

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

Resolution Number: 24-

Record Number: PLN-11989-CUP

Assessor's Parcel Numbers: 317-182-020-000 and 317-182-019-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Showers Pass LLC Conditional Use and Special Permit.

WHEREAS, Showers Pass Farms LLC provided an application and evidence in support of approving a Conditional Use and Special Permit for an existing 18,634 square foot outdoor commercial cannabis cultivation operation; and

WHEREAS, the lead agency, prepared an Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical 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 §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 7, 2024 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 Conditional Use Permit for 18,634 square feet (SF) existing outdoor cannabis cultivation. A permitted well supplies on parcel APN 317-182-019 supplies cultivation water. Water storage of 10,000 gallons occurs in tanks. Annual water budget is approximately 160,000 gallons. Drying/curing of harvested cannabis to occur within an on-site shed. All other processing activities occur at a licensed facility off-site. Power is provided by generators, the project is conditioned to transition to 100% renewable power by January 1, 2026, with generators reserved for emergencies only. The project includes a special permit for the use of waterlines in Streamside management area.

EVIDENCE: a) Project File: PLN-11989-CUP

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration 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 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) The project is conditioned to demonstrate compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the Site Management Plan and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
 - d) The project is for pre-existing cultivation. The project is within .7 miles of two Northern Spotted Owl activity centers. HUM 982 is approximately 1,600 feet southwest of the cultivation sites, HUM 839 is approximately 2,100 feet east of the cultivation site, and HUM 479 is approximately 2,790 feet north-northeast of the cultivation site. The applicant had a Northern Spotted Owl Impact Assessment prepared for the proposed project, Timberland Resource Consultants, June 2023, included as Attachment 4I. The assessment concluded that the existing cannabis cultivation operation would be unlikely to have noise disturbance impacts to Northern Spotted Owls. The assessment acknowledges the potential disturbance associated with supplemental lighting. The assessment concludes that if all greenhouses with supplemental lighting are covered so that no light escapes 30 minutes prior to sunset and 30 minutes post sunrise the impacts to Northern Spotted Owls will be reduced below the level of significance. The project has been conditioned to ensure supplemental lighting associated with the nursery and mixed light cultivation adheres to Dark Sky Association standards.

- e) A Road Evaluation Report concludes the route leading to the subject parcel can be developed to the equivalent of a category 4 road standard with the implementation of repair and remediation measures and does not have any evidence of a site-specific safety problems. The project is conditioned to implement repair and remediation measures through participation in Road Maintenance Association or to make a fair share contribution to road maintenance and repair measures.
- f) The project is conditioned to participate in the construction of a bridge over Showers Creek. The installation of the bridge will prevent impacts to water quality and aquatic species.
- g) The continued cultivation of commercial cannabis will not result in a timber conversion. The project received a less than 3-acre Conversion Exemption from CalFire.
- h) Consultation with the Bear River Band of the Rohnerville Rancheria resulted in a request for the standard inadvertent discovery protocol as a condition of approval. As conditioned the project is unlikely to impact tribal cultural resources.

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 Timber (T) land use designation. 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 Timber Production Zone (TPZ) zone in which the site is located.

EVIDENCE: a) In the Timber Production Zone agricultural uses are a principally permitted use compatible with timber production.

- b) All accessory agricultural uses are principally permitted in the both the TPZ and the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis cultivation and up to 22,000 square feet of existing mixed-light commercial cannabis on a TPZ zoned parcel over 1 acre 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 18,634 square feet of existing cultivation on a 20-acre parcel is consistent with this and with the cultivation area verification prepared conducted by staff.
- d) All cultivation is at least 30 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

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 TPZ (HCC 314-55.4.8.2.2).
 - b) Parcel legally created as Parcel 1 of Parcel Map 977, filed in Book 8 Page 115 of Parcel Maps.
 - c) The project will obtain water from a permitted groundwater well, an eligible water source.
 - d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic with specified maintenance and repair procedures.
 - e) The slope of the land where existing cannabis will be cultivated is 0% to 15% and 15% to 30 % on existing flats. 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 314-55.4.11.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 continued cultivation of 18,634 square feet of existing 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) 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 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 sizes in the area.
 - c) Irrigation water will come from a permitted groundwater well, an eligible water source.
 - d) Provisions have been made in the applicant's proposal and conditions added to the project 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 permitted 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 Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 76 permits and the total approved acres would be approximately 27.93 acres of cultivation.

9. FINDING: The use of the well for irrigation purposes will not have any adverse impacts on any public trust resources.

EVIDENCE: a) The project is in the Mad River Watershed; the project is .75 miles south of the river. There are watercourses on the parcel; the land slopes down towards the river but does not include any diversions or collection of surface waters. The Mad River provides recreational opportunities for swimming, boating, and fishing. The river also provides domestic and industrial water to much of the Humboldt Bay Region. The Mad River has been heavily modified and managed to provide community water. Ruth Lake Dam was put in place to meter water flow for downstream community use. Prior to the creation of dams on the Mad River, the river would effectively dry up in the summer months. The project utilizes a well for water. The well is unlikely to be connected to surface water resources and will therefore be unlikely to impact public trust resources on the Mad River. The project has no impact on flows during the dry season because the bedrock well is not hydrologically connected to surface water resources and will not cause any significant adverse impact to the Mad River or otherwise substantially impair the public trust uses or values related to commerce, navigation, fisheries, public access, preservation of trust lands in their natural state, or water-related-recreation and other activities.

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 and Special Permit for Showers Pass Farms LLC, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **November 7, 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