

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

Resolution Number: 24-

Record Number: PLN-11590-CUP

Assessor's Parcel Number: 208-113-008

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

WHEREAS, Goddess Organics, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 28,625 square foot (SF) mixed light and outdoor cannabis cultivation, limited to a maximum of 11,500 SF of mixed light cultivation, including a maximum of 10% nursery space, or 2,863 SF. A Special Permit is also requested for development within the Streamside Management Area (SMA) for continued use and maintenance of the point of diversion infrastructure; 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 September 19, 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: The application is a Conditional Use Permit for the continued operation of an existing 28,625 square foot (SF) mixed light and outdoor cannabis cultivation, limited to a maximum of 11,500 SF of mixed light cultivation, including a maximum of 10% nursery space, or 2,863 SF. Irrigation water is sourced from a stream diversion and rainwater catchment. A 400,000-gallon rainwater catchment pond is proposed. Existing available water storage is 62,000 gallons in a series of hard-sided tanks, and there will be 462,000 gallons of onsite water storage with development of the

proposed pond. Estimated annual water usage is 270,500 gallons. Processing occurs onsite. A maximum of fifteen (15) employees will be required during peak operations. Power is provided by three (3) generators and supplemented by solar; however, the applicant plans to fully convert to solar by the end of 2025. A Special Permit is also requested for development within the Streamside Management Area (SMA) for continued use and maintenance of the point of diversion infrastructure.

EVIDENCE: a) Project File: PLN-11590-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 SMP and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) The project is for pre-existing cultivation. California Department of Fish and Wildlife Resource Maps indicate Per review of CDFW's California Natural Diversity Database (CNDDB) in October 2022, the cultivation areas are mapped within potential habitat for the American peregrine falcon (*Falco peregrinus anatum*) and three-ranked hump moss (*Meesia triquetra*). Additionally, the nearest Northern Spotted Owl (NSO) sighting is located approximately 0.08 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 0.54 miles away.

A Biological Report was prepared by Natural Resource Management Corporation in October 2018 to assess the project and surrounding area for potential habitat for special status species, sensitive habitats, and other environmental issues. As noted in the Report, no listed wildlife species or special status species were detected during the survey. The Report concludes that potential impacts to sensitive species would be minimal if recommendations included in the Report are implemented. Conditions of approval require the applicant to implement noise and light attenuation measures, 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 cultivation of cannabis will not result in the net conversion of timberland beyond what occurred before the environmental baseline year of 2016. A Timber Conversion Evaluation was prepared by a Registered Professional Forester (RPF) of Natural Resources Management Corporation, which notes that inspection of the property concluded that a total of 2.0 acres of unauthorized timber conversion occurred onsite. It is further noted that clear-cutting occurred onsite prior to 2005 and that 70% of the conversion area occurred by 2009, with the other 30% cleared since 2014. Additionally, the Report states that the cleared areas are “located on gentle to moderately steep side slopes and required some grading or excavation when originally created.” Further, it is noted that “all of the terraces appear to be stable.” However, the Report notes that evidence of runoff indicators (rills, tracking, etc.) were observed on the steeper portion of the road leading down and to the northwest from the northernmost cultivation area and that the outlet of pipe is cutting a streambed. Two recommendations are included in the Report to bring the conversion into compliance with the provisions of the Forest Practices Act, including installing a new rolling dip near the northwest corner of the northernmost conversion area where the road begins to get steeper; and armoring the outlet of the 24-inch culvert and place rock in the streambed to act as an energy dissipater. The project is conditioned to implement any remaining corrective actions recommended in the 2017 Timber Conversion Evaluation. Review of air photos taken in 2016 and 2018 indicate there was some additional tree cutting that occurred after the Timber Conversion Evaluation report was prepared in 2017. The

primary area of concern is the area north of the proposed pond. Within 90 days of project approval, the subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate unauthorized timber conversion shall be implemented. The report shall contain a restocking plan with recommendations for restocking of any timber conversion that occurred after January 1, 2016, at a rate of 3:1. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for a minimum of three (3) years with an 85% success rate. A monitoring report prepared by a registered professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The timber conversion evaluation and restocking plan shall be submitted to the Planning Department for review and approval. No additional tree removal is requested or authorized by this permit.

- f) Road Evaluation Reports were prepared by DTN Engineering and Consulting in April 2020 (Attachment 3) for a 1-mile segment of River Road from the Humboldt/Trinity County line to Eight Mile Ridge Road, a 1.75-mile segment of Eight Mile Ridge Road from River Road to the private access road, and a 0.35-mile segment of the private access road from Eight Mile Ridge Road to the subject property, which indicate that the roadways do not meet a Category 4 road equivalent standard. Part B of the Road Evaluation Reports indicate the three road segments are considered very low volume roadways and can accommodate the cumulative increase traffic from the project and all known cannabis projects if the recommendations in the attached Roadway Evaluation Report are implemented. With implementation of the recommendations of the Report, the roadways will be suitable for safe access to and from the project site.
- 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

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 timberland (T) uses. The use of old logging flats for cannabis cultivation is consistent with the use of Open Space land for managed production of resources. 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 28,625 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 TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as confirmed by and identified in the Certificate of Subdivision Compliance (2004-16326-4), recorded May 17, 2004.
- c) The project will obtain water from rainwater catchment, a point of diversion, and two permitted wells which are eligible water sources. The project is conditioned to store adequate water for the project to

ensure the water needs can be met if the wells fail.

- 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% and 15% to 30 % on existing flats.
- f) The continued cultivation of cannabis will not result in the net conversion of timberland. Review of air photos taken in 2016 and 2018 indicate there was some additional tree cutting that occurred after the Timber Conversion Evaluation report was prepared in 2017. The primary area of concern is the area north of the proposed pond. Within 90 days of project approval the subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate unauthorized timber conversion shall be implemented. The report shall contain a restocking plan with recommendations for restocking of any timber conversion that occurred after January 1, 2016, at a rate of 3:1. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for a minimum of three (3) years with an 85% success rate. A monitoring report prepared by a registered professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The timber conversion evaluation and restocking plan shall be submitted to the Planning Department for review and approval.
- 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 28,625 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 certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation if the recommendations in the Roadway

Evaluation Report, prepared by DTN Engineering and Consulting in April 2018, are implemented.

- 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 two wells, a proposed 400,000-gallon rainwater catchment pond and a point of diversion from a Class II stream that have been registered with the State Water Resources Control Board and California Department of Fish and Wildlife.
- 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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of the three adjacent projects together, the total approved permits in this Planning Watershed

would be 131 permits and the total approved acres would be approximately 44.65 acres of cultivation.

9. FINDING:

The use of the two wells and point of diversion for irrigation purposes will not have any adverse impacts on any public trust resources.

EVIDENCE:

- a) The two wells on the property are currently the source of 203,882 gallons of irrigation water and the point of diversion supplies up to 31,618 gallons. The use of the wells and the point of diversion for cannabis irrigation will be phased out when the rainwater catchment becomes operational. The wells are located approximately 1,100 and 650 feet from Little Larabee Creek. The land in the area generally slopes down in a northerly direction to Little Larabee Creek. Surface water resources would reasonably travel downslope towards the creek rather than intercepting the well's area of influence. Little Larabee Creek eventually enters the Van Duzen River approximately two miles away from the project site as the crow flies. The point of Diversion is a surface water diversion on an unnamed Class II water course. In the LSAA agreement with CDFW has dictated that all diversion for cannabis cultivation from the point of diversion will be confined to November 1 – March 31. At this time the flows are significant and the withdrawal of less than 20% of the total flow coupled with the limited quantity of water withdrawn, indicates that the diversion will not have significant impacts on Public Trust Resources. Little Larabee Creek may provide some fishing or bathing opportunities. 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. As detailed in the water resources section of this report, the groundwater wells appear unlikely to have a direct hydrologic connection to either watercourse given the distance to the nearest surface waters, the elevation profile of the well, the topography of the area, the projected demand on the wells, and the distance to the nearest blue line streams. Given the apparent lack of connection to surface waters, there is no potential for the use of the wells and the point of diversion to adversely impact any navigable waterways or fish-bearing streams and therefore the use of the well would not affect any public trust resources. The project will not cause any significant adverse impact to Little Larabee Creek, the Van Duzen 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 Goddess Organics, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **September 19, 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 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