

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

Resolution Number: 26-

Record Number: PLN-12402-CUP

Assessor's Parcel Numbers: 210-062-007; 210-054-008; 210-071-001

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

WHEREAS, Jennifer Dunn provided an application and evidence in support of approving a Conditional Use Permit for 43,560 square feet of existing outdoor commercial cannabis cultivation with a 4,350 square foot ancillary nursery; and

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 15, 2026 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 43,560 square feet of new outdoor commercial cannabis cultivation, supported by a 4,350 square foot ancillary nursery. Estimated annual water usage is 958,320 gallons sourced by a permitted groundwater well (Well 2) and a proposed 2,000,000-gallon rainwater catchment pond (Pond 4). Well 2 is shared with application 12413. The pond is also shared with applications 12413 and 12410. Water storage consists of 75,000 gallons in proposed hard tanks and 30% of the pond (600,000 gallons). Drying is conducted on site (proposed Ag-Building 2) with additional processing such as trimming occurring off site. Proposed Ag-Building 2 is shared with application 12413. Power is provided by PGE and proposed solar reserving generators for emergencies only.

EVIDENCE: a) Project File: PLN-12402-CUP

2. FINDING: **CEQA.** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department,

Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment.

EVIDENCE:

- a) The CEQA document includes an analysis of the subject Conditional Use Permits. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated from November 26, 2025 to December 26, 2025 SCH 2025111157.
- b) The IS/MND included nine mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is adopted as part of the project.

3. FINDING: **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Energy, Geology / Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

EVIDENCE:

- a) There is no evidence of an impact to any of the above-mentioned potential impact areas based on the project proposed at this proposed location.
- b) The IS/MND circulated from November 26, 2025 to December 26, 2025 SCH 2025111157.

4. FINDING: **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT –** The Initial Study identified potentially significant impacts to Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Noise, and Tribal Cultural Resources which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

EVIDENCE:

- a) **Agriculture and Forestry Resources** – Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for Agriculture and Forestry Resources:

AFR-1: Less Than Three Acre Conversion Mitigation Plan
[As described in **Appendix 8**]

Site B:

- a) Remove existing pond outlet and relief culvert structures. Replace pond inlet by forming a rock armored channel to allow class III watercourse to enter pond. Install new 36" outlet culvert to convey 100-year flow directly above old class III channel. Armor outlet with full culvert along fill slope connected with an elbow culvert and 12" - 18" diameter rock at outlet.
- b) Slash piles. Remove all wood debris piles by lope and scatter, pile and burn, or chip to reduce fire potential and pest habitat.

Site E:

- a) Pull back gardens and remove all cultivation related materials 100' from the nearby watercourse.

Site F:

- a) Surface erosion. Install 2" to 4" diameter rock 30' past knick-point and outer fill.
- b) Outlet surface erosion forming a channel. Rock access approximately 125' from main road to vegetation around pond and along 2' channel.

Site I:

- a) Slash piles. Remove all wood debris piles by lope and scatter, pile and burn, or chip to reduce fire potential and pest habitat.
- b) **Air Quality** – Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for air quality:

AQ-1. Dust Control Measures. During construction activities, the following dust control measures shall be implemented to reduce fugitive dust generation:

- a) All active construction areas (e.g., staging areas, soil stockpiles, graded areas, etc.) shall be watered a minimum of two times per day during the dry season.
- b) Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- c) Dust-generating activities shall be limited during periods of high winds (over 15 mph).

- d) All haul trucks transporting soil, sand, or other loose material, likely to give rise to airborne dust, shall be covered.
- e) All vehicle speeds shall be limited to 15 miles per hour within the construction area.
- f) Promptly remove earth or other tracked out material from paved streets onto which earth, or other material has been transported by trucking or earth-moving equipment.
- g) Access of unauthorized vehicles onto the construction site during non-working hours shall be prevented.

c) **Biological Resources** – Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:

BR-1. Nesting Bird Surveys. If project-related development activities cannot occur outside the bird (including raptors) nesting season (February 1 – August 31), the following steps shall be taken to prevent the abandonment of active nests:

- a) A qualified biologist shall conduct surveys no more than 7 days prior to each phase of construction activity on the project parcels.
- b) If an active nest is located during the survey, a no-disturbance buffer shall be established around the nest by the qualified biologist, in consultation with California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.
- c) Protective buffers (no-disturbance area around the nest) will be established at a distance determined by the biologist based on the nesting species, its sensitivity to disturbance, and type of and duration of disturbance expected. Protective buffers shall remain in place until young have fledged.
- d) Construction activities outside buffers may proceed while active nests are being monitored, at the discretion of the qualified biologist. If active nests are found to be at risk due to construction activities, construction activities shall be delayed until the qualified biologist determines that the young have fledged.

BR-2. Bullfrog Management. Project ponds shall be completely drained in the dry season (September-October) or monitored for bullfrog presence on an annual basis with a minimum of five total

surveys, no less than two weeks apart, throughout the months of May-July. If bullfrogs are encountered, removal efforts must be made that year.

BR-3. Invasive Plant Management, Restoration, and Monitoring Plan.

The following Invasive Plant Management must be followed for the life of the project:

- a) Invasive plants around project areas should be monitored once or twice a year to remove black locust, Scotch broom, Himalayan blackberry, yellow star thistle, and bull thistle.
- b) Native grass seed shall be applied to remediation sites such as California brome (*Bromus carinatus*), blue wild rye (*Elymus glaucus*), small fescue (*Festuca microstachys*), and tomcat clover (*Trifolium willdenovii*).
- c) All bare soil is to be covered in straw mulch.

BR-4. Generator Sound Attenuation. To ensure that the use of generators by the proposed projects complies with the CMMLUO noise standards and the USFWS auditory disturbance guidance for Northern spotted owl, generators used by the proposed cannabis operations shall be housed in structures that provide adequate sound attenuation.

- d) **Cultural Resources** – Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural resources:

CR-1. Inadvertent Discoveries of Cultural Resources and Human Remains Protocol – Cultural Resources.

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, and/or human remains are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Prehistoric materials which could be encountered include obsidian and chertdebitage or formal tools, grinding implements (e.g.,

pestles, hand stones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

If human remains are discovered during project construction, work would stop at the discovery location, within 20 meters (66 feet), and any nearby area suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

CR-2. Updated Site P-12-001107 and Isolate Areas WRA 01, 02, and 03

Additional consultation with the Bear River Band of the Rohnerville Rancheria resulted in the following mitigation:

- a) Updated Site P-12-001107 setback reduction is allowed. The cannabis project must occur at least 100 feet from the resource boundary.
- b) Isolate Areas WRA 01, WRA 02, and WRA 03 can be used if there is no ground disturbance and the areas are capped. Capping means adding 6 inches of base rock.
- c) Existing Barn Within P-12-001107 can be used for drying if there is no ground disturbance of surrounding areas. Existing parking, areas and roads are to be capped with 6 inches of base rock. Use of barn for trimming is not allowed because of ground disturbance from required ADA parking spaces and septic system.

e) **Noise** – Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for Noise:

NO-1. Construction Noise Restrictions. The following shall apply to construction noise from tools and equipment:

- a) The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8 AM and 5 PM Monday through Friday, and between 9 AM and 5 PM on Saturdays.
- b) No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- c) All stationary and mobile construction equipment shall be maintained in good working order.

5. FINDING: **CEQA Public Comments:** All public comments have been considered and none of the comments change the conclusions of the IS/MND.

EVIDENCE: a) No public comments were received on the IS/MND.

FINDINGS FOR CONDITIONAL USE PERMIT

6. 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 Agriculture 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) The General Plan Circulation Element requires decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences. The project does not change or expand the allowable land uses in this area, as the project site is already used for agriculture and grazing as

is the surrounding area. Additionally, there are other cannabis farms operating in the immediate vicinity.

c) The proposed project is consistent with the Conservation and Open Space Element - Biological Resources through the following project design elements:

All project development will meet or exceed setbacks for streamside management areas and wetlands. A review of Essential Habitat Connections identified in the California Essential Habitat Connectivity Project indicates no significant wildlife movement corridors were identified within the Project area.

A Biological Assessment and Botanical Survey consisting of literature reviews and field observations and studies to identify potential sensitive biological resources that may occur within the Project area. Biological findings are summarized below.

- Special Status Species: Several bird and mammal species were identified as having potential to be present within the study area. Therefore, a nesting bird survey will be performed two weeks before any construction if scheduled to occur during the nesting season. Additionally, sound attenuation measures are part of the mitigation and monitoring plan and conditions of approval.
- The project areas do not contain designated critical habitat for any listed species.
- No sensitive natural communities were identified within the project area.

The county referred the project to the California Department of Fish and Wildlife and the comment provided requested a Bullfrog management plan which is included in the mitigation and monitoring reporting program and the conditions of approval.

d) The Goals and policies of the Conservation and Open Space Cultural Resources have been complied with based on the referral to Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. The applicant submitted Cultural Resource Investigations. The Cultural Resource Investigation Reports identified historical resources as defined by Section 15064.5 within the property, with some isolated areas within the project area. The Bear River THPO granted a setback reduction to 100 feet from Site P-12-001107. Isolate Areas WRA 01, 02, and 03 will be protected by a cap of six inches of base rock per the recommendation of the

THPO. The Cultural Resource Investigation also recommended Inadvertent Discovery Protocol, which has been included as a recommended condition of approval. As required by AB 52, the County of Humboldt sent requests on January 28, 2021, for formal consultation to tribes in the region. No consultation was requested in response to AB52 referral outreach.

- e) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The CCLUO and CMMLUO require that cultivation activities comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. The project is required to follow International Dark Sky Association Standards that exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
- f) The project is consistent with the Water Resources Element through the following project design elements: The project does not utilize diversion from a surface water source for irrigation, as water will come from rainwater catchment and permitted, hydrologically disconnected groundwater wells. The ponds will have overflow features constructed consistent with engineering professional standards by a qualified licensed engineer in accordance with Humboldt County Code and SWRCB regulations. Irrigation water will be applied at agronomic rates and detected leaks in the irrigation systems shall be fixed immediately to reduce runoff. All proposed structures and cultivation areas will be located outside of Streamside Management Area buffer zones.

Site drainage is addressed for the existing cultivation sites through existing enrollment in the State Water Board General Order and Site Management Plans (SMPs). The new cultivation areas are required to enroll and have SMPs as part of the permit conditions of approval. SMPs include erosion and sediment control best practicable treatment controls (BPTCs) designed to prevent, contain, and reduce sources of sediment. BPTC prescriptions may include rocking roads, maintaining rolling dips/water bars, and unplugging ditch relief culverts.

- g) The project complies with the Noise Element as there are no

sensitive receptors which would be adversely affected by the project. Project parcels are next to a State Highway, and existing agriculture and timberlands.

Project activities are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards. Project operations are subject to the ambient noise performance standards of the CCLUO and CMMLUO and Department Policy Statements. Noise from construction is managed through mitigation measure NO-1 limiting hours of operation and equipment use and establishing standards for maintenance.

- h) The project complies with the Safety Element of the General Plan as follows:

According to the Humboldt County Geographic Information System the project location is not within the 100-year floodplain of any surface water features. The proposed project site is mostly located within an area of low instability, though some areas are mapped high instability. No mapped historic landslides are present in the project area. The cultivation area in the area mapped high instability are flats with minimal slope.

There is adequate area for emergency equipment turnarounds and water sources dedicated to fire suppression. The site is located within the Bridgeville Fire Protection District.

7. FINDING:

The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) zone in which the site is located.

EVIDENCE:

- a) The Agricultural Exclusive (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.
- b) General agriculture is a principally permitted use in the Agricultural Exclusive (AE) zone.
- c) Humboldt County Code section 314-55.4.8.2.1 (CMMLUO) allows new cultivation on parcels five acres or larger in size on parcels zoned AE. Section 55.4.8.2.1.1 allows additional cultivation up to one acre for every 100 acres in parcel size when the parcel is over 320 acres. The legal parcel totals 812 acres in size.

The application for 43,560 square feet of new outdoor commercial

cannabis cultivation is consistent with AE zone.

- d) All proposed structures meet appropriate setbacks.

8. FINDING: The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE:

- a) The CMMLUO allows new cannabis cultivation to be permitted in areas zoned Agricultural Exclusive (AE) (HCC 314-55.4.8.2.1).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations as the configuration of APNs 210-054-008, 210-062-007 and 210-071-001 combined comprise one legal parcel as described in Notice of Merger 1916-015158.
- c) The project will obtain water from rainwater catchment and permitted groundwater well(s) which are eligible water sources. The applicant has provided a rainwater catchment analysis demonstrating sufficient irrigation water can be collected in a low rainfall year.

The applicant has provided analyses conducted by a Geologist demonstrating that the groundwater wells are hydrologically disconnected for surface waters.

- d) The access road is publicly maintained and can accommodate the expected traffic.
- e) The slope of the land where existing cannabis will be cultivated is 0% to 15%. Grading is proposed for the rainwater catchment pond.
- f) The cultivation of new 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. With exception to the setback reduction to 100 feet granted by the Bear River THPO.
- h) Energy is provided by PGE, solar panels with generator use for emergencies only.

- i) Cultivation is proposed to occur on prime soils per 55.4.8.2.1 of the CMLLUO. Coverage of prime soils by the proposed project is approximately 5%, which is below the 20% maximum allowed under the CMLLUO.

9. FINDING: The proposed new 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 and groundwater well(s) which are eligible water sources.
- 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.

10. 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.

11. 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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of the Conditional Use Permit, the total approved permits in this planning watershed would be 139 permits and the total approved acres would be approximately 48.27 acres of cultivation.

12. FINDING: Use of the groundwater well will not impact public trust resources.

EVIDENCE:

- a) The distance to public trust resources and the hydrologic disconnection to surface waters per the geologic analysis indicate there will be no impact to public trust resources.

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
- Adopt the Mitigated Negative Declaration; and
- Adopt the Mitigation Monitoring and Reporting Program; and
- Conditionally approves the Conditional Use Permit and Special Permit for 4 Wheel Properties, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **January 15, 2026**.

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