

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

Resolution Number: 25-

Record Number: PLN-11852-CUP

Assessor's Parcel Number: 221-171-022

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Joshua Gatlin Conditional Use Permit.

WHEREAS, Joshua Gatlin, provided an application and evidence in support of approving a Conditional Use Permit for an existing 24,420 square feet of existing commercial cannabis cultivation of which 16,170 square feet is mixed light, and 8,250 square feet is full-sun outdoor cultivation. Estimated annual water usage is 295,800 gallons and is sourced from two permitted groundwater wells. Water storage totals 124,350 gallons. Onsite processing is proposed, and power is sourced from PGE; 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 December 18, 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 24,420 square feet of existing commercial cannabis cultivation of which 16,170 square feet is mixed light, and 8,250 square feet is full-sun outdoor cultivation. Estimated annual water usage is 295,800 gallons and is sourced from two permitted groundwater wells. Water storage totals 124,350 gallons. Onsite processing is proposed, and power is sourced from PGE.

EVIDENCE: a) Project File: PLN-11852-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) A Water Resource Protection Plan (WRPP) showing compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval (**Item C14**) require the applicant to adhere to and implement the recommendations of the WRPP 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 spotted owl activity center is approximately 2.5 miles to the west and additional owl activity centers are further from the site. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. 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 Department of Public Works has found the road serving the site to be functionally equivalent of a road category 4 and capable of serving the traffic associated with the site. Both Cal-Fire and the local Fire Protection District have stated that the road is suitable for emergency access needs.

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 Residential Agriculture (RA) 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 Unclassified (U) zone in which the site is located.

EVIDENCE: a) The Unclassified (U) zone is intended to be applied to areas of the County in which this area has not been sufficiently studied to justify precise zoning classifications. Additionally, general agriculture is a principally permitted use. 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 U 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 24,420 square feet of cultivation on a 80-acre parcel is consistent with this and with the cultivation area verification 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 Unclassified (HCC 314-55.4.8.2.2).

- b) The parcel was created in 2007 without the benefit of county subdivision review. A Determination of Status application (PLN2025-19217) found that the parcel complies with all required subdivision standards and is eligible for an Unconditional Certificate of Subdivision Compliance recognizing the parcel as compliant with the Subdivision Map Act and county subdivision requirements.
- c) The project will obtain water from two permitted, existing groundwater wells.
- d) The Department of Public Works has reviewed the roadway and found it to be improved to the functional equivalent of a category 4 roadway. As part of a separate Determination of Status application the Department of Public Works required certain improvements to the roadway, which the applicant completed, and DPW has approved the roadway as meeting required standards for both cannabis and subdivision purposes.
- e) The slope of the land where cannabis will be cultivated is on existing flats.
- f) A Timber Conversion Evaluation identified that the North Flat was converted between 2006 and 2009 with subsequent enlargement between 2012 and 2018. The applicant is conditioned to submit a plan prepared by a registered professional forester that delineates the post 2016 enlargement of the subject area and a plan for restocking of an equivalent area prior to cultivation in 2026. The restocking will be required to be completed within 2 years.
- 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 24,420 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 found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.

- 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 permitted groundwater wells. A 24-hour well production test was completed for one of these wells (Well #1) that identified that the well was likely capable of sustainably producing 1000 gallons per day, which is approximately the annual needs for cultivation. With the additional well (Well#2) and substantial water storage, there is sufficient water available for irrigation purposes.
- 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) 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. The subject parcel resides within the

Cape Mendocino watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 245 permits and the total approved acres would be approximately 107.03 acres of cultivation.

9. FINDING: The use of the well for cultivation purposes will not have any adverse impacts on any public trust resources.

EVIDENCE: a) A report from a licensed Geologist concluded that the well #1 was not hydraulically connected to surface waters. This report did not review the potential connectivity of well #2 however the two wells are substantially similar in location. The two wells are approximately 150 feet away from each other and both installed at a surface elevation of approximately 1,240 feet above sea level and to a depth of 140 feet (well #1) and 300 feet (well #2) below the surface. The screening depths of the wells are between 60 to 140 feet (well #1) and between 100-200 and 220 feet to 240 feet below the surface (well #2). The water bearing unit is listed in both well completion reports list a combination of basalt, fractured shale & quartz, and shale clay & sandstone which are indicative of a water bearing that is hard stone as opposed to alluvial. The nearest surface water feature is an unnamed perennial stream that eventually flows into the Mattole River, which is a river that includes important public trust resources such as fisheries and recreation. The stream at its closest point of approximately 1,240 feet to the wells is approximately 820 feet above sea level, which is below the bottom of the wells. Given the linear distance, elevation distance and geology of the screened intervals, any significant or direct hydraulic connection between the wells and the watercourse is unlikely. Based on all the above facts, it is unlikely that the use of this well will have any adverse impacts to the public trust resources.

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 for Joshua Gatlin subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **December 18, 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.

John H. Ford, Director
Planning and Building Department