

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
HUMBOLDT**

Resolution Number 24-

**Record Number PLN-11697-CUP
Assessor's Parcel Number: 210-231-021**

**Resolution by the Board of Supervisors of the County of Humboldt to revoke the
Hwy 36 Farms, LLC Conditional Use Permit, Record Number PLN-11697-CUP.**

WHEREAS, Hwy 36 Farms, LLC was issued a Conditional Use Permit for existing cannabis cultivation of approximately 5,000 square feet of outdoor cultivation and 7,600 square feet of mixed-light cultivation; and

WHEREAS, after the close of all appeal periods the Conditional Use Permit was issued with an effective date of August 16, 2019; and

WHEREAS, on April 12, 2022 an annual inspection of the operation was completed which documented non-compliance issues, including no executed CA, no County Business License, cultivation not in an approved location, monofilament left out-accessible to wildlife, unconfirmed power source, gasoline containers left out with no containment, improperly stored solid waste with evidence of animal activity, no water use logs, and an unfirmed water source; and

WHEREAS, On February 29, 2024, a notice of the hearing was sent via certified mail, with a return receipt requested; AND

WHEREAS, On March 1, 2024, the Planning and Building Department posted a Permit Revocation Notice at the property entrance; AND

WHEREAS, On March 25, 2024, the property owner/permit holder contacted the Planning and Building Department in response to the notices posted at the site and stated that the Planning and Building Department may have the incorrect mailing address on file; AND

WHEREAS, On March 26, 2024, the Board of Supervisors continued the item to the meeting of April 23, 2024, to allow the property owner/permit holder the opportunity to resolve the items in the Permit Revocation Notice; AND

WHEREAS, On March 27, 2024, the Planning and Building Department sent an updated letter via USPS Certified, return receipt requested, to the permit holder/property owner, and the Department again posted notices to the site with the April 23, 2024 hearing

notice. The updated letter listed the actions needed to bring the site into compliance by April 23, 2024, and that the permit has been scheduled for a hearing in front of Humboldt County Board of Supervisors on April 23, 2024, to consider revocation of the issued permit; AND

WHEREAS, as of April 8, 2024, the Department has not received any additional response or correspondence from the permit holder/property owner and the issues have not been resolved; AND

WHEREAS, the Board of Supervisors held a duly-noticed public hearing on April 23, 2024, and reviewed, considered, and discussed the application and appeal for the Conditional Use Permit, and reviewed and considered all public testimony and evidence presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1. **FINDINGS:** **Project Description:** Revocation of a Conditional Use Permit for 5,000 square feet of outdoor and 7,600 square feet of mixed light cultivation.

EVIDENCE: a) Project File: PLN-11697-CUP

2. **FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been complied with.

EVDIENCE: a) The project is exempt from environmental review per Section 15321 of the CEQA Guidelines (enforcement actions by regulatory agencies).

FINDINGS FOR REVOCATION

3. **FINDING:** The permit is being exercised contrary to the terms or conditions of such approval.

EVDIENCE: a) The permit holder has not executed a compliance agreement as required by Condition of Approval #1 of the permit. A compliance agreement was to be executed within 60 days of project approval, which would have been 10.01.2019. As of 2024, the CA has not been executed. All items listed on Compliance Agreement are required to be demonstrated as complete within two years and that deadline has passed.

b) Cultivation has been occurring in an unapproved location. The project approval was predicated on relocating historic cultivation and remediating the former cultivation sites in

accordance with a restoration plan. No onsite relocation has occurred and a restoration plan as required by Condition of Approval #7 has not been submitted.

- c) Monofilament has been left outside in an uncontained manner and presenting a hazard to wildlife. Project Conditions of Approval #4 under Ongoing requirements prohibits the use of synthetic netting on site for any purpose. The last two inspections found evidence that the prohibited material had been utilized as part of the project, and synthetic netting was left littered throughout the project.
- d) Power was required to be provided by PG&E. During both the 2022 and 2023 inspections, the Planning and Building Department was unable to contact the applicant to schedule a meeting time, and no applicant or other project operator was on site at the time of the inspection. Staff was unable to confirm that the power source for the project is in compliance with what was approved in the permit.
- e) Gasoline containers and other potentially hazardous materials have consistently been left outside with no spill containment. Condition of Approval #13 under Ongoing Conditions requires the project must “refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide”. Condition of Approval #17 under Ongoing Conditions requires that the project store and handle fuel in such a way that no spillage occurs. Gasoline containers, both plastic jugs and metal cylinders, have been found littered throughout the site during the 2022 and 2023 inspections. Several fuel containers were found with missing lids and/or tipped over onto their sides.
- f) The site contains improperly stored solid waste. Project conditions of approval #5 under ongoing conditions requires that “all refuse is to be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility”. However, substantial refuse has been left behind and littered across the project. During the 2022 inspection, it was evident a bear had been rummaging through the torn open bags of refuse. This issue was called out in the 2022 inspection report, and remained unresolved at the time of the 2023 inspection.
- g) Condition of Approval #5 requires that the groundwater well on site be inspected annually during the dry season by a licensed professional, and that results are to be submitted to the Planning

Department. The last well pump test results that have been submitted to the Department are from 2019.

- 4. **FINDING:** The use for which the permit was granted is so conducted as to be a public nuisance.
- EVIDENCE:**
 - a) Potentially hazardous material and solid waste have been left on the property presenting a hazard to wildlife.
 - b) Monofilament left has been left littered throughout the site presenting a hazard to wildlife.
 - c) Gasoline containers, both plastic jugs and metal cylinders, have been found littered throughout the site including several fuel containers were found with missing lids and/or tipped over onto their sides. This poses a threat to water quality and to wildlife.
- 5. **FINDING:** Notice of intention to revoke the Conditional Use Permit for Highway 36 Farms, LLC was properly given pursuant to Section 312-14.5 of the Humboldt County Code.
- EVIDENCE:**
 - a) On February 29, 2024, a notice of the hearing to consider revocation was sent via certified mail, with a return receipt requested.
 - b) On March 15, 2024 the certified mail was returned to sender as undeliverable.
 - c) On March 1, 2024, the Planning and Building Department posted a Permit Revocation Notice at the property entrance.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Revoke the Conditional Use Permit.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 26, 2024 by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--
 NOES: Supervisors--
 ABSENT: Supervisors--
 ABSTAIN: Supervisors—

STATE OF CALIFORNIA)

County of Humboldt)

I, TRACY DAMICO, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors

TRACY DAMICO
Clerk of the Board of Supervisors of
the County of Humboldt, State of California