

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

Resolution Number 25-

Record Number: PLN-12856-CUP

Assessor Parcel Numbers: 217-051-001, 217-052-001, 217-053-002, 217-055-002, 217-056-001, 217-061-001, 217-062-003, 217-213-003, 217-214-001, and 217-253-001

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the HumSun 3 LLC Conditional Use Permit and Special Permit.

WHEREAS, HumSun 3, LLC applied for a Conditional Use Permit for 3.1 acres of new mixed-light commercial cannabis cultivation and a Special Permit for project related wetland impacts, creation and enhancement, riparian area creation and enhancement, and the reconnection of a Class III ephemeral drainage; and

WHEREAS, a Mitigated Negative Declaration has been prepared for the proposed Conditional Use Permit and Special Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on February 6, 2025, and reviewed, considered, and discussed the application for the requested 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 for 3.1 acres of new mixed-light commercial cannabis cultivation, and the development of ancillary structures for cultivation activities, including a 6,000 square-foot dry barn/nursery for drying, curing, and plant stock propagation, and a 1,280 square-foot commercial building for processing product grown on site. Water would be sourced from three wells on the parcel and will be stored in hard tanks totaling 250,000 gallons. A total of eight full-time employees are proposed, with an additional 10 employees needed for peak operations. Energy use would require a proposed electrical upgrade from PG&E and roof-mounted solar on the proposed buildings. While waiting for the PG&E upgrade and prior to build-out of the full mixed-light greenhouses, the Applicant proposes to cultivate the 3.1 acres using light-deprivation or full-sun outdoor cultivation techniques, which would not require artificial

lighting for cultivation. A Special Permit is required for project related wetland impacts, creation and enhancement, riparian area creation and enhancement, and the reconnection of a Class III ephemeral drainage.

EVIDENCE: a) Project File: PLN-12856-CUP

2. FINDING: **CEQA:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment.

EVIDENCE: a) The CEQA document includes an analysis of the subject Conditional Use Permit and Special Permit. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated from October 23, 2024 to November 21, 2024.

3. FINDING: **CEQA Public Comments:** The California Department of Cannabis Control (DCC) commented on the IS/MND stating that *"The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 §§ 16304 (6) and (7))."* The California Department of Fish and Wildlife (CDFW) contacted staff during the circulation period and requested that two additional conditions of approval be added to the project regarding wetland mitigation and fencing of mitigation areas.

EVIDENCE: a) The comment from DCC has been considered and does not change the conclusions of the IS/MND as this is a requirement of County Code.

b) The additional conditions requested by CDFW have been added as conditions of approval.

4. FINDING: **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT - NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Agriculture and Forestry Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise,

Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

- EVIDENCE:**
- a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
 - b) The IS/MND was circulated from October 23, 2024, to November 21, 2024.

5. FINDING: ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT. The Initial Study identified potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hydrology and Water Quality, and Tribal Cultural Resources, which could result from the project as submitted.

- EVIDENCE:**
- a) Thirteen Mitigation Measures have been developed to ensure potential impacts are limited to a less than significant level and have been incorporated into a Mitigation Measures, Monitoring, and Reporting Program (Attachment 1B) which is being adopted as part of the project.

6. FINDING: The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

- EVIDENCE:**
- a) General and intensive agriculture are use types allowed in the Residential Agriculture (RA) and Agricultural Grazing (AG) land use designations in which the site is located. The proposed cannabis cultivation and support facilities are 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 activities 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.
 - b) The parcel is bisected by a central roughly northwest-southeast trending ridge, with a series of small ravines and ephemeral streams flowing east and northeast into Larabee Creek or southwest into Coleman Creek. The property is split along this ridge into two (2) watersheds. The cultivation area and eastern portion of the ranch is located in the Upper Larabee Creek watershed, and the western portion of the ranch is located in the Basin Creek-Eel River watershed.

Larabee Creek, a perennial Class I watercourse and a tributary of the main stem of Eel River, flows through the eastern boundary of the parcel and crosses under Alderpoint Road twice within the parcel road frontage. Coleman Creek, a perennial watercourse and also a tributary of the main stem Eel River, originates in part within the western half of the parcel. Cooper Creek, a perennial Class I stream, flows from east of the parcel, south of the Project area, and continues west to a confluence with Larabee Creek. Additional intermittent and ephemeral watercourses, tributary to these perennial streams, are located across the property. All onsite watercourses are tributaries to the main stem of Eel River. An appropriate buffer from watercourses has been designated for the watercourses in accordance with County and State requirements.

The Proposed Project would create approximately 3.4 acres of new, impervious surface, including greenhouses, buildings, and water tanks, and would create approximately 6 acres of land disturbance in the Agriculture Exclusive zone on the 1,887-acre property, representing less than 1% of the Project Parcel.

The estimated 3.4 acres of impervious surface created by the Proposed Project represents 0.2% of the total parcel size (1,887 acres) and approximately 0.01% of the Upper Larabee Creek watershed (30,546 acres). The increase in runoff due to the new impermeable surfaces would be minimal. Stormwater would be collected from new impervious surfaces and treated through a proposed bio-filtration swale.

The Proposed Project would take place in the existing flats on slopes less than 10%. Stormwater would be collected from new impervious surfaces and conveyed to a designated stormwater treatment area located on the northwest area of the field. A Grading and Drainage Plan (Attachment 3 - Appendix 1B) has been developed to address proposed onsite grading and stormwater runoff for the development of the site. Existing and proposed structures would be located outside of all appropriate watercourse setbacks, including the SWRCB General Order watercourse setbacks of 150 ft. from a Class I stream, 100 ft. from a Class II stream, and 50 ft. from a Class III stream, measured from the top of bank, in addition to the Streamside Management Areas and Wetlands Ordinance (SMAO) watercourse buffers of 100 ft. from a perennial stream and 50 ft. from an intermittent stream, measured by riparian drip line, not to exceed

200 ft. measured horizontally from the top of stream bank. The Site Grading and Drainage Plan includes erosion and sediment BPTCs designed to prevent, contain, and reduce sources of sediment.

HumSun 3, LLC would be required to enroll with the State Water Resources Control Board (SWRCB) for Tier 2, Low Risk under the Cannabis General Order prior to commencing cultivation operations. The Tier 2, Low Risk discharger status reflects the proposed operations of dischargers who disturb more than one (1) acre of land. The Applicant's proposal would be required to keep all cultivation activities out of riparian and wetland setbacks to obtain, and maintain, Low Risk status with SWRCB. Within 90 days of enrollment in the Cannabis General Order, a Site Management Plan (SMP) would be developed utilizing BPTC measures in accordance with the SWRCB's recommendations in the Cannabis General Order and Policy. The SMP would include erosion prevention and sediment control BPTC Measures designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery and prevent erosion. Additional filings, monitoring, and furnishing of supporting documents once the Proposed Project is fully approved and developed would be coordinated with the SWRCB.

A Lake and Streambed Alteration Agreement (LSAA) was issued for timber operations on the property under EPIMS-HUM-47015-R1 (Attachment 8). The LSAA was for the maintenance, replacement, or installation of stream-crossing culverts on the existing ranch road that leads to the ridgetop wells. The crossings included in the LSAA have since been addressed.

A new LSAA will be required for the realignment of the Class III ephemeral drainage or any other activities that divert or obstruct the natural flow or substantially change the bed, bank or channel of any stream onsite. This is included as a condition of approval.

- c) Numerous biological, botanical, and waters/wetland studies have been conducted for this site, most of which were conducted for the Original Project Scope (OPS). Authors included GHD, Natural Resources Management (NRM), ICF, NorthPoint Consulting Group, and J. Regan Consulting. Table 1 in the Staff Report displays a summary of these reports conducted for the Proposed Project Parcel, and further described in detail in the IS/MND. The table denotes whether the study was conducted across the entire parcel for the

previously proposed OPS or if the study was prepared for the currently Proposed Project Area. The purpose of these studies was to identify areas with potential environmental resource values that would require protection and to make recommendations for avoidance and protection measures.

The ISMND used this data and analysis to develop measures to protect sensitive habitat areas and threatened species. Mitigation Measures BIO-1 through BIO-8 focus on 1. protecting the locally rare Howell's yampah, 2. prohibition of the use of anticoagulant rodenticides, 3. protection of nesting birds, 4. noise monitoring associated with protection of nesting Northern Spotted Owl, 5. protection of amphibian and reptile species, 6. protection of bats, Sonoma Tree Vole, and West Coast DPS Fisher, 7. wetland and riparian mitigation, and 8. California oat grass mitigation. All mitigation measures have been specifically developed based on site-specific surveys to avoid impacts to threatened and endangered species and prevent impacts to sensitive and critical habitat and are included in the Mitigation Measures, Monitoring, and Reporting Program (Attachment 1B), which implementation and adherence to is a condition of project approval.

Between the various botanical surveys described above, a total of four (4) Sensitive Natural Communities were identified within or near the Proposed Project Area. Of those, two (2) impacted Sensitive Natural Communities, Dense sedge marshes (*Carex densa*) Provisional Herbaceous Alliance and *Festuca idahoensis* – *Danthonia californica* Herbaceous Alliance, would be impacted by the Proposed Project. Mitigation Strategies for these two (2) communities are discussed further, below.

The dense sedge marsh provisional alliance has a state rarity rank of S2?. A community ranked as a S2 is "at high risk of extirpation in the jurisdiction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors". The question mark after the S2 rank denotes an inexact numeric rank because there are insufficient samples over the full expected range of this community type, but existing information points to this rank. GHD categorized this alliance as a "Provisional Sensitive Natural Community." Dense sedge marshes are present within the field proposed for cultivation development and would be impacted by the Proposed Project. Impacts would be reduced to less than significant through wetland

mitigation (creation and enhancement), incorporated as Mitigation Measure BIO-7.

The California oat grass prairie alliance is designated as a S3 (vulnerable) community. The alliance is characterized by California oat grass being dominant or codominant in the herbaceous layer. California oat grass prairies are threatened by intensive livestock grazing, non-native grass invasions, and fire suppression. However, California oat grass is known to respond favorably to moderate grazing and dry season burning under the right conditions. As further mapped by NRM in 2021 and 2022, approximately 0.53 acres of California oat grass is present in the southeastern/eastern areas of the Proposed Project Area. Due to development of cultivation activities in the field, the Proposed Project would impact this species.

The OPS of 12-acres would have impacted 8.05 acres of the *Festuca idahoensis* – *Danthonia californica* Herbaceous Alliance across the 1,887-acre ranch. In reducing the Proposed Project by condensing all impacts to the Lower Field site, impacts to this Sensitive Natural Community have been greatly reduced, and a total of 0.21 acres are now proposed to be impacted, leaving 0.32 acres intact on the Lower Field site (Figure 1 in the Staff Report).

To address the potential impact to 0.21 acres of *Festuca idahoensis*-*Danthonia californica* herbaceous alliance, a minimum 2:1 ratio of compensatory mitigation is proposed to enhance at least 0.42 acres of *Festuca idahoensis*-*Danthonia californica* that are currently designated as moderately invaded (~31-60% non-native) and/or heavily invaded (~61-90% non-native) (Mitigation Measure BIO-8). The recommended mitigation area is the Mid-Ridge Site with 7.76 acres of mapped *Festuca-idahoensis* - *Danthonia californica* stands. This area was identified as a low to moderate quality stand due to presence of invasive species and cattle/pig impacts.

Due to the difficulty of planting *Festuca idahoensis* – *Danthonia californica* and considering the compensatory mitigation at least 0.42 acres, mitigation for the Proposed Project will focus on a combination of invasive species management and cattle and feral pig exclusion. If, given unforeseen circumstances, greater than 0.42 acres of the Sensitive Natural Community were impacted, the success criteria would adjust accordingly at a 2:1 mitigation ratio. Invasive species management emphasis will be placed on any invasive species with a California Invasive Plant Council (Cal-IPC) rank of High or Moderate,

and any weedy species of non-native plants threatening the successful establishment of any natural recruits. Target invasive species will include yellow star thistle and weedy perennial grasses. Excluding cattle and pigs from mitigation areas will be accomplished with fencing installed around the protected stand to prevent cattle and pigs from accessing the area. Additional management of feral pigs would be through hazing, licensed sport hunting, depredation permits, or a combination thereof.

Enhancement would occur until the success criteria of establishment of a minimum 0.42-acre “high quality” *Festuca idahoensis*-*Danthonia californica* stand with a minimum of 30% *Danthonia californica* cover and no greater than 10% invasive species cover. A Monitoring Report would be conducted each year by a qualified botanist, documenting the progress toward the success criteria, and the results would be furnished to the Humboldt County Planning and Building Department annually by December 31st. Monitoring would occur until the success criteria was met, with a minimum of three (3) years. This has been incorporated as Mitigation Measure BIO-8.

As described above, numerous wetland delineations have occurred across the Project Parcel for development of the OPS. Over 2.8 acres of wetlands have been delineated across the Parcel, per NRM and GHD delineations. Since these reports, the entire scope of the project has been significantly reduced in size and intensity. The OPS has been reduced from 12 acres of cannabis cultivation and numerous proposed rainwater catchment ponds with property-wide impacts, to 3.1 acres of cannabis cultivation in a centralized location on the existing agricultural field used for grazing.

Approximately 1.59 acres of seasonal wetlands have been delineated on or near the Proposed Project Area on the agricultural field. Of those, the Proposed Project would directly impact approximately 0.87 acres of seasonal wetlands (Figure 2 in the Staff Report). According to the Wetland Mitigation Summary (Attachment 3 - Appendix 2S), the impacted wetlands are “low-quality”.

The Wetland Mitigation Summary proposes an overall mitigation ratio of 3:1 resulting in 2.63 acres (114,563 sq. ft.) of wetland mitigation for the 0.87 acres of impacted seasonal wetlands. The Wetland Summary proposes 0.88 acres (38,753 sq. ft.) of new, wetland creation (greater than a 1:1 ratio of wetland creation, with no net loss), 0.20 acres (8,778 sq. ft.) of wetland enhancement and

approximately 0.45 acres (19,602 sq. ft.) of enhancing existing riparian area, and 1.1 acres (46,354 sq. ft.) of new riparian area (Figure 2 in the Staff Report).

Per the Wetland Mitigation Summary, wetland creation areas (38,753 sq. ft., or 0.88 acres) are proposed adjacent to existing wetlands, at the northwestern end of the Proposed Project Area (WC-1), and southwest of the existing residence (WC-2, WC-3). In these areas, new wetlands would be created by shaping the ground to capture runoff from the upslope areas and stormwater treatment areas. Plantings in these zones would include the following species: slough sedge (*Carex obnupta*), small flowered bullrush (*Scirpus microcarpus*), and lamp rush (*Juncus effusus*) which may be installed in the bottom and lower side slopes of the wetlands. In addition, Arroyo willow (*Salix lasiolepis*), Oregon ash (*Fraxinus latifolia*), and California bay (*Umbellularia californica*) would be planted on wetland edges and in the transition to riparian forest areas.

Wetland enhancement areas are areas of existing onsite wetlands that could be enhanced through management of invasive species. These areas include existing wetlands on the northwestern end of the Proposed Project Area (WE-1, WE-2, WE-3), and southwest of the existing residence (WE-4, WE-5). Invasive Species, particularly the Himalaya berry (*Rubus armeniacus*) would be removed using hand-tools. Native species plantings (same species to wetland creation areas) would be planted to bolster the vegetation community and assist with slope stability.

With regard to riparian habitat, the Proposed Project includes reconnection of an existing Class III ephemeral drainage and creation of additional riparian habitat. The Class III ephemeral drainage currently runs through a county-maintained culvert under Alderpoint Road and discharges into the agricultural field, currently flowing westerly across the northeast edge of the agricultural field proposed for development. No existing defined channel connects this water to Larabee Creek or Cooper Creek. The Proposed Project would re-route this channel to the east, allowing the water to re-connect and flow to Cooper Creek. As part of this riparian enhancement, riparian species would be planted along the re-routed channel, creating new riparian habitat that currently does not exist onsite. Riparian enhancement of this stream would occur in accordance with the Wetland Mitigation Summary and has been incorporated as part of Mitigation Measure

BIO-7. Restoration and enhancement of this Class III drainage would provide an additional 1.1 acres of riparian habitat.

Riparian enhancement areas are located at the northwestern end of the Proposed Project Area, adjacent to Larabee Creek (RE-1), and along the newly created proposed Class III watercourse reconnection (RE-2). Within RE-1, enhancement activities would include removal of invasive species, including the Himalaya berry and sapling Douglas fir (*Pseudotsuga menziesii*) trees, which can negatively impact oak woodland and hardwood trees. No trees over 8 inches in diameter would be removed; implementation of this mitigation measure would not constitute mature tree removal. Erosion control and soil stabilization measures would be implemented in Area RE-1, as needed. In RE-2, a new area of riparian habitat would be created as a part of reconnection of a currently disconnected Class III watercourse. The area would be graded and lowered to provide a defined stream channel for water to be conveyed to Cooper Creek. Herbaceous wetland species (listed above) would be planted, in addition to coyote brush (*Baccharis pilularis*), Oregon white oak (*Quercus garryana* var. *garryana*) or black oak (*Quercus kelloggii*), and along with the Oregon ash and California bay. This mitigation has been included as Mitigation Measure BIO-7.

The original project was referred to CDFW in 2016 and no response was received. In May of 2024 CDFW conducted a site visit with the project agent. On May 29, 2024 CDFW provided a letter to the project agent identifying recommendations to be considered in the preparation of the IS/MND (Attachment 3 - Appendix 2R). Included were wetland mitigation recommendations, cattle exclusion recommendations, recommendations regarding the stream reconnection, sensitive natural community mitigation recommendations, Northern Spotted Owl (NSO) mitigation recommendations, and stormwater management mitigation recommendations. All CDFW's recommendations have been incorporated into the analysis in the IS/MND except for two (2) recommended NSO conditions regarding limitations on the use of emergency backup generators and construction activities. CDFW has since withdrawn their request for these conditions to be required as Mitigation Measure BIO-4 addresses the potential for noise associated with long-term operation by requiring noise monitoring at the edge of forested habitat (Attachment 6).

During the CEQA circulation period, CDFW contacted staff and

requested that two additional conditions of approval be added to the project regarding wetland mitigation and fencing of mitigation areas. (Attachment 5). They are as follows: 1) Implementation of Mitigation BIO-7 shall follow the guidelines and recommendations in the Wetland Mitigation Summary (J. Regan, 2024) and shall follow the monitoring and success criteria outlined in the Wetland Impacts Resulting from Proposed Development Project (NRM, 2022). By Monitoring Year 5, the wetland mitigation will be considered successful if it includes the following: (1) of 85% survival of native plantings, (2) less than 10% total absolute cover of invasive species, (3) favorable site hydrology for development of wetland soils, and (4) at least 0.09 acres of dense sedge marsh.”, and 2) Fencing shall be installed around all botanical, wetland, and riparian mitigation/enhancement areas to prevent cattle and pigs from accessing these areas and shall remain installed for the duration of any associated monitoring period. These have been added as conditions of approval.

- d) The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. NWIC recommended further study and consultation with local Tribes. A Phase 1 Cultural Resource Inventory Report was prepared for the Original Project Scope by Archaeological Research and Supply Company in March Of 2020. The investigation included a records search through the California Historical Resources Information System's regional NWIC, Native American Heritage Commission inquiry, coordination with local tribes, and pedestrian survey of the site.

The survey resulted in the recordation of two new precontact sites (HS-S1; HS-S2) and thirty-three isolated artifacts. A field assessment indicates that both HS-S1 and HS-S2 are likely eligible for the California Register of Historic Resources. Extended Phase 1 sub-surface testing at HS-S1 indicates it is likely eligible for the National Register of Historic Places. Coordination with the Bear River Band of the Rohnerville Rancheria determined that site protective mitigation measures (CUL-1 and CUL-2) within the Mitigation Measures, Monitoring, and Reporting Program are appropriate and necessary for site protection and as a condition for the issuance of a cannabis cultivation permit within the Area of Potential Effect.

7. FINDING: The proposed development is consistent with the purposes of the Agriculture Exclusive (AE) with Special Combining Zone (B) and Timberland Production Zone (TPZ) zoning designations in which the site is located.

- EVIDENCE:**
- a) The AE zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. General agriculture is a principally permitted use in this zoning district. The B zone is intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. In this case, the B Zone requires a 160-acre minimum parcel size. The subject parcel is approximately 1,887 acres. The TPZ zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. Other agricultural uses and the erection, construction, alteration, or maintenance of water transmission facilities are principally permitted in this zoning district. There is one existing well and there is 180,000 gallons of water storage and associated infrastructure proposed within the TPZ portion of the subject parcel.
 - b) Section 314-55.4.8.2.1.1 of Humboldt County Code (HCC) allows on parcels 320 acres or larger in size, up to one acre of cultivation area per 100-acre increment subject to approval of a Conditional Use Permit on parcels zoned AE provided that no more than 20% of the area of prime soils on the parcel is utilized for cannabis cultivation. The subject parcel is approximately 1,887 acres in size and the cultivation area will account for approximately 5% of the prime soils on the parcel.
 - c) All proposed development meets the minimum yard setback requirements for the AE and TPZ zones, as well as minimum Fire Safe setbacks.

8. FINDING: The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE:**
- a) The CMMLUO allows cannabis cultivation to be permitted in areas zoned AE as described in Section 5 above.
 - b) A portion of 217-051-001, portion of 217-052-001, portion of 217-

053-002, portion of 217-055-002, portion of 217-056-001, 217-061-001, 217-062-003, 217-213-003, 217-214-001, and 217-253-001 combined are one separate legal parcel per Notice of Merger and Certificate of Subdivision Compliance, Recorded June 6, 2018, Doc. #2018-010363.

- c) As shown on the Site Plans, all the project elements other than one existing well and 180,000 gallons of proposed water storage and associated infrastructure are within the AE zoned area.
- d) Irrigation water is sourced from non-diversionary wells on site.
- e) Cultivation will occur on slopes of 15% or less.
- f) The location of the cultivation complies with all setbacks and performance standards of the CMMLUO.
- g) All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

9. FINDING: The project 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 project site is accessed off a County-maintained Category 4 Road that can safely accommodate the proposed amount of traffic.
 - 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 activities 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 the Project on this site will not change the character of the area due to the large parcel sizes in the area.
 - c) Irrigation water is sourced from non-diversionary wells on site.
 - d) Provisions have been made in the Applicant's proposal to protect water quality through development of a bio-filtration swale and yearly site inspection, monitoring, and reporting to the NCRWQCB.

Annual reporting shall be submitted to the NCRWQCB. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

10. FINDING: All development as defined in the General Plan within or affecting Streamside Management Areas, wetlands or other wet areas not exempted under Section 314-61.1.4 shall require a permit pursuant to an application for development within SMAs, wetlands or other wet areas and processed as a Special Permit pursuant to the Humboldt County Zoning Regulations

EVIDENCE: a) As mitigated and conditioned in Section 6(c) above, the project complies with the requirements of the Streamside Areas and Other Wetlands Ordinance. Staff is in support of approving the Special Permit.

11. 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 2019 County Housing Inventory and is currently developed with a single-family residence. The proposed Project will not preclude development of an additional residence in the future.

12. 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 Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 80 and the total approved acres of cultivation would be 38.97.

13. FINDING: The common law Public Trust Doctrine protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public. These lands are held in trust by the State of California for the statewide public and for uses that further the purposes of the trust. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to

promote publicly beneficial uses that connect the public to the water.

- EVIDENCE:**
- a) In August 2023, Lindberg Geologic Consulting assessed the hydrologic connectivity of the Jelly Bean, Cow Knoll, and Honey wells with any adjacent wells, wetlands, and/or surface waters and if pumping the well would significantly impact nearby wells, wetlands, and/or surface waters (Hydrologic Isolation from Surface Waters Reports for Jelly Bean, Cow Knoll, and Honey Wells, respectively, (Attachment 3 - Appendices 2V, 2W, and 2X). According to the Reports, the aquifer for all three wells would be recharged by water infiltrating through the soil and mélange bedrock from source areas proximal to the well site and also ephemeral streams in the vicinity when they flow during runoff generating storm events in the winter wet season. Mean annual precipitation listed by the NRCS is between 49 to 90 inches per year. Cow Knoll, Jelly Bean, and Honey well are set within well-drained soils with a depth to the water table greater than 80 inches (Burgsblock-Coolyork-Tannin complex).

According to the Hydrologic Isolation from Surface Waters Reports, if, during the wet season, ten percent (10%) of the low end of mean annual precipitation, 49 inches, is absorbed by the soils/bedrock and does not run off or be lost to evapotranspiration, then approximately 162 to 235 acre-feet, or 52 to 76 MGPY, would be expected to recharge the local aquifers below the three wells. Recharge is estimated to be more than 29 acre-feet, or 9.5 MGPY within the 1000-foot radius of each well. Water use for the Proposed Project is estimated to be 1,720,250 gallons per year based on the irrigation demand (1,575,000 gallons per year) and annual employee water use (145,250 gallons per year). Therefore, groundwater recharge estimates would be greater than the Proposed Project water demand.

The Upper Larabee Creek sub watershed is 30,546 acres located within the greater Lower Eel River watershed and has a drainage area of 3,684 square miles. Projected total water demand for the proposed commercial cannabis cultivation is 1,575,000 gallons per year. Lindberg Geologic Consulting assessed the potential for hydrologic connectivity for the Cow Knoll, Jelly Bean, and Honey wells. All three resulted in a low likelihood of being diversionary in a way that would affect adjacent wells, wetlands, or surface waters in the vicinity.

The Proposed Project is not within any basin subject to the Sustainable Groundwater Management Act, and there has been no Groundwater Sustainability Agency established with authority over the area where the three permitted wells for the proposed cultivation are sited

Therefore, the Proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant, and no mitigation would be necessary.

Since the wells were found to not be likely hydrologically connected to surface waters, the wells do not require water rights from the State Water Resources Control Board and are not subject to forbearance or water storage requirements and are also not likely to interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the Mitigated Negative Declaration for the HumSun 3, LLC Conditional Use Permit and Special Permit; and
- Adopt the Mitigation Monitoring and Reporting program; and
- Adopt the findings set forth in this resolution; and
- Approve the Conditional Use Permit and Special Permit for HumSun 3, LLC subject to the Conditions of Approval attached hereto as Attachment 1A; and

Adopted after review and consideration of all the evidence on February 6, 2025.

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