

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

Resolution Number: 25-

Record Number: PLN-12935-CUP

Assessor's Parcel Number: 210-074-008-000, 210-074-007-000

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

WHEREAS, Humboldt Flavor, Inc. provided an application and evidence in support of approving a Conditional Use Permit for an existing 15,545 square feet (SF) outdoor commercial cannabis cultivation operation; 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 request for 15,545 square feet (SF) of existing outdoor cultivation utilizing light deprivation techniques. Ancillary nursery area totals 1,260 square feet. Irrigation water is sourced from a permitted groundwater well. Existing water storage totals 47,000 gallons in hard tanks. The estimated annual irrigation water need is 200,000 gallons (12.87 gallons per square foot). Processing will occur offsite at a licensed third-party facility. Power is provided by a generator and a recommended condition of approval will be to require electricity to be sourced from renewable sources by January 1, 2026. The applicant is also requesting a Special Permit for a setback reduction to public lands.

EVIDENCE: a) Project File: PLN-12935-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) A Water Resource Protection Plan (WRPP) showing compliance with the State Water Board requirements for Waste Discharge for cannabis cultivation. Conditions of approval require the applicant to adhere to and implement the recommendations of the WRPP and maintain enrollment with the State Cannabis Cultivation Policy for the life of the project. The project is conditioned to update the WRPP with a Site Management Plan prior to commencing cultivation operations.
- d) The project is for pre-existing cultivation. Per the California Natural Diversity Database, there is one mapped species of concern on the project parcel; Northern Steelhead (*Oncorhynchus mykiss irideus*). The nearest Northern Spotted owl activity center (HUM05013) is approximately 0.58 miles away from the southern cultivation area and the closest positive identification was last recorded in 2009 and is 0.30 miles away from the southern-most cultivation area, which is full-sun outdoor cultivation. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. The project is conditioned to transition to 100% renewable energy source no later than January 1, 2026. 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) A Road Evaluation report was prepared for the project. Several improvement recommendations were listed to bring the road segments to Category 4 compliance (Title III – Land Use and Development, Division II, Fire Safe Regulations Ordinance) for each road segment including but not limited to constructions of turnouts, unclogging culverts, installation of water bars or rolling dips, and removing debris from roadside ditches. Adherence to this plan is recommended as a condition of approval to this project.

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 Unclassified (U) zoning in which the site is located.

EVIDENCE: a) The U zone is intended to be applied to areas of the County in which primary uses include single family dwellings, accessory dwelling units, general agriculture, etc.

b) All general agricultural uses are principally permitted in the U 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 outdoor 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 15,545 SF square feet of cultivation on an 80-acre parcel is consistent with this and with the cultivation area verification conducted by staff.

- d) The Site Plan demonstrates that all structures meet or exceed the setbacks of the U zoning district.

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 TPZ (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 Notice and Merger and Subdivision Compliance between APN 2110-074-007 and 210-074-008, April 4, 2025 Official Record No. 2025-009552. This merger resolved a subdivision violation.
 - c) Irrigation water will come from a groundwater well, an eligible water source that has been evaluated and determined by staff to have no hydrologic connection to surface water nor will impact public trust resources. CDFW recommends that the applicant store no less than 100,000 gallons of water on site should the well not yield in perpetuity. This has been made a condition of approval, for the applicant to develop this water storage before the 2028 cultivation season.
 - d) A Road Evaluation report was prepared for the project. Several improvement recommendations were listed to bring the road segments to Category 4 compliance (Title III – Land Use and Development, Division II, Fire Safe Regulations Ordinance) for each road segment including but not limited to constructions of turnouts, unclogging culverts, installation of water bars or rolling dips, and removing debris from roadside ditches. Adherence to this plan is recommended as a condition of approval to this project.
 - e) Cannabis cultivation occurs on existing flats of 15% slope or less.
 - f) The 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. Two of the outdoor cultivation areas are located within 600 feet of public lands managed for wildlife and

open space, however they are all a minimum of 300 feet from the shared property line and consist entirely of smart pot cultivation with no use of lights or sources of noise. Due to existing vegetation there will be limited to no line of sight from these public lands to the smart pot cultivation areas.

6. FINDING:

The continued cultivation of 15,545 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) A Road Evaluation report was prepared for the project. Several improvement recommendations were listed to bring the road segments to Category 4 compliance (Title III – Land Use and Development, Division II, Fire Safe Regulations Ordinance) for each road segment including but not limited to constructions of turnouts, unclogging culverts, installation of water bars or rolling dips, and removing debris from roadside ditches. Adherence to this plan is recommended as a condition of approval to this project.
- 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 a groundwater well, an eligible water source that has been evaluated and determined by staff to have no hydrologic connection to surface water nor will impact public trust resources. CDFW recommends that the applicant store no less than 100,000 gallons of water on site should the well not yield in perpetuity. This has been made a condition of approval, for the applicant to develop this water storage before the 2028 cultivation season.
- 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 located in the Cannabis impacted HUC-12 Butte Creek watershed within the greater Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 139 permits and the total approved acres would be approximately 46.11 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 Humboldt Flavor, Inc. 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