

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number 24-

Record Number PLN-2018-15260

Assessor's Parcel Number: 107-054-036

Resolution by the Board of Supervisors of the County of Humboldt to revoke the Highpoint Honeydew Farm, LLC Special Permit, Record Number PLN-2018-15260

WHEREAS, on November 3, 2022, the Humboldt County Zoning Administrator approved the Special Permit for record number PLN-2018-15260 for 23,616 square feet of new outdoor commercial cannabis cultivation and a proposed ancillary propagation and processing area; and

WHEREAS, after the close of all appeal periods the Special Permit was issued with an effective date of November 17, 2022; and

WHEREAS, approval of the Special Permit was conditioned on terms and requirements which were required to be satisfied prior to operating, which have not been completed as of March 2024; and

WHEREAS, on September 7, 2023, California Department of Fish and Wildlife (CDFW) served a search warrant to the subject property and located 1,096 growing cannabis plants inside of two (2) hoopouses, 28 pounds of processed cannabis, along with multiple Fish and Game Code (FGC) violations, and then issued a Notice of Violation (NOV) of FGC to the property owner; and

WHEREAS, on September 7, 2023, California North Coast Regional Water Quality Control Board (Regional Water Board) inspected the property and identified active cannabis cultivation and violations of the State Water Board Cannabis Policy and the California Water Code, and then issued a NOV of the Water Codes to the property owner; and

WHEREAS, on January 30, 2024, a Permit Revocation Notice was sent to the permit holder to the two (2) addresses on file stating the permit was exercised contrary to the terms and conditions of approval and that the Humboldt County Planning and Building Department would be scheduling a public hearing before the Board of Supervisors on March 12, 2024, with a recommendation to revoke the Special Permit; and

WHEREAS, on February 14, 2024, a Permit Revocation Notice was sent to the permit holder via USPS Certified to the two (2) addresses on file stating the permit was exercised contrary to the terms and conditions of approval and that the Humboldt County Planning and Building Department would be scheduling a public hearing before the Board of Supervisors on March 12, 2024, with a recommendation to revoke the Special Permit; and

WHEREAS, on February 29, 2024, the Planning and Building Department posted a Permit Revocation Notice at two (2) locations at the property entrance stating the permit was exercised contrary to the terms and conditions of approval and that the Humboldt County Planning and Building Department would be scheduling a public hearing before the Board

of Supervisors on March 12, 2024, with a recommendation to revoke the Special Permit; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing on March 12, 2024, and reviewed, considered, and discussed the application and appeal for the Special Permit; and reviewed and considered all public testimony and evidence presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

- 1. FINDINGS:** **Project Description:** Revocation of a Special Permit for 23,616 square feet (SF) of new outdoor cannabis cultivation operation with appurtenant propagation area and processing facility.

EVIDENCE: a) Project File: PLN-2018-15260

FINDINGS FOR REVOCATION

- 2. FINDINGS:** **CEQA:** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) The project is exempt from environmental review per Section 15321 of the CEQA Guidelines – Enforcement Actions Taken by Regulatory Agencies.

- 3. FINDINGS:** The permit has been exercised contrary to the terms and conditions of such approval.

EVIDENCE: a) Conditions of Approval for the permit are conditioned on terms and requirements which must be satisfied prior to operating. Cannabis cultivation occurred during 2023 without completing the required conditions of approval. As of March 2024, the conditions have not been demonstrated as met.

- b) Condition of Approval #A.1 requires the applicant to obtain all necessary County and State permits and licenses, and meet all requirements set forth by other regulatory agencies.

No state license or license application is on file with DCC. No notice of LSAA is on file with CDFW.

- c) Failure to complete Condition of Approval #A.2

Cover all permit processing costs associated with processing the application.

An outstanding balance has been sent to collections. As of the February 2024 an outstanding balance of

\$1,632.23 was owed to the Planning and Building Department.

- d) Failure to complete Condition of Approval #A.3
A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County BOS (\$750) shall be paid within sixty (60) days of the effective date of the permit. This fee has not been paid.
- e) Failure to complete Condition of Approval #A.5 to secure permits for all structures related to the cannabis cultivation. Greenhouses and infrastructure were installed without securing permits.
- f) Failure to complete Condition of Approval #A.6 to Submit a Notice of Applicability of enrollment in the State Water Resources Control Board's General Cannabis Order and to prepare and submit to the Planning Department a Site Management Plan within 90 days of enrollment to outline the onsite measures required to meet the standards of the SWRCB's General Order. No such enrollment was made and no Site management Plan was submitted.
- g) Failure to complete Condition of Approval #A.7 to submit a letter from CDFW stating that no LSAA is required for the project, or if one is needed, to submit the Final LSAA to the Planning Department. The applicant did not notify CDFW and completed work that violated Fish and Game Code
- h) Failure to complete Condition of Approval #A.8 to provide confirmation from the Department of Public Works that all fences and gates are located out of the County right of way. This condition was not completed.
- i) Failure to complete Condition of Approval #A.9 To submit evidence that the surface of the intersection where Mattole Road meets the private driveway is paved for a minimum of 18 feet and a length of 50 feet. This has not been completed.
- j) Failure to complete Condition of Approval #A.10 To provide confirmation from the Department of Public Works that all driveways and private road intersections onto the County Road are maintained in accordance with County Code Section 341-1. There is no evidence that this has been completed.

- k) Failure to complete Condition of Approval #A.11
To provide the final Site Management Plan to the Department and provide evidence of implementation of appropriate erosion control measures. This has not been completed.
- l) Failure to complete Condition of Approval #A.13
To provide written verification of compliance with the County of Humboldt's Certified Unified Program Agency (CUPA). This was not completed.
- m) Failure to complete Condition of Approval #A.14 to install 1½", or 2½" fire hose connections in water infrastructure pursuant to Honeydew VFC referral recommendations. There is no evidence that these connections were installed.
- n) Failure to complete Condition of Approval #A.16 to execute and file with the Planning Division the "Right to Farm" statement. This was not completed.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Adopt the findings set forth in this resolution; and
- b. Revoke the Special Permit.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 12, 2024, by the following vote:

Adopted on motion by Supervisor _____, seconded by

Supervisor and the following vote:

AYES: Supervisors-
 NOES: Supervisors-
 ABSENT: Supervisors-
 ABSTAIN: Supervisors-

STATE OF CALIFORNIA)
 County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California