

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

Resolution Number: 24-

Record Number: PLN-11674-CUP

Assessor's Parcel Number: 216-026-013

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Great Expectations Inc. LLC Conditional Use Permit.

WHEREAS, Great Expectations Inc. LLC, applied for a Conditional Use Permit for 33,072 square feet (SF) of existing outdoor cannabis cultivation and a Zoning Clearance Certificate for an additional 20,000 SF of outdoor cultivation transferred from a Retirement, Relocation, and Remediation (RRR) site to the property to total 53,072 SF of outdoor cannabis cultivation; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by Section 15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 1, 2024 and reviewed, considered, and discussed the application for the 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 for 33,072 square feet (SF) of existing outdoor cannabis cultivation and a Zoning Clearance Certificate for an additional 20,000 SF of outdoor cultivation transferred from a Retirement, Relocation, and Remediation (RRR) site to the property to total 53,072 SF of outdoor cannabis cultivation. The project includes 4,731 SF of ancillary nursery space. Drying/curing of harvested cannabis to occur within an on-site shed. All processing activities occur at a licensed facility off-site. Irrigation water is sourced from a rainwater catchment pond (600,000-gallon capacity) and water storage is a combination of the rain catchment pond and 132,000 gallons of hard sided tanks with a total capacity of 618,000 gallons after accounting for evaporation loss in the pond. Total estimated annual water use is 558,650 gallons. Power is provided by PG&E with generator power for emergency backup only.

EVIDENCE: a) Project File: PLN-11674-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the adopted Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016, and has considered the Addendum to the MND that was prepared for the Great Expectations LLC. project.

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 MND. 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 Site Management Plan (SMP) was prepared by PR Professional Services in August 2020. There are eight watercourses and two ponds located on the project site. The Best Practical Treatment or Control (BPTC) Measures are detailed in the SMP. The project has been designed and conditioned such that surface water resources will not be impacted by water use for cannabis

cultivation. The applicant has been conditioned to comply with the BPTC measures in the SMP as updated.

- d) A Lake and Streambed Alteration Agreement (LSAA) was filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2019-0484-R1) as amended. The LSAA is limited to eight (8) encroachments (identified in Table 1 of the LSAA): allowance of water diversion for domestic purposes (2 encroachments); replacement of existing culverts with upsized culverts (6 encroachments); the applicant has been conditioned to follow all recommendations and improvements contained in the LSAA as amended.
- e) A list of potential special status species was generated in October 2023 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). There are no sensitive federal or state-listed species located within 1.58 miles of the project site. The nearest special status species is a Northern Spotted Owl (NSO) Activity Center located approximately 1.58 miles south of the subject parcel (MEN-02623). Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the size of the project area, the conditions of approval and the type of proposed activities. Therefore, impacts to biological resources with project conditions of approval in place are considered low and unlikely. Comments were received from the California Department of Fish and Wildlife; comments have been addressed in the conditions of approval for the project.

- f) A Cultural Resource Inventory Report was prepared by DZC Archeology (DZC) in August 2022. Previously unrecorded cultural items were discovered on site and consultations with the Round Valley Indian Tribe THPO concluded that the sites were not Tribal Cultural Resources, but protection measures will be put in place to protect the three cultural conditions. The applicant has been conditioned to implement all protection measures (Condition of Approval 12 to 14). The project and includes the application of the inadvertent discovery protocol condition.
- g) As requested by Public Works, a Road Evaluation Report was prepared to the site from Bell Springs Road to Dugan Mill Road and from Bell Springs Road to Island Mountain Road and concluded that the road segment is developed to the equivalent of a road category 4 standard.

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 is an agricultural product. Neither the RA designation, nor the Unclassified zoning district, are identified as part of the Open Space Plan and Open Space Action Program. The project is however consistent with the policies and standards of the Open Space Plan through its preservation of natural resources and managed production of resources.

4. FINDING: The proposed development is consistent with the purposes of the existing Unclassified Zone in which the site is located.

EVIDENCE: a) The Unclassified zone applies to areas that have not been sufficiently studied to justify precise zoning classifications.

b) All general agricultural uses are principally permitted in the unclassified zone.

c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed light cannabis cultivation on a parcel over 5 acres subject to approval of a Conditional Use Permit and a

determination that the cultivation was in existence prior to January 1, 2016. Humboldt County Code Section 314-55.4.14 allows the relocation of up to 20,000 SF of cultivation area from qualifying retirement sites. The application is for 33,070SF of outdoor cultivation that has been found to have been in existence prior to January 1, 2016 on a parcel 168-acres in size; the property is also qualified to receive an additional 20,000 SF under the Retirement, Remediation, and Relocation program.

5. FINDING: The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE:**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Unclassified (Section 314-55.4.8.2.2).
 - b) The Parcel is a Legal Parcel per Parcel 2, Parcel Map#1935, page 17 of book 28.
 - c) Water for irrigation will be provided by a rainwater catchment. Water is stored in hard tanks and a pond. The project proposes developing enough water storage to serve at least 100% of the total annual water budget for the cultivation operation though the May 15th to October 31st forbearance period.
 - d) The applicant submitted a Road Evaluation Report on December 17, 2017. The report states that the entire road segment is developed to the equivalent of road category 4 standard.
 - e) The cultivation of cannabis will not result in the net conversion of timberland.
 - f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. 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.

6. FINDING: The cultivation of up to 53,070 square feet of outdoor cannabis cultivation with ancillary propagation 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 at 8686 Bell Springs Road, in the Alderpoint area. The Humboldt County Department of Public Works (DPW)

reviewed the Road Evaluation Report and confirmed that the project road segment is developed to Category 4 road standards and driveway improvements may be required. The applicant has been conditioned to comply with the Conditions of Approval provided by the Public Works Department

- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis 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 sized in the area.
- c) Irrigation water will come from rainwater catchment.
- 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: 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 project the total approved permits for cultivation in this Planning Watershed would be 325 permits and the total approved acres would be 97.8 acres of cultivation.

8. 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. There are three existing residences on the parcel that are not involved with the cannabis cultivation. The approval of preexisting cannabis cultivation on

this parcel will not conflict with residential potential for this parcel.

FINDINGS FOR ZONING CLEARANCE CERTIFICATE

9. 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 is an agricultural product. Neither the RA designation, nor the Unclassified zoning district, are identified as part of the Open Space Plan and Open Space Action Program. The project is however consistent with the policies and standards of the Open Space Plan through its preservation of natural resources and managed production of resources.

10. FINDING: The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.

EVIDENCE: a) All general agricultural uses are principally permitted in the unclassified zone.

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

EVIDENCE: a) See finding 5 above.

12. FINDING: The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development.

EVIDENCE: a) The Parcel was created by Parcel 2, Parcel Map#1935, page 17 of book 28 and there are no special terms or conditions applicable.

13. FINDING: The proposed development is not located on the same lot where conditions exist or activities being conducted which are part of the proposed development and in violation of the Humboldt County Code.

EVIDENCE: a) There are no current code violations associated with this proposed activity and development.

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 Great Expectations Inc. LLC., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference; and
- Approves the Zoning Clearance Certificate for Great Expectations

Adopted after review and consideration of all the evidence on **August 1, 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