

Resolution of the Planning Commission of the County of Humboldt
Making Findings Pursuant to CEQA and Recommending that the
Draft Commercial Cannabis Land Use Ordinance Amendment
be Adopted by the Humboldt County Board of Supervisors

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

Resolution Number 25-054

Record Number PLN-2025-19214

Recommending that the Board of Supervisors make the required findings to adopt the amendment to the Commercial Cannabis Land Use Ordinance.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the Humboldt County Board of Supervisors adopted the Commercial Cannabis Land Use Ordinance on May 18, 2018, which has been effective since June 8, 2018; and

WHEREAS, public comment has revealed a desire from some cultivators to more easily acquire permits for microbusinesses to enable more control over the elements of production and sales of their product; and

WHEREAS, on Thursday, August 20, 2025, the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, a Notice of Public Hearing on the proposed zoning amendments regarding cannabis microbusinesses, in accordance with Section 65854 of California Government Code; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the amended Commercial Cannabis Land Use Ordinance on September 18, 2025 to receive a report and any supplements to the report on the draft amendments, as well as evidence and testimony; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission makes all the following findings:

REQUIRED FINDINGS OF APPROVAL

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

- 1. FINDING:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance

(CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018, and the Addendum to the EIR.

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 EIR. 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 Draft EIR states that supporting operations, such as manufacturing, retail, or third-party distribution, would not be permitted in areas zoned for forest land or timber production to ensure that impacts to forestry resources would not be cumulatively considerable. The proposed amendment creates an exception to this for microbusinesses, but this exception is dependent on all new activities occurring exclusively within existing structures, a prohibition on onsite customer traffic, and limitations on sourcing cannabis from other sites, so the impacts to forestry resources would still not be cumulatively considerable.
- d) The amendment to the ordinance to enable microbusinesses to be permitted by Zoning Clearance Certificates under certain circumstances and to permit nonvolatile manufacturing activities in association with cultivation activities via Zoning Clearance Certificates do not create the potential for environmental impacts different than the ones analyzed for the Commercial Cannabis Land Use Ordinance.

PUBLIC INTEREST

2. FINDING:

The amendments are in the public interest. Adjusting the permitting hurdle involved in the microbusiness title to match the actual uses therein and allowing nonvolatile manufacturing activities in association with cultivation activities are both consistent with the purpose of the adopted Ordinance. The adjustment to the microbusiness code provides clarity to the public and county staff for clarity of application and expectation. The adjustment to the manufacturing code enables cultivators to integrate their business models vertically and avoids significant new development in rural communities.

- EVIDENCE:**
- a) Currently there is confusion about the permitting requirements associated with self-transportation, processing, and off-site retail sales. Clarifying that the title of microbusiness may be granted to uses that would only require a Zoning Clearance Certificate, rather than based on a Special Permit exclusively, may reduce this confusion. Clarity is in the public interest.
 - b) Members of the public have complained that a significant detriment to their cannabis cultivation profit margins is third-party contractors either being over-priced or failing to deliver on contracts. The proposed amendments enable cultivators to have more options to independently process and deliver their product, while reducing overall costs for state licensing.

CONSISTENCY WITH THE GENERAL PLAN

- 3. FINDING:** The proposed Commercial Cannabis Land Use Ordinance amendment is consistent with the General Plan.

- EVIDENCE:**
- a) The amendment to the Inland Commercial Cannabis Land Use Ordinance broadens the permit-type options for microbusinesses, but does not change development standards, density, or design standards within any of the designations where the uses are allowed, making the ordinance consistent with the General Plan.
 - b) The General Plan identifies where commercial, agricultural, and industrial uses are allowed. This ordinance amendment would not change that.
 - c) The Ordinance Amendment would not directly grant any additional development entitlements which do not already exist.

CONSISTENCY WITH STATE PLANNING LAW

- 4. FINDING:** Humboldt County Code Section 312-50.3.4 requires that any proposed amendment must 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, unless specific findings are made. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.

- EVIDENCE:**
- a) The Commercial Cannabis Land Use Ordinance and this

amendment do not reduce residential density for any parcel utilized by the Department of Housing and Community Development in determining compliance with housing element law.

The allowance of these uses will not alter the residential density of parcels within Humboldt County.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Adopt the Planning Commission recommended amendments to the Commercial Cannabis Land Use Regulations.

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **September 18, 2025**.

The motion was made by COMMISSIONER THOMAS MULDER and second by COMMISSIONER NOAH LEVY and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Jerome Qiriaz, Peggy O'Neill, Noah Levy

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Lorna McFarlane, Sarah West

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 5/0

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

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF HUMBOLDT COUNTY CODE Sections 314-55.4.8.2 and 314-55.4.10.3; adjusting the listed permit requirements for cannabis microbusinesses, to codify permitting them as Zoning Clearance Certificates when applicable; and adding permit requirements for nonvolatile manufacturing uses, to codify permitting them as Zoning Clearance Certificates in agricultural zones when applicable.

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 4 of the Planning Regulations, addressing Section 314-55.4.10.3 - Microbusiness, adding that microbusinesses may be permitted as a Zoning Clearance Certificate when the proposed uses may all be permitted via Zoning Clearance Certificate, and addressing Section 314-55.4.8.2 – Manufacturing, adding that nonvolatile manufacturing activities may be permitted as a Zoning Clearance Certificate when associated with a cultivation permit. The intent is to enable applicants to more easily apply for microbusiness permits when the associated uses would otherwise be permissible with only a Zoning Clearance Certificate and to permit non-volatile extraction activities with a Zoning Clearance Certificate in order to broaden the applicability of the microbusiness applications.

SECTION 2. Manufacturing Standards

Section 314-55.4.8.2, regarding Nonflammable Extraction in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

314-55.4

55.4.8

55.4.8.2.2 Nonflammable Extraction.

55.4.8.2.2.1 Manufacturing activities involving nonflammable extraction may be principally permitted subject to issuance of a zoning clearance certificate within the C-3, ML, and MH Zones, as well as the U zoning district, when accompanied by an industrial land use designation.

55.4.8.2.2.2 Manufacturing activities involving nonflammable extraction may also be permitted with a special permit within CH, C-2, C-3, MB, ML, and MH Zones, as

well as the U zoning district, when accompanied by a commercial or industrial land use designation, or where previously developed for a lawful industrial or commercial use.

55.4.8.2.2.3 Manufacturing activities involving nonflammable extraction may be permitted with a special permit within those zones specified under Section 314-55.4.6.1.1 (AE, AG, FR, and U).

55.4.8.2.2.4 Manufacturing activities involving nonflammable extraction may be permitted with a Zoning Clearance Certificate in association with a cannabis cultivation permit without onsite customer traffic, subject to the Eligibility Criteria and Siting Criteria required for the cultivation. Manufacturing activities permitted pursuant to this subsection are exempt from the Locational Criteria established in Section 55.4.8.2.4. Manufacturing activities permitted pursuant to this subsection are limited to the use of cannabis grown on the same parcel(s) or premises.

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~~55.4.8.2.43.3~~ **Locational Criteria.** Manufacturing activities shall be located on roads that are paved with centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a use permit. Where an exception is sought, the use permit application shall include an evaluation of the local road network and relevant segments prepared by a licensed engineer. The engineer's report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met.

SECTION 3. Microbusiness Standards

Section 314-55.4.10.3, regarding cannabis Microbusinesses in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

314-55.4

55.4.10 Other Provisions.

55.4.10.3 **Microbusiness.** Microbusiness activities are a permitted use, subject to a Special Permit, in any of the zones in which authorized cannabis activities is a

permitted use (except on parcels zoned FP or TPZ). In cases where the highest level of required permit among the proposed uses is a Zoning Clearance Certificate, the microbusiness may be permitted with a Zoning Clearance Certificate instead.

55.4.10.3.1 **FP and TPZ Zones.** Parcels zoned FP or TPZ may not host microbusinesses, except in cases fulfilling all the following requirements:

55.4.10.3.2.1 All new commercial cannabis activities occur within existing structures;

55.4.10.3.2.2 All cannabis product utilized onsite is grown onsite; and

55.4.10.3.2.3 The site features no onsite customer traffic.

55.4.10.3.2 Uses requiring a microbusiness permit per other sections of this code shall be presumed to require a Special Permit, unless otherwise stated.

55.4.10.3.14 **Locational Criteria.** Adult Use Retail Sales, Farm Based Retail Sales with on-site customer traffic, and Microbusinesses with on-site customer traffic shall be located on roads that are paved with centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a use permit. Where an exception is sought, the use permit application shall include an evaluation of the local road network and relevant segments prepared by a licensed engineer. The engineer's report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met. Sites for Microbusinesses that involve visitor-serving uses must also comply with the public accommodation standard. Microbusinesses shall also comply with all performance standards applicable to any of the uses combined under a single Microbusiness license.