

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

**Resolution Number: 25-**

**Record Number: PLN-12030-CUP**

**Assessor's Parcel Number: 208-221-006-000**

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

**WHEREAS**, Kurnishon, LLC provided an application and evidence in support of approving a Conditional Use and Special Permit for an existing 21,120 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 Planning Commission held a duly-noticed public hearing on May 15, 2025 and reviewed, considered, and discussed the application for a Conditional Use 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 21,120 square feet (SF) of existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. Water for irrigation will be provided by an existing well. The expected annual water use is 193,000 gallons (8.97 gallons/square foot). There is a total of 55,500 gallons of available water storage currently on site. Processing such as drying and curing will occur onsite in an existing 1,100 SF structure. Energy for the project will be supplied by three (3) 7kW generators which also serve power for domestic purposes. The project is conditioned to transition to renewable energy by January 1, 2026. The applicant is also seeking a Special Permit for work within the Streamside Management Area.

**EVIDENCE:** a) Project File: PLN-12030-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. The nearest mapped Northern Spotted Owl activity center (HUM0043) is 0.6 miles away from the cultivation. The project utilizes pre-existing open areas, and cultivation does not use artificial light except for the ancillary nursery. Use of the three (3) generators 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. The applicant has provided plans prepared by Peterson Design Group to add a solar photovoltaic system support infrastructure to provide power for commercial cultivation. The project is proposed to be conditioned to transition to 100 percent on-site renewable energy by January 1, 2026. 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) The project takes access from Saylor Mad River Road. A Road Evaluation Report was submitted with photographic evidence by the

applicant for Saylor Mad River Road. The entire Road segment is developed to a usable standard; however, several repairs are needed. The applicant shall install rolling dips and water bars on the main road to prevent sediment sediments from entering the Class III drainage and other conditions requested by CDFW. With the improvements conditioned, the road will be equivalent standard and is suitable for safe access to and from the project site.

- f) The cultivation of cannabis will not result in the net conversion of timberland. A Timberland Conversion Evaluation report was prepared by Blair Forestry Consulting on October 11, 2018, for the timber conversion activities that have occurred onsite in three locations referred to as conversion areas 1, 2, and 3 with minor conversions occurring prior to 2014 and major conversion activities occurring after the established CMMLUO baseline date. The total estimated conversion area equals 2.97 acres of timber conversion with approximately 1.79 acres of that amount occurring after the CMMLUO baseline. An amended Timberland Conversion Evaluation Report prepared by Blair Forestry, LLC was submitted to the Humboldt County Planning and Building department in April 2022, to correct the estimated size of timber conversion and to provide a restocking plan for the amended acreage provided in the amendment. According to the amendment, due to the lack of areal imagery available in 2018, the original conversion amounts were miscalculated, with the newly available areal imagery the estimated amount of timber conversion is approximately 2.14 acres which consequently brings the total conversion area post baseline to 1.24 acres. The restocking plan includes thorough guidelines for restocking areas (4 locations), site preparation, seedling type, care, and planting instructions as well as requirements to carry out the monitoring for two years after planting and a 5-year report of stocking certification prepared by a Registered Professional Forester. In total 202 trees will be planted across four conversion sites totaling 1.24 acres. The project is conditioned to require the Applicant to implement the restocking plan in accordance with the guidelines and requirements as dictated. No additional timber conversion is proposed by this project.
- g) The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Wiyot tribe. The project was referred to the Northwest Information Center at Sonoma State, Bear River, and the Wiyot. A Cultural Resources Investigation dated August 2019 was performed by Archaeological Research and Supply Company. The investigation final report was reviewed by the Bear

River Tribal Historic Preservation Office which recommended the standard inadvertent discovery protocol which has been incorporated into the project 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 Agricultural Grazing (AG) 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 Forestry Recreation with 40-Acre Minimum Building Site Area (FR-B-5(40)) zone in which the site is located.

**EVIDENCE:** a) The Unclassified or FR-B-5(40) is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

b) All accessory agricultural uses are principally permitted in the FR-B-5(40) 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 21,120 square feet of outdoor cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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 subject parcel has been determined to be one legal parcel (lot 43) as shown on Record of Survey in Book 26 of Surveys page 135.
  - c) Water for irrigation is provided by an existing permitted groundwater well. The well is registered with the California Department of Water Resources (DWR) and local Department of Environmental Health (DEH) (Permit No. 17/18-0014). Estimated annual water usage is 193,000 gallons (9.14gal/sf). A Hydrologic Assessment was performed on the existing well performed by Lindberg Geologic Consulting dated November 15, 2022 that looked at the 150-foot deep well and its potential impacts to other wells and surface waters within 1,000 feet (72 acres). The report was prepared after a California-Certified Engineering Geologist visited the site on August 23, 2022 to observe the subject well and local site conditions. Based on the depth of the well, the depth of the bentonite-sealed casing (140 feet), and consideration of the stratigraphy and underlying geologic structure, plus the distances (horizontally and vertically) from the nearest surface waters the report concludes that the 140-foot bentonite seal, is sufficient to preclude the potential for hydraulic connectivity with surface waters. Furthermore “the water source from which this well draws appears to be s confined subsurface aquifer not demonstrably connected to any surface waters or unconfined, near-surface aquifer(s)”. The report concludes that the well located on site has a low likelihood of being hydrologically connected to nearby surface waters or wells in any manner that might significantly impact or affect adjacent wells, surface waters, or wetlands in the vicinity.
  - d) Sayler Mad River Road. A Road Evaluation Report was submitted with photographic evidence by the applicant for Sayler Mad River Road. The entire Road segment is developed to a usable standard; however, several repairs are needed. The applicant shall install rolling dips and water bars on the main road to prevent sediment sediments from entering the Class III drainage and other conditions requested by CDFW. With the improvements conditioned, the road will be equivalent standard and is suitable for safe access to and from the project site.

- e) As provided in the Cultivation and Operations Plan, the site contains two (2) graded flats. The slope of the land where cannabis will be cultivated occurs in areas with naturally occurring slopes measuring between 15 and 30%, per the Site Management Plan. Conditions of approval require the applicant to obtain grading permits from the Humboldt County Building Division for all grading conducted without the benefit of County review.
- f) The cultivation of cannabis will not result in the net conversion of timberland. A Timberland Conversion Evaluation report was prepared by Blair Forestry Consulting on October 11, 2018, for the timber conversion activities that have occurred onsite in three locations referred to as conversion areas 1, 2, and 3 with minor conversions occurring prior to 2014 and major conversion activities occurring after the established CMMLUO baseline date. The total estimated conversion area equals 2.97 acres of timber conversion with approximately 1.79 acres of that amount occurring after the CMMLUO baseline. An amended Timberland Conversion Evaluation Report prepared by Blair Forestry, LLC was submitted to the Humboldt County Planning and Building department in April 2022, to correct the estimated size of timber conversion and to provide a restocking plan for the amended acreage provided in the amendment. According to the amendment, due to the lack of areal imagery available in 2018, the original conversion amounts were miscalculated, with the newly available areal imagery the estimated amount of timber conversion is approximately 2.14 acres which consequently brings the total conversion area post baseline to 1.24 acres. The restocking plan includes thorough guidelines for restocking areas (4 locations), site preparation, seedling type, care, and planting instructions as well as requirements to carry out the monitoring for two years after planting and a 5-year report of stocking certification prepared by a Registered Professional Forester. In total 202 trees will be planted across four conversion sites totaling 1.24 acres. The project is conditioned to require the Applicant to implement the restocking plan in accordance with the guidelines and requirements as dictated. No additional timber conversion is proposed by this project.
- g) Electricity is sourced from three (3) 7-kilowatt generators. The generators are used for an estimated 12 hours a day for domestic purposes. During the cultivation season (March through November) the applicant estimates the generators will be ran for up to 4 hours

a day to power cultivation related equipment including fans and drying equipment. The applicant has provided plans prepared by Peterson Design Group to add a photovoltaic solar system to provide power for commercial cultivation and support infrastructure. the project is proposed to be conditioned to transition to 100 percent on-site renewable energy by January 1, 2026.

- h) 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 cultivation of 21,120 SF 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) The site is located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation with the specified conditions of approval.
- 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) Water for irrigation is provided by an existing permitted groundwater well. A hydrologic assessment concluded that the well located on site has a “low likelihood of being hydrologically connected to nearby surface waters or wells in any manner that might significantly impact or affect adjacent wells, surface waters, or wetlands in the vicinity.
- d) Provisions have been made in the applicant’s proposal and conditions added to the project 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 permitted 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 located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 87 permits and the total approved acres would be 32.97 acres of cultivation.

**9. FINDING:** The use of the point of diversion for irrigation purposes will not have any adverse impacts on any public trust resources.

**EVIDENCE:** a) The project is in the Mad River Planning Watershed. The project well is approximately 3,600 feet southwest of the Mad River. The nearest ephemeral tributary of Pilot Creek is more than 3,800 feet east of the well and is at an elevation of approximately 3,560 feet. The well site elevation is 3,270 feet and the elevation of the proximal ephemeral tributary of the Mad River is at an approximate elevation of 3,200 feet. The elevation of the Mad River at its nearest location is approximately 2,240 feet. The well contributes approximately 193,000 gallons to the project's water budget. There is currently approximately 55,500 gallons and the project is conditioned to add an additional 100,000 gallons of water storage in a condition of project approval. The use of the stored water for irrigation purposes will not cause any significant adverse impact to the Mad 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. The project has no impact on flows during the dry season, thus the use of the stored water for irrigation purposes will not cause any significant adverse impact to the Eel 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 Kurnishon, LLC, subject to the conditions of approval attached hereto as Attachment 1.

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

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John H. Ford, Director  
Planning and Building Department