

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

**Resolution Number: 25-**

**Record Number: PLN-11393-CUP**

**Assessor's Parcel Numbers: 524-112-002**

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

**WHEREAS**, Grouse Mountain Green LLC provided an application and evidence in support of approving a Conditional Use and Special Permit for an existing 22,000 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 February 20, 2025 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 22,000 square feet of existing outdoor cannabis cultivation with 2,200 square feet of nursery space. Irrigation water is sourced from a rainwater catchment pond and two permitted wells. A 675,000-gallon pond and 28,000 gallons of hard-sided tanks store water for the project. Estimated annual irrigation water usage is 340,000 gallons. Drying and curing occurs onsite, with all other processing occurring offsite at a licensed facility. Power is provided by solar panels and 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 restoration in a streamside management area.

**EVIDENCE:** a) Project File: PLN-11393-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 Northern Spotted Owl activity center is approximately .94 miles to the northwest (HUM0137). The proposed project will utilize the pre-existing disturbed areas created prior to the environmental baseline. The applicant has opted to eliminate mixed-light cultivation from their project to minimize impacts to light sensitive nocturnal creatures. The project has been conditioned to ensure supplemental lighting associated with the nursery cultivation adheres to Dark Sky Association standards.
- e) A Road Evaluation Report concludes the route leading to the subject parcel is equivalent to a category 4 road standard with the implementation of repair and remediation measures and does not have any evidence of site-specific safety problems. The project is accessed through United States Forest Service Roads and a private driveway. The project is conditioned to implement repair and remediation measures through participation in the State Water Resources Board General Order.

- f) The continued cultivation of commercial cannabis will not result in a timber conversion. The project does not propose tree cutting.
- g) Consultation with the Hoopa and Tsnungwe Tribe met with no objections. The standard inadvertent discovery protocol is included 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 Timberland (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 historic landings on a timberland 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 Timberland Production Zone (TPZ) zone in which the site is located.

**EVIDENCE:** a) The Timberland Production Zone or TPZ 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 general agricultural uses are principally permitted in the TPZ 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 22,000 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 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 U (HCC 314-55.4.8.2.2).
  - b) Parcel is an original land patent parcel.
  - c) The project will obtain water from permitted groundwater wells and a rainwater catchment pond, eligible water sources.
  - 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 22,000 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 permitted groundwater wells and a rainwater catchment pond, eligible water sources.
- 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 South Fork of the Trinity River Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 24 permits and the total approved acres would be approximately 11.33 acres of cultivation

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

**EVIDENCE:** a) The project is in the South Fork Trinity River Watershed; the project is .7 miles away from the river. The project collects water in the rainy season from November 1st to April 31st when the river has excess water due to rainfall. Water from two wells, tanks and the pond are used in the dry season when the flow of water available for public trust resources may be limited due to lack of rainfall. The applicant provided a well connectivity report which concluded that it is unlikely that either well is hydrologically connected to the nearby wells, streams, springs, wetlands, and seeps. The pond has been determined to be an off-channel pond and would not have an impact on the hydrology of tributaries to the South Fork of the Trinity River in the dry season. The project has no impact on flows during the dry season, thus the use of the stored water or wells for irrigation purposes will not cause any significant adverse impact to the South Fork of the Trinity River, the Trinity River or the Klamath 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 Grouse Mountain Green LLC, subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **February 20, 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