

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 23-  
Record Number PLN-11691-SP  
Assessor's Parcel Numbers: 216-083-006**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Full Pardon Farms, LLC Special Permit.**

**WHEREAS, Full Pardon Farms, LLC**, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 10,000 square foot (SF) outdoor cannabis cultivation operation;

**Now, THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** Project Description: Special Permit (PLN-11691-SP) for an existing 10,000 square feet (SF) of outdoor cannabis cultivation, and a Special Permit for work within the Streamside Management Area (SMA) for crossing upgrades, as recommended by the Water Resources Protection Plan (WRPP). Plants are propagated in a 750 SF portion of the 1,500-SF nursery onsite. Irrigation water is sourced from a 400,000-gallon rainwater catchment pond onsite. Estimated annual water use is 61,500 gallons (6.15 gal/SF). The ancillary nursery serves two projects under the same ownership. Processing such as drying, curing, and bucking down flower occurs in a 2,400 SF barn on an adjacent parcel under the same ownership (APN 216-081-008). Further processing such as trimming and packaging are proposed to occur offsite at a licensed third-party facility. Besides the owners/operators, no additional full-time employees would be required. The primary source of electrical power is a solar array, with a 7-kilowatt (kW) generator serving as backup in times of limited insolation.

**EVIDENCE:** a) Project File: PLN-11691-SP

- 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 prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016 and the addendum that was prepared for this

project.

- 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 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;
  - c) A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ (WDID No. 1B161473CHUM). The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation. The applicant seeks a Special Permit for work within the Streamside Management Area (SMA) for crossing upgrades, as recommended by the WRPP. There are six (6) stream crossings onsite, four (4) of which require remediation. Crossings at map points (MP) 10, 12, 13, and 14 require the installation of 3-6 inches of rock per the specifications of the WRPP.
  - d) A list of potential special status species was generated in June 2022 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The foothill yellow-legged frog, a state-listed endangered species, is located in two (2) habitat areas approximately 6,000 feet to the north and 11,000 feet to the west of the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area, the type of proposed activities, and the distance of the project area from the nearest special status species. Therefore, impacts to biological resources with project are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.
  - e) A cultural resources investigation report was prepared by Mark Arsenault, M.A., RPA, and John Flynn of Arsenault & Associates (February 18, 2021). The investigation covered the subject parcel (216-083-006) and an adjacent parcel under the same ownership (216-081-008). No historic or tribal cultural resources were identified as a result of the investigation. The report recommended implementation of the inadvertent discovery protocol. The standard inadvertent

discovery protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition xx**). Consultation letters were sent to Native American groups associated with the project area. The Bear River Band of the Rohnerville Rancheria expressed concern over the sensitivity of the study area due to its adjacency to a separate project site known to contain culturally sensitive archaeological deposits.

## **FINDINGS FOR SPECIAL 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 Agricultural Grazing (AG) 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.
  - b) Cultivation areas are not located within any riparian setbacks or streamside management area (SMA). Work on crossings within the SMA is conditioned to meet the requirements of the WRPP.

### **4. FINDING**

The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE), Timberland Production (TPZ), and Special Building Site (B-5[160]) zoning designations in which the site is located.

- EVIDENCE**
- a) The AE zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. General agriculture, including the cultivation of cannabis, is a principal permitted use in this zoning district. The TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. Grazing and other agricultural uses, including the cultivation of cannabis, is a principal permitted use in this zoning district. The B zone is a combining zone intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.

- b) Humboldt County Code section 314-55.4.9 allows cultivation of up to 10,000 square feet of existing commercial cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of existing outdoor cultivation on an 180-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**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 AE (HCC 314-55.4.9).
- b) The parcel predates all applicable state and local subdivision regulations, as it was created in its current configuration by Patent Cert. 4231 issued to George Root, October 1, 1880.
- c) Irrigation water is sourced from a 400,000-gallon rainwater catchment pond onsite. Estimated annual water use is 61,500 gallons (6.15 gal/SF). Water is stored in the pond and in two (2) 5,000-gallon tanks and four (4) 2,500-gallon tanks. Total water storage is 420,000 gallons.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The cultivation of cannabis will not result in the conversion of timberland.
- f) Power will be provided by solar array with 7-kW generator backup.
- 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, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 10,000 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 publicly maintained road that is developed to a category 4 standard. All access roads on the property shall be maintained in compliance with the State Water Resources Control

Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the WRPP that address maintenance of rocked fords

- 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) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from a 400,000-gallon rainwater catchment pond onsite. Estimated annual water use is 61,500 gallons (6.15 gal/SF). Water is stored in the pond and in two (2) 5,000-gallon tanks and four (4) 2,500-gallon tanks. Total water storage is 420,000 gallons.
- e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB (WDID No. 1\_12CC416852). Annual reporting shall be submitted to the NCRWQCB per the specifications of the Notice of Applicability (November 15, 2019) addressed to the applicant.

## **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 contains one (1) existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential unit onsite.

## **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**

- b) The project site lies within the Middle Main Eel River watershed. Currently 102 approved permits for commercial cannabis exist in this watershed, and the approved acreage not including this project and the adjacent project is 41.61-acres. If this project gains approval along with the adjacent project (APN 216-081-008, Apps 11692), the number of issued permits will be 104, and the approved acreage will

be 42.06-acres. The cap on this watershed is 360 permits and 125 acres.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Makes all of the findings set forth herein; and
- Conditionally approves the Special Permit for Full Pardon Farms, LLC subject to the conditions of approval attached hereto as EXHIBIT A.

Adopted after review and consideration of all the evidence on August 3, 2023

I, John H. Ford, Zoning Administrator 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.

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John H. Ford, Director  
Planning and Building Department