

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

Resolution Number: 25-

**Record Number: PLN-12050-CUP
Assessor's Parcel Number: 223-034-003**

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

WHEREAS, Fenario LLC provided an application and evidence in support of approving a Conditional Use Permit for an existing 34,924 square foot outdoor commercial cannabis cultivation operation and a Special Permit for remediation efforts proposed to be conducted within the Streamside Management Area; 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 September 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 up to 34,925 square feet of existing outdoor cannabis cultivation with 1,440 square feet of appurtenant nursery space. Water for irrigation is sourced from two permitted diversions and rainwater catchment. Water storage consists of 38,750-gallons of existing hard tanks and 300,000 gallons of proposed rainwater catchment tanks that will replace an onstream pond that will be retired and restored. Annual cultivation water use is 239,600 gallons. Processing activities including trimming and packaging will occur offsite. Power provided by a solar panel and battery system with a generator for emergencies. The project includes a Special Permit for the removal and restoration of a pond in a streamside management area.

EVIDENCE: a) Project File: PLN-12050-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) The project is conditioned to demonstrate compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP 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 mapped Northern Spotted Owl activity center is approximately 1.4 miles to the southeast (HUM0992). The project utilizes pre-existing open areas, and cultivation does not use artificial light except for the ancillary nursery. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the backup 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) Staff review of the CNDDDB concluded that continuing the operation will not impact species of concern.
- f) A Road Evaluation Report concludes the route leading to the subject parcel is developed to the equivalent of a category 4 road standard, is in good condition, and does not have any evidence of a site-specific safety problem.

- g) The continued cultivation of commercial cannabis will not result in a net timber conversion. There is no evidence of timber conversion associated with the proposed cultivation, no is any tree cutting proposed
- h) Consultation with the Sinkyone Wilderness Council and the Northwest Information Center (NWIC) resulted in the standard inadvertent discovery protocol as a condition of approval after a cultural resources survey was conducted.

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 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.

4. FINDING: The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE); Agriculture Exclusive (AE) Special Building Site (B-5(160); and Timber Production Zone (TPZ). Cannabis cultivation, an agricultural product is a principally permitted use in the AE zone.

EVIDENCE: a) The Agriculture Exclusive or 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 general welfare. The Timberland Production Zone or TPZ zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

- b) All general agricultural uses, including accessory agricultural uses and structures listed are permitted in the AE zone. Agricultural uses are considered compatible with the TPZ 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 34,924 square feet of existing cultivation on a 160-acre parcel is consistent with this and with the historic 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 AE and TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations. The 160-acre parcel is an intact parcel, thus establishing compliance with the subdivision map act.
 - c) The project will obtain water and from rainwater catchment, an eligible water source and from diversions that are authorized and regulated by a water right. A rainwater catchment analysis demonstrates that adequate water can be collected in low rainfall years and that forbearance from the diversions during the dry season can be met.
 - d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.
 - e) The slope of the land where existing cannabis will be cultivated is 0% to 15% and 15% to 30 % on existing flats. No new grading will occur.
 - f) The continued cultivation of cannabis will not result in the net conversion of timberland.

- 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 34,925 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 80 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, and water diversions secured with a water right, eligible water sources.
 - d) Provisions have been made in the applicant's proposal and conditions added to the project 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 permitted 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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 290 permits and the total approved acres would be approximately 89.0 acres of cultivation.

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

EVIDENCE: a) The project is in the South Fork Eel River Watershed; the project is 1.2 miles southwest of the East Branch of the South Fork Eel River. The three diversions are from springs that feed unnamed watercourses that are tributaries to Horse Pasture Creek, which is a tributary to the East Branch of the South Fork of the Eel River. Water from diversionary sources are regulated by the State Water Resources Control Board through the project's water right water right and by the California Department of Fish and Wildlife through the approved LSAA for the project. Through this regulation, including protection of watercourses, prevention of erosion, ensuring adequate bypass flow, and limitations on time and quantity of withdrawals, downstream water quality and flow are ensured. The Eel River provides recreational opportunities for swimming, boating, and fishing. The project collects water in the rainy season from November 1st to April 31st when the river has excess water due to rainfall. Water from the tanks is used in the dry season when the public trust resource of the river is limited. The project has no impact on flows during the dry season, thus the use of the stored water for irrigation purposes will not cause any significant adverse impact to the Eel River or otherwise substantially impair the public trust uses or values related to commerce, navigation, fisheries, public access, preservation of trust lands in their natural state, or water-related-recreation and other activities.

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 and Special Permit for Fenario LLC, subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **September 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