

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19- 73**

**Record No. PLN-11141-CUP  
Assessor Parcel Numbers: 204-091-012**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Hawk Valley Farms, LLC Conditional Use Permit request.**

**WHEREAS**, Hawk Valley Farms, LLC submitted an application requesting approval of a Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation located on APN 204-091-012.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitation), RA (on parcels of five acres or larger), and AG, FP, DF, FR, U, and TPZ districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and determined that 28,000 square feet of existing outdoor cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, Section 314-55.4.8.11 of the Humboldt County Code allows for the issuance of an Interim Permit where adequate evidence has been submitted demonstrating that a cultivation site existed prior to January 1, 2016; and

**WHEREAS**, Section 314-55.4.8.11 of the Humboldt County Code specifies that approval of the Interim Permit is conditional and shall occur through issuance of a Zoning Clearance Certificate and written Compliance Agreement and that violation of the compliance agreement shall be grounds for permit cancellation and disqualification of the property from future permitting.

**WHEREAS**, in 2017 Hawk Valley Farms graded the property and installed eighteen hoop structures totaling 53,720 square without proper permits or authorization; and

**WHEREAS**, Hawk Valley Farms and the Planning and Building Department reached a settlement agreement in May of 2018 that resulted in the issuance of an Interim Permit for 28,000 square feet of outdoor cannabis cultivation; and

**WHEREAS**, Hawk Valley Farms executed a Compliance Agreement on July 18, 2018.

**WHEREAS**, in 2019 Hawk Valley Farms was found to have expanded to approximately 36,720 square feet of dedicated flowering space and 17,000 square feet of dedicated nursery space in violation of the issued Interim Permit and May 2018 settlement agreement; and

**WHEREAS**, on March 15, 2019 the Planning Department sent Hawk Valley Farms correspondence stating that evidence showing that the skins from greenhouses being used for cultivation over the allowable 28,000 square feet was required to be submitted by March 25, 2019; and

**WHEREAS**, Hawk Valley Farms did not submit evidence showing that the skins from greenhouses being used for cultivation over the allowable 28,000 square feet by March 25, 2019; and

**WHEREAS**, Section 314-55.11.v of the Humboldt County Code requires that cultivators using artificial

lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise; and

**WHEREAS**, Section 314.55.11.w states that the light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).

**WHEREAS**, Section 314.55.11.w further states that should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

**WHEREAS**, on March 1, 2019 the Planning and Building Department received a complaint of light leaking from greenhouses; and

**WHEREAS**, on March 7, 2019 the Planning and Building Department sent correspondence to Hawk Valley Farms indicating that evidence demonstrating compliance with dark sky standards was required to be submitted by March 21, 2019; and

**WHEREAS**, Hawk Valley Farms did not submit evidence to the Planning and Building Department demonstrating compliance with the dark sky standards by March 21, 2019; and

**WHEREAS**, on April 9, 2019 The Director of the Planning and Building Department revoked the Interim Permit for Hawk Valley Farms and stated that evidence demonstrating all cannabis and infrastructure must be removed from the site by April 19, 2019 or the Conditional Use Permit application would be presented to the Planning Commission for denial; and

**WHEREAS**, Hawk Valley Farms did not submit evidence by April 19, 2019 demonstrating that cannabis and cannabis infrastructure was removed from the site; and

**WHEREAS**, on May 1, 2019 the Planning and Building Department received a complaint that light was escaping from greenhouses as recently as April 29, 2019; and

**WHEREAS**, Planning staff visited the site on May 2, 2019 and verified that skins of greenhouses were not removed indicating that cannabis cultivation was still occurring.

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, while operating under an Interim Permit the applicant has failed to comply with the applicable standards and requirements of the Humboldt County Code; and

**WHEREAS**, the proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and

2. The project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred multiple times; and
3. The project is not consistent with Section 314-55.11.v of the Humboldt County Code because light from greenhouses has continued to escape at a level that is visible from neighboring properties between sunset and sunrise; and
4. The project is not consistent with Section 314-55.11.w of the Humboldt County Code because the applicant did not submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected within ten (10) working days of receiving written notification that a complaint has been filed; and
5. Hawk Valley Farms has violated the terms of the executed Compliance Agreement and is subject to permit cancellation per Section 314-55.4.8.11 of the Humboldt County Code; and
6. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code can not be made because the project is inconsistent with Sections 55.4.8.2.2, 314-55.11.v and 314-55.11.w of the Humboldt County Code; and
7. Conditional Use Permit Record No. PLN-11141-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

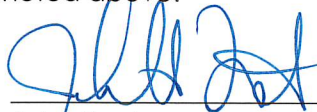
The motion was made by Commissioner Mitchell and seconded by Commissioner Levy.

AYES: Commissioners: Mitchell, Levy, Morris, McCavour and O'Neill

ABSENT: Commissioners: Bongio and Newman

DECISION: Motion carries 5/0.

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 Ford  
Director, Planning and Building Department