

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

**Resolution Number: 25-027**

**Records Number: PLN-12764-CUP**

**Assessor's Parcel Number: 208-111-021-000**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Otto Farms, LLC, Conditional Use Permit.**

**WHEREAS, Otto Farms, LLC,** submitted an application on December 28, 2016, for a Conditional Use Permit for commercial cannabis cultivation; and

**WHEREAS,** on October 24, 2023, the Board of Supervisors received a report that there are approximately \$14 million in unpaid Measure S Taxes and \$2.1 million in unpaid permit processing costs associated with cannabis permit applications; and

**WHEREAS,** the Board of Supervisors provided a series of deadlines for cannabis permit holders to pay for their permit processing costs and establish a payment plan for payment of Measure S taxes. The farmers were given six months until March 31, 2024, to pay their permit costs and enter an agreement to pay their outstanding taxes.

**WHEREAS,** in response to the Board direction, a series of communications was provided to applicants and permit holders to inform them of the needed actions and deadlines to keep their permits in good standing. This included a detailed January 9, 2024, letter, subsequent emails, and social media announcements encouraging applicants and permit holders to bring their account current before March 31, 2024; and

**WHEREAS,** this applicant had unpaid measure S taxes and did NOT establish a payment plan for those taxes owed.

**WHEREAS,** a letter was sent to the applicant on June 24, 2024, notifying them that the permit would be denied if the taxes were not paid or a payment plan was entered into within 90 days; and

**WHEREAS,** the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly noticed public hearing on March 6, 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 Zoning Administrator makes all the following findings:

**1. FINDING:**                    **Project Description:** A Conditional Use Permit for commercial cannabis cultivation.

**EVIDENCE:**    a) Project Files: PLN-12764-CUP

**2. FINDING:**                    **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

**EVIDENCE:**    a) Section 15270 of the CEQA Guidelines

#### **FINDINGS FOR CONDITIONAL USE PERMIT**

**3. FINDING:**                    The proposed development is not consistent with the requirements of the Humboldt County Code.

**EVIDENCE:**    a) Section 719-4 of the Humboldt County code states: *In addition to any requirements imposed by Title III, each person issued a commercial marijuana cultivation permit shall pay an annual tax of one dollar (\$1.00) per square foot of outdoor cultivation area, two dollars (\$2.00) per square foot of mixed-light cultivation area or three dollars (\$3.00) per square foot of indoor cultivation area.* The permit holder is responsible for paying the taxes imposed under this section of the code.

The applicant has failed to pay required Measure S taxes as outlined in Humboldt County Code and has not entered into a payment plan. This sum currently amounts to \$22,603.27.

## DECISION

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

- Adopt the findings set forth in this resolution; and
- **Deny** the Conditional Use Permit for Otto Farms, LLC, based upon the Findings and Evidence; and

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

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 Zoning Administrator at a meeting held on the date noted above.



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John H. Ford, Zoning Administrator  
Planning and Building Department