water use is consistent with the Eel River Valley Groundwater Sustainability Plan.
 - d) No increase in staffing or traffic is anticipated.
 - e) No timber conversion will occur.
 - f) The approved cannabis activities take place in an area of slopes 15% or less. No changes to cultivation activities or locations are proposed.
 - g) The location of the cannabis activities complies with the setbacks required in Section 314-55.4.6.4.4. No changes to structures are proposed.
 - h) Energy is provided by PGE through an eligible renewable energy program. No changes to energy use are proposed.

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) No new cannabis activities are proposed.
 - b) The project will obtain water from a well that has been evaluated by Lindberg Geologic Consulting, which concluded the groundwater is drawn from confined bedrock not significantly connected to the alluvial aquifer of the greater Eel River Groundwater basin or other surface waters.
 - c) The project was referred to the Humboldt County Groundwater Sustainability Agency (GSA) Administrator. GSA analysis concluded that the proposed increase water use would not affect interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values. The analysis also concluded that the proposed increase in water use is consistent with the Eel River Valley Groundwater Sustainability Plan.
 - d) No increase in staffing or traffic is anticipated.
 - e) The location of the cannabis activities complies with the setbacks required in Section 314-55.4.6.4.4. No changes to structures are proposed.
 - f) The project is subject to noise limits.
 - g) The project is subject to Dark Sky standards for light pollution.
 - h) Energy is provided by PGE through an eligible renewable energy program. No changes to energy use are proposed.

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.

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) No additional cannabis permit is proposed, and no expansion of the existing cannabis nursery area is proposed.

9. FINDING: The increased use of the well for irrigation purposes will not interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values.

EVIDENCE: a) The project will obtain water from a well that has been evaluated by Lindberg Geologic Consulting, which concluded the groundwater is drawn from confined bedrock not significantly connected to the alluvial aquifer of the greater Eel River Groundwater basin or other surface waters.

According to a review by the Humboldt County Groundwater Sustainability Agency (GSA) Administrator, the proposed increase in water use would not affect interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values. The analysis also concluded that the proposed increase in water use is consistent with the Eel River Valley Groundwater Sustainability Plan.

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 Modification for Kamino, 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