

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 25-

Records Number: PLN-12301-CUP

Assessor's Parcel Numbers: 220-292-017, and 220-292-018

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Paradise Mountain LLC, Conditional Use Permit.

WHEREAS, Paradise Mountain LLC., submitted an application on December 22, 2016, for a Conditional Use Permit for Paradise Valley LLC – 11,000 sq ft Existing Outdoor Cannabis Cultivation and a Special Permit for use of points of diversion within Streamside Management Area; and

WHEREAS, on October 24, 2023, the Board of Supervisors received a report that there are approximately \$14 million in unpaid Measure S Taxes and \$2.1 million in unpaid permit processing costs associated with cannabis permit applications; and

WHEREAS, the Board of Supervisors provided a series of deadlines for cannabis permit holders to pay for their permit processing costs and establish a payment plan for payment of Measure S taxes. The farmers were given six months until March 31, 2024, to pay their permit costs and enter an agreement to pay their outstanding taxes.

WHEREAS, this applicant had unpaid Measure S taxes and delinquent Departmental fees.

WHEREAS, On November 13, 2024, the Regional Water Board issued Notice of Violation (NOV) of Cleanup and Abatement and Water Code Section 13267 Order No. R1-2024-0047 for Humboldt County Assessor's Parcel Numbers 220-292-015, 20-292-017, and 220-292-018. The applicant has not provided a response to the Regional Water Board NOV; and

WHEREAS, a letter was sent to the applicant on January 21, 2025, notifying them that the permit would be denied if outstanding Departmental permit fees were not paid within 60 days; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on April 17, 2025, 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 Zoning Administrator makes all the following findings:

1. **FINDING:** **Project Description:** Denial of a Conditional Use Permit for 11,000 square feet of mixed light cannabis cultivation and a Special Permit for use of points of diversion within Streamside Management Areas (**PLN-12301-CUP**). Water for cannabis irrigation is sourced from rain catchment ponds and from three points of diversion. There is a total of 471,500 gallons of water storage capacity on the subject parcels in the two ponds and in three hard tanks. These ponds serve both PLN-12303-CUP and PLN-12301-CUP. The power source for the projects are generators. Three unstable flats were built without proper permitting and engineering. Both applications were filed on December 22, 2016.

EVIDENCE: a) Project File: PLN- 12301

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

EVIDENCE: a) Section 15270 of the CEQA Guidelines

FINDINGS FOR CONDITIONAL USE PERMIT

3. **FINDING:** The proposed development is not consistent with the requirements of the Humboldt County Code.

EVIDENCE: a) Section 719-4 of the Humboldt County code states: *In addition to any requirements imposed by Title III, each person issued a commercial marijuana cultivation permit shall pay an annual tax of one dollar (\$1.00) per square foot of outdoor cultivation area, two dollars (\$2.00) per square foot of mixed-light cultivation area or three dollars (\$3.00) per square foot of indoor cultivation area.* The permit holder is responsible for paying the taxes imposed under this section of the code.

The applicant has failed to pay required Measure S taxes as outlined in Humboldt County Code.

- The projects have unpaid planning department fees dating back to 2023.
4. **FINDING:** The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE:** a) Lack of information on measures needed to address post 2015 timber removal to facilitate cannabis cultivation.
5. **FINDING:** There is insufficient evidence to support the finding that the project will not be detrimental to public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE:** a) The project proposed fails to protect water quality. See: Notice of Violation of Cleanup and Abatement and Water Code Section 13267 Order No. R1-2024-0047 for Humboldt County Assessor's Parcel Numbers 220-292-015, 20-292-017, and 220-292-018

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
- **Deny** the Conditional Use Permit for Paradise Mountain LLC, based upon the Findings and Evidence.

Adopted after review and consideration of all the evidence on **April 17, 2025**.

I, John H. 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.

John H. Ford, Zoning Administrator
Planning and Building Department