

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

**Resolution Number: 24-**

**Record Number: PLN-12020-SP**

**Assessor's Parcel Number: 208-341-011**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Lost Coast Cannabis, LLC Special Permit.**

**WHEREAS**, Lizard Ranch Farms, LLC provided an application and evidence in support of approving a Special Permit for an existing 9,325 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 Zoning Administrator held a duly-noticed public hearing on August 15, 2024 and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all the following findings:

- 1. FINDING:**                      **Project Description:** A Special Permit for 9,325 square feet of existing outdoor commercial cannabis cultivation. Water is sourced from an existing well and rainwater catchment. Water is stored in a series of tanks totaling 96,500 gallons, the annual water budget is 120,000 gallons. Drying will occur onsite while further processing, including trimming will occur offsite. A solar panel and battery system provides electricity, with a generator used for emergencies only.

**EVIDENCE:**            a) Project File: PLN-12020-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) A Site Management Plan (SMP) showing 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 maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
  - d) The project is for pre-existing cultivation. The nearest spotted owl activity center is approximately 1.6 miles from the site. 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) Staff review of the CNDDDB concluded that continuing the operation will not impact species of concern.
  - f) 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 a Road Maintenance Association and does not have any evidence of a site-specific safety problem.

#### **FINDINGS FOR 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 Unclassified (U) 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 Unclassified (U) zone in which the site is located.

**EVIDENCE:** a) The Unclassified (U) zone is intended to be applied to areas of the County in which further study and analysis is required before applying a more specific zoning district.

b) All accessory 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 10,000 square feet of existing outdoor cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,325 square feet of outdoor cultivation on a 9.25-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) The parcel was created in compliance with all applicable state and local subdivision regulations, The subject parcel (Parcel 5) is a legal parcel, per subdivision map recorded in book 19 of maps, page 29.
- c) The project will obtain water from a permitted well and rainwater catchment, eligible water sources.
- d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is 15% to 30% on existing flats.
- 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 9,325 square feet of existing outdoor 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 10 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 since the subject parcel is surrounded by cannabis farms.
- c) Irrigation water will come from a permitted well and rainwater catchment system, eligible water sources. The well is screened

from 40 to 200 feet below the surface in a mix of weathered brown bedrock 17 -47 BGS and Grey Bedrock 47-200 BGS. The well is located approximately 600 feet from an unnamed class III watercourse. The land in the area generally slopes down in a westerly direction to the Van Duzen River. The watercourse is located at the northern end of the parcel and the well is located towards the southeastern portion of the parcel. There is a slight dip in the topography between the class III watercourse and the well. Surface water resources would reasonably travel downslope towards the river rather than intercepting the well's area of influence. The well is located 2,777 feet above sea level. The bottom of the well's bearing unit is 2,577 above sea level, and the nearest point on the Van Duzen River is 1,477 feet away at an elevation of 2,411 above sea level. The bottom of the well is 166 above the river. The groundwater well appears unlikely to have a direct hydrologic connection to the watercourse given the clay soil that is found between 2 and 17 feet in the well boring, the distance to the nearest surface waters, the elevation profile of the well, the topography of the area and the distance to the nearest blue line streams. Given the lack of any direct connection, the use of the well would not have an adverse impact on any public trust resources associated with the Van Duzen River, such as fisheries and recreational uses.

- 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:** The use of the well for limited cultivation purposes will not have any adverse impacts on any public trust resources.

**EVIDENCE:** a) The well is the source of 30,000 gallons of irrigation water between May 15th and November 1st. With the estimated yield, the well will

need to pump 75 minutes a day to supply the needed water in the dry season. This pumping period will allow ample time for groundwater recharge in the well column. The first 17 feet of the well boring traverses Silty Tan Clay; the well features a Bentonite sanitary seal from 0-20 feet below ground surface (BGS). The well is screened from 40 to 200 feet below the surface in a mix of weathered brown bedrock 17 -47 BGS and Grey Bedrock 47-200 BGS. The well is located approximately 600 feet from an unnamed class III watercourse. The land in the area generally slopes down in a westerly direction to the Van Duzen River. The watercourse is located at the northern end of the parcel and the well is located towards the southeastern portion of the parcel. There is a slight dip in the topography between the class III watercourse and the well. The unnamed watercourse may combine with another watercourse and eventually enter the Van Duzen River. The Van Duzen River contains habitat for Chinook salmon, Coho Salmon, Steelhead and Rainbow trout. Some of these species are subject to fishing. The Van Duzen River also provides recreational opportunities for swimming and boating. Surface water resources would reasonably travel downslope towards the river rather than intercepting the well's area of influence. The well is located 2,777 feet above sea level. The bottom of the well's bearing unit is 2,577 above sea level, and the nearest point on the Van Duzen River is 1,477 feet away at an elevation of 2,411 above sea level. The bottom of the well is 166 feet above the river. The groundwater well appears unlikely to have a direct hydrologic connection to the watercourse given the clay soil that is found between 2 and 17 feet in the well boring, the distance to the nearest surface waters, the elevation profile of the well, the topography of the area, the projected demand on the well, and the distance to the nearest blue line streams. Based on this information the use of the well for irrigation purposes will not have any adverse impacts on any public trust resources.

**9. 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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 129 permits and the total approved acres would be approximately 44 acres of cultivation.

## **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Lizard Ranch, LLC subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference.

Adopted after review and consideration of all the evidence on **August 15, 2024**.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John Ford, Director  
Planning and Building Department