

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

**Resolution Number 23-**

**Record Number PLN-12569-CUP**

**Assessor's Parcel Number: 208-341-021**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the High Grade 007 LLC Conditional Use Permit and Special Permit.**

**WHEREAS, High Grade 007 LLC** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 10,000-square-foot (SF) outdoor greenhouse cultivation operation with ancillary nursery propagation, and a Special Permit for a setback reduction to public lands managed by Six Rivers National Forest approximately 500-feet to the southwest;

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final 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 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; and

**WHEREAS,** the Humboldt County Planning Commission held a duly noticed public hearing on January 5, 2023, 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:

**FINDING**

**Project Description:** The application is a Conditional Use Permit to allow an existing 10,000-SF outdoor greenhouse cultivation operation with ancillary nursery propagation and existing fuel storage and fertilizer storage sheds. A Special Permit is required for a setback reduction from public lands managed by Six Rivers National Forest located 500 feet to the southwest of the cultivation area. Power is provided by one Honda 7000 generator. Irrigation water will be sourced from an onsite well. According to an engineering geologist well evaluation report, the well on the subject parcel has a minimal likelihood of being hydrologically connected to nearby surface waters or wetlands in any manner that might significantly impact or affect adjacent wetlands, wells, and or surface waters in the vicinity. There are 16,000 gallons of plastic tank storage onsite and annual water demand is 80,000 gallons. Drying and seasonal cloning would continue

in an existing 288 SF drying shed. The drying shed will use generator power after harvests to run dehumidifiers and fans.

**EVIDENCE** Project File: PLN-12569-CUP

2. **FINDING** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- 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 Water Resource Protection Plan was prepared in February 2017 by Natural Resource Management Corporation (NRM) to show compliance with the State Water Resources Control Board Cannabis Cultivation Policy - General Order WQ 2015-0023 and adoption of a Site Management Plan in accordance with the revised Cannabis General Order made in 2019 is made a condition of approval.
  - d) The hydrology of the site was described in the WRPP and noted that the subject parcel has no defined watercourse drainages on it or any watercourse crossings.
  - e) A Lake and Streambed Alteration Agreement application was submitted to the California Department of Fish and Wildlife (CDFW) in August 2016 for the well and lack of stream crossings. CDFW responded to the applicant's notification for a lake or streambed alteration application No. 1600-2018-0153-R1, that the applicant can proceed without a formal agreement.
  - f) The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in 2017. A Cultural Resources Investigation Report was prepared in April 2018 by Archaeological Research and Supply Company. A pedestrian survey of three acres of the 12 acres parcel was conducted in April 2018. The report concluded that no pre-existing resources were located on the subject parcel, and none will be affected by this project if the mitigation recommendations are followed, including the Inadvertent Discoveries Protocol.

### **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 (RA20) land use designation. The (RA) designation recognizes that residential uses must support agricultural operations. 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 Unclassified (U) zone in which the site is located.

**EVIDENCE** a) The U-Zone is applied to areas of the County in which all general agricultural uses are the desirable predominant uses.

b) All general agricultural uses are specifically enumerated uses in the U-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 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. The application for 10,000 SF of natural light outdoor cultivation on an 8.48-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**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 U (Section 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was confirmed to be created in its current configuration by parcel legal review dated 1/30/18 and the deed recorded 5/30/17, in accordance with county and state subdivision regulations that would have applied to the creation of the parcel.

Irrigation water will be sourced from an onsite well. According to the well evaluation report, the well on the subject parcel has a minimal likelihood of being hydrologically connected to nearby surface waters or wells in any manner that might significantly impact or affect adjacent

wetlands and or surface waters in the vicinity.

- d) The slope of the land where cannabis will be cultivated is less than 15% (two terraces built into a hillside with a slope between 30 to 40%).
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. The cultivation is more than 30 feet from any property line and more than 600 feet from any school, church, or tribal cultural resource. Public lands managed by the USDA Forest Service (Six Rivers National Forest) are located approximately 500-feet to the southwest of the cultivation area. The nearest public lands are across state route 36 on a riverine terrace that is not a “designated and developed” recreational facility. For publicly owned lands managed for open space and/or wildlife habitat purposes, a setback of less than 600 feet may be allowed with a Special Permit.

**6. FINDING**

The cultivation of 10,000 SF of 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) Public Works, Land Use Division recommended that Cobb Road be evaluated. Cobb Road was evaluated from Highway 36 to the driveway at APN 208-341-021. The recommendations included fixing the exposed culvert, removing the abandoned fuel tanks, cleaning ditches, re-establishing roadside ditches. Additional recommendations would be to construct waterbars and rolling dips in accordance with Title III Land Use and Development Division 11 Fire Safe Regulations. Meeting the conditions of County Code is made a condition of approval. A letter from Public Works will satisfy this condition.
- b) The site is in a rural part of the County where the typical parcel size is over 10 acres and many of the nearby land holdings are very large publicly-managed. 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 sizes in the area.
- c) Water for irrigation is provided by an onsite well. According to the well evaluation report, the well on the subject parcel has a minimal likelihood of being hydrologically connected to nearby surface waters in any manner that might significantly impact or affect adjacent wetlands or surface waters in the vicinity. There are 16,000 gallons of plastic tank storage. An additional 5,000-gallon tank is reserved for fire suppression.

A domestic water supply is derived from a headwater spring for which the applicants filed a waiver with the California Department of Fish and Wildlife (CDFW) in 2018.

- 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**

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 that may be approved in each of the County's Planning Watersheds.

**EVIDENCE**

The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project, the total approved permits in this Planning Watershed would be 121 permits, and the total approved acres would be 40.44 acres of cultivation.

**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 High Grade 007 LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on January 5, 2023

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.

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John Ford, Director  
Planning and Building Department