

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

Resolution Number: 25-

Record Number: PLN-13295-SP

Assessor's Parcel Number: 218-091-006

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Mark Finley Special Permit.

WHEREAS, Mark Finley provided an application and evidence in support of approving a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation with no ancillary nursery; 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 Section 15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 6, 2025 and reviewed, considered, and discussed the application for a Special 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 Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 100,100 gallons sourced from a point of diversion and a rainwater catchment pond. The point of diversion is also shared with application 13351 on APN 218-101-002. The pond is also shared with both applications 13359 and 13351 on APNs 218-091-004 and 218-101-002 respectively. Total tank storage on site for the project gallons is 50,000 and the shared pond is estimated to have a capacity of approximately 2,155,000 gallons. Drying occurs onsite with additional processing occurring offsite. Power will be provided by renewables, reserving generators for emergency use only.

EVIDENCE: a) Project File: PLN-13351-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 section 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) A review of the California Natural Diversity Database does not indicate the presence of species or sensitive communities of concern. The nearest mapped Northern Spotted Owl activity centers are (HUM0655) approximately 1.5 miles to the south and (HUM0223) approximately 2.5 miles to the northwest. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The project has been conditioned to ensure supplemental lighting associated with the project adheres to Dark Sky Association standards including security lighting. Conditions require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting for erosion control, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. It was determined that the project and operations will have less than significant impacts with adherence to the recommended conditions of approval.
- e) A review of the California Natural Diversity Database does not indicate the presence of species or sensitive communities of concern.

- f) The access road is privately maintained and can accommodate expected traffic per photographic evidence and provided road evaluation.
- g) The continued cultivation of commercial cannabis will not result in a net timber conversion.
- h) 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.

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 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 Forestry Recreation (FR) 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 10,000 square feet of existing outdoor commercial cannabis cultivation with no ancillary nursery on a 40-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 CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE:

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations as it was created as part of the Rancho Palo Verde Subdivision by Parcel Map 58 recorded in Book 1 of Parcel Maps page 81.
- c) The project will obtain water from rainwater catchment, an eligible water source. The applicant has provided a rainwater catchment analysis demonstrating sufficient irrigation water can be collected in a low rainfall year. Irrigation water is also supplemented by a point of diversion. The applicant has provided a water right registration.
- d) The access road is privately maintained and can accommodate the expected traffic based on photographic evidence in the road evaluation.
- e) The slope of the land where existing cannabis will be cultivated is 0% to 30%. 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.
- h) The placement and ongoing maintenance of the point of diversion is allowed under the Streamside Management Area Ordinance because wells and spring boxes, and agricultural diversions are

considered allowed development in stream channels and streamside management areas (HCC 314-61.1.9.1.6).

6. FINDING: The continued cultivation 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 40 acres or more 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 a rainwater catchment, an eligible water source and supplemented by a point of diversion with an associated water right.
- 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) 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 118 permits and the total approved acres would be approximately 52.33 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 Special Permit for Mark Finley subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **November 6, 2025.**

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL 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