

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

**Resolution Number: 21-132**

**Records Number: PLN-12593-CUP**

**Assessor's Parcel Number: 217-381-007**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Lassik Farms, LLC, Conditional Use Permit.**

**WHEREAS, Lassik Farms, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for an existing 24,687-square-foot outdoor cannabis cultivation operation of which 20,073 square feet (SF) is full-sun outdoor and 4,614 SF is outdoor in three (3) light deprivation greenhouses which do not utilize any artificial lighting. Ancillary propagation occurs in a 300 SF greenhouse. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 12,800 gallons stored in a series of hard-sided tanks. Estimated annual water usage is 360,000 gallons. Drying, bucking, and processing occurs onsite, and additional processing may occur offsite at a licensed processing or manufacturing facility, if necessary. Up to two (2) employees may be utilized during peak operations. Power for cultivation is sourced primarily from solar and wind power, with generators to provide ancillary power and support drying activities; and

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final 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 August 19, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit 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:** The application is a Conditional Use Permit for an existing 24,687-square-foot outdoor cannabis cultivation operation of which 20,073 square feet (SF) is full-sun outdoor and 4,614 SF is outdoor in three (3) light deprivation greenhouses which do not utilize any artificial lighting. Ancillary propagation occurs in a 300 SF greenhouse. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 12,800 gallons stored in a series of hard-sided tanks. Estimated annual water usage is 360,000 gallons. Drying, bucking, and processing occurs onsite, and additional processing may occur offsite at a licensed processing or manufacturing facility, if necessary. Up to two (2) employees may be utilized during peak operations. Power for cultivation is sourced primarily from solar and wind power, with generators to provide ancillary power and support drying activities.

**EVIDENCE:**                      a) Project File: PLN-12593-CUP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the 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.

**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 Site Management Plan was prepared to show 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 SMP and submittal of enrollment documentation to verify enrollment under the General Order. Conditions of approval also require the applicant to obtain a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for the replacement of a 30-inch culvert recommended by the SMP.
- d) Review of the California Natural Diversity Database (CNDDDB) in July 2021 indicates no mapped sensitive species onsite. However, Northern Spotted Owl (NSO) habitat exists in the vicinity and the nearest activity center is within 1.2 miles of the site. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.
- e) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- f) A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in December 2020 which identified that the road is suitable for safe access to and from the project site.

**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) The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes (Residential Agriculture [RA40] and Unclassified (U) land use designation), 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 Unclassified (U) Zone is intended to be applied in areas of the County which have not been sufficiently studied to justify precise zoning classifications.
- b) All general agricultural uses are principally permitted in 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 and up to 22,000 square feet of existing mixed-light 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 24,687 square feet of cultivation on a 40-acre parcel is consistent with this and the cultivation area verification on file.

**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) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 71 of Parcel Map 64, Book 1, Pages 95 through 114).
- c) Water for irrigation is provided by a permitted onsite groundwater well (20/21-0668). The onsite well is also registered with the California Department of Water Resources (WCR2021-003886). The well is located in the northwest portion of the subject parcel. The well is 200 feet deep and drilled through topsoil, brown sandstone, shale, and blue sandstone. The well is approximately 1,000 feet away from the nearest Streamside Management Area. A blank is installed for the first 30 feet and final 10 feet of the well. The well yields 40 gallons per minute (GPM), therefore, the well can produce sufficient water for irrigation. Based on the distance from the nearest watercourse and use of a blank for casing of the first 30 feet and final 10 feet of well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.
- d) The subject property, APN 217-381-007, is accessed off of Sunset Ridge Road, a privately-maintained road, which feeds into Alderpoint Road, a County-maintained road. A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in December 2020 which identified that the road is suitable for safe access to and from the project site. Conditions of approval require the applicant to adhere and implement recommendations in the Road Evaluation Report.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. A review of aerial imagery on the Humboldt County WebGIS shows timber conversion occurred between 2010 – 2012 around the boundary of the on-stream pond in the southern area of the subject parcel. Conditions of

approval require the applicant to submit a Less Than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) that evaluates the unpermitted conversion pursuant to the Forest Practices Rules. The report shall include monitoring and reporting requirements, including restocking at a 3:1 minimum ratio and with an 85% success rate and three years of monitoring is restocking is recommended by the RPF. The conditions of approval so require the applicant to adhere to and implement the recommendations from the RPF.

- 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 property line on two sides of the parcel, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource. Although outdoor cultivation is taking place within the 30-foot setback for APNs 217-264-001 and 217-381-008, the cultivation method is full-sun outdoor without structures, therefore, will comply with CAL FIRE and county zoning requirements. Attachment 3 includes neighbor authorization to reduce the setbacks parcel APN 217-264-001. Conditions of approval require the applicant to submit a letter or similar communication from the property owner of APN 217-381-008 or reduce or relocate that cultivation area, including the Greenhouse 'C' outside the 30-foot setback to previously disturbed area on the subject parcel.

## **6. FINDING**

The cultivation of 24,687 square feet 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) A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in December 2020 which identified that the road is suitable for safe access to and from the project site.
- 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 sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for cannabis cultivation irrigation is provided by a groundwater well. The 200-foot-deep groundwater well has been issued a Well Completion Report from the CA Dept. of Water Resources (WCR 2021-003886) and permit number 20/21-0668. (Attachment 3). The well is located in the northwest portion of the subject parcel. According to the Well Completion Report (see Attachment 3), the well is 200 feet deep and drilled through topsoil, brown sandstone, shale, and blue sandstone. The well is approximately 1,000 feet away from the nearest streamside management area. A blank is installed for the first 30 feet and final 10 feet of the well. The well yields 40 gallons per minute (GPM), therefore, the well can produce sufficient water for irrigation. Based on the distance from the nearest, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water

rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.

- e) A Site Management Plan was prepared by the Applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected. Conditions of approval require the applicant to adhere to and implement the recommendations in the SMP and comply with the State Water Resources Control Board's Cannabis Cultivation Policy.

**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.

**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 Lassik, 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 **August 19, 2021**.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Mike Newman and the following ROLL CALL vote:

AYES: COMMISSIONERS: Alan Bongio, Thomas Mulder, Noah Levy, Mike Newman, Peggy O'Neill, Brian Mitchell, Melanie McCavour


NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carries 7/0

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.



John Ford, Director  
Planning and Building Department