

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

**Resolution Number: 24-**

**Record Number: PLN-11694-CUP**

**Assessor's Parcel Number: 218-021-003-000**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Tierra Verde Holdings, LLC Conditional Use Permit and Special Permit.**

**WHEREAS**, Tierra Verde Holdings, LLC provided an application and evidence in support of approving a Use Permit and Special Permit for an existing 16,650 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 December 5, 2024 and reviewed, considered, and discussed the application for a Conditional Use Permit and Special 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 and Special Permit for 16,650 square feet of existing outdoor commercial cannabis cultivation supported by a 1,500 square foot ancillary nursery. Projected annual water usage is 264,000 gallons (15.8 gal/SF) Irrigation water is sourced from a rainwater catchment ponds with a total storage capacity of 525,000 gallons. Additional water storage on site totals 89,450 gallons. Drying and curing will occur onsite in an existing structure and trimming will occur offsite at a licensed facility. Power is provided by generators with a transition to renewable energy by January 2026 reserving generators for emergency use only. The Special Permit is being sought for a setback reduction to public lands.

**EVIDENCE:** a) Project File: PLN-11694-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 nearest mapped habitat of the Marbled Murrelet is just north of the northern cultivation area. The nearest mapped Northern Spotted Owl activity center (HUM0223) is 1.55 miles to the north west. The proposed project is located adjacent to United States Forest Service (USFS) ownership and requires a setback reduction to public land. The project utilizes pre-existing disturbed areas and cultivation does not use artificial light except for the ancillary nursery. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the backup generator or at the edge of the nearest forest habitat, whichever is closer. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.
- e) A Road Evaluation Report concludes the route leading to the subject parcel is developed to the equivalent of a category 4 road standard,

is in good condition, and does not have any evidence of a site-specific safety problem.

- f) The continued cultivation of commercial cannabis will not result in a net timber conversion.
- g) Consultation with the Bear River Band of the Rohnerville Rancheria resulted in the standard inadvertent discovery protocol as a condition of approval.

### **FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL 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, 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 Forestry Recreation (FR) zone in which the site is located.

**EVIDENCE:** a) The Forestry Recreation (FR) zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

b) All accessory agricultural uses are principally permitted in the FR 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 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 16,650 square feet of existing cultivation on a 40-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. The northern cultivation area is less than 600 feet from public lands, at 123 feet per the property boundary survey submitted by the applicant. Therefore, a setback reduction from public lands is required in order to approve the northern cultivation area. The property owned by BLM is surrounded by private lands on three sides and is the southeastern most extent of contiguous BLM holdings in this portion of Humboldt County. This BLM property also appears to be the southeastern most extent of habitat for NSO and Marbled murrelet as the terrain transitions fairly quickly in this area from forested habitat to open grassland and oak woodland. The nearest NSO activity center is over 1.5 miles to the northwest, and the existing cultivation is adjacent to the existing on-site residence. With the conditions to transition to on-site renewable energy and fully shield all lights associated with the nursery, the impacts to the BLM lands should be both minimal and less than that associated with the existing residence and the setback reduction can be granted.

**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 FR (HCC 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations. The subject parcel 18 parcel map 58 Book 1 pages 75-85 RANCHO PALO VERDE SUBDIVISION
  - c) The project will obtain water from rainwater catchment, an eligible water source. A provided rainwater catchment analysis demonstrates adequate water can be collected in low rainfall years.
  - d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.
  - e) The slope of the land where existing cannabis will be cultivated is 0% to 15% 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. The northern cultivation area is less than 600 feet from public lands, at 123 feet per the property boundary survey submitted by the applicant. However a setback reduction is appropriate in this instance as there will be no significant adverse impacts to sensitive species due to the location of the property relative to sensitive habitat and the conditions of approval to limit noise and light.

**6. FINDING:** The continued cultivation of 16,650 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 rainwater catchment, an eligible water source.
  - 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:** 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 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 which may be approved in each of the County's Planning Watersheds.

**EVIDENCE:** a) The project site is in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of the three adjacent projects together, the total approved permits in this Planning Watershed would be 106 permits and the total approved acres would be approximately 45.04 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 and Special Permit for Tierra Verde Holdings, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **December 5, 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.

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John H. Ford, Director  
Planning and Building Department