

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

Resolution Number: 25-

Record Number: PLN-13336-CUP

Assessor's Parcel Number: 218-071-003

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

WHEREAS, Hog Trap Farms, LLC provided an application and evidence in support of approving a Conditional Use Permit for 13,560 square feet of existing outdoor and 20,000 square feet of new mixed light commercial cannabis cultivation with no separate ancillary nursery; and

WHEREAS, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance adopted by the Humboldt County Board of Supervisors on May 8, 2018. 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 3, 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 13,560 square feet of existing outdoor and 20,000 square feet of new mixed light commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 456,200 gallons sourced from a rainwater catchment pond located on APN 218-081-003. Total water storage consists of a 2,000,000-gallon pond and 65,000 gallons of onsite tanks. Onsite processing is proposed to occur on adjacent parcel 218-081-003 and power is provided by PGE through an eligible renewable energy program and no generator use is proposed.

EVIDENCE: a) Project File: PLN-13336-CUP

- 2. FINDING:** **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning

Commission has considered the Environmental Impact Report previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the Environmental Impact Report 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 Final Environmental Impact Report. 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 has demonstrated compliance with the State Water Board Cannabis General Order for Waste Discharge by providing a copy of the Notice of Applicability and a Site Management Plan.
- d) The nearest mapped Northern Spotted Owl activity centers are (HUM0644) approximately 0.85 miles to the south and (HUM0223) approximately 2.89 miles to the northwest. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The new proposed cultivation will occur in an area that was already disturbed therefore the cultivation will not impact Northern Spotted Owl habitat. The applicant provided a Northern Spotted Owl Assessment conducted by a Biologist that concluded there would be no disturbance if performance standards for light and sound were followed. As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively affect the Northern Spotted Owl or other sensitive species.
- e) A review of the California Natural Diversity Database does not indicate the presence of species or sensitive communities of concern.
- f) A rainwater catchment analysis concluded that sufficient rainfall can be collected in low rainfall years to provide the estimated annual irrigation needs.
- g) Energy will be provided through an eligible renewable energy program.

- h) An evaluation of the road to the subject parcel indicates it can accommodate expected traffic.
- i) A Cultural Resource Investigation was conducted which did not identify any Tribal Cultural Resources. The project is conditioned with the standard inadvertent discovery protocol as a condition of approval.
- j) The continued cultivation of commercial cannabis will not result in a net timber conversion.

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 Forestry Recreation (FR) zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

b) General agriculture is a principally permitted use in the Forestry Recreation (FR) 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 27,240 square feet of existing outdoor and 6,600 square feet of existing mixed light commercial cannabis cultivation on a 38-acre parcel is consistent with this and with the cultivation area verification conducted by staff.

d) All structures meet appropriate setbacks.

5. FINDING: The proposed development is consistent with the requirements of the CCLUO provisions of the Zoning Ordinance.

- EVIDENCE:**
- a) The CCLUO allows cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) (HCC 314-55.4.6.1.1).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as described in Parcel Map No. 58 of Rancho Palo Verde (Book 1 Parcel Maps Page 75) 1969.
 - c) The project will obtain water from rainwater catchment, an eligible water source. A provided rainwater catchment analysis demonstrates adequate water can be collected in low rainfall years.
 - d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.
 - e) The proposed cultivation will take place in an area of slopes 15% or less.
 - f) No timber conversion will occur.
 - g) Coverage of prime soils by the proposed project is approximately 0%, which is below the 20% maximum allowed under the CCLUO.
 - h) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
 - i) Energy is provided by PGE through an eligible renewable energy program.

6. FINDING: The cultivation of 13,560 square feet of existing outdoor and 20,000 square feet of new mixed light commercial 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 rainwater catchment, an eligible water source.
 - d) Provisions have been made in the applicant's proposal to protect water quality.
 - e) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
 - f) The project is subject to specific limits on noise at the property line.
 - g) The project is subject to Dark Sky standards for light pollution.

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) The project site is in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this Conditional Use Permit, the total approved permits in this Planning Watershed would be 115 permits and the total approved acres would be approximately 47.78 acres of cultivation.

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 Hog Trap Farms, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **April 3, 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