

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

Resolution Number 25-

**Record Numbers: PLN-2020-16224 and PLN-12698-ZCC
Assessor's Parcel Number: 104-291-005 and 104-321-001**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Empress Farms, LLC Special Permits, Zoning Clearance Certificates, and Conditional Use Permit.

WHEREAS, Empress Farms, LLC applied for a Special Permit for 33,560 square feet of new outdoor commercial cannabis cultivation and 43,560 square feet of outdoor commercial cannabis cultivation under the Retirement, Remediation and Relocation program (PLN-12698-ZCC) for a proposed total addition of 77,120 square feet. The project parcel already contains 10,000 square feet of approved outdoor commercial cannabis cultivation under PLN-11418-ZCC. With approval of the Special Permit, the total cultivation would be 87,120 square feet. The project also includes a Conditional Use Permit for a 7,600 square foot commercial nursery, and non-flammable cannabis manufacturing located on a road that is not paved to Category 4 standards. The project site already contains an ancillary nursery that serves the previously approved onsite cultivation in addition to a nearby cultivation site operated by the same entity (PLN-12694-CUP on APN 104-311-019). With the approval of the Special Permit, an additional 8,712 square feet of ancillary nursery will be added, bringing the total ancillary nursery space to 14,068 square feet. Water use is projected to be 824,276 gallons per year. The irrigation source is an existing 1,097,350-gallon rainwater catchment pond. An on-site permitted well and spring may be used for the manufacturing activities. PGE provides electricity; and

WHEREAS, the County Planning Division, as lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 18, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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 4, 2025, and reviewed, considered, and discussed the application for the requested Special Permits, Zoning Clearance Certificates, and 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 Special Permit for 33,560 square feet of new outdoor commercial cannabis cultivation and 43,560 square feet of outdoor commercial cannabis cultivation under the Retirement, Remediation and Relocation program (PLN-12698-ZCC) for a proposed total addition of 77,120 square feet. The project parcel already contains 10,000 square feet of approved outdoor commercial cannabis cultivation under PLN-11418-ZCC. With approval of the Special Permit, the total cultivation would be 87,120 square feet. The project also includes a Conditional Use Permit for a 7,600 square foot commercial nursery, and non-flammable cannabis manufacturing located on a road that is not paved to Category 4 standards. The project site already contains an ancillary nursery that serves the previously approved onsite cultivation in addition to a nearby cultivation site operated by the same entity (PLN-12694-CUP on APN 104-311-019). With the approval of the Special Permit, an additional 8,712 square feet of ancillary nursery will be added, bringing the total ancillary nursery space to 14,068 square feet. Water use is projected to be 824,276 gallons per year. The irrigation source is an existing 1,097,350-gallon rainwater catchment pond. An on-site permitted well and spring may be used for the manufacturing activities. PGE provides electricity.

EVIDENCE: a) Project Files: PLN-2020-16224 and PLN-12698-ZCC

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Environmental Impact Report (EIR) previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the EIR that was prepared for the Empress Farms, LLC project pursuant to Section 15164 of the CEQA guidelines.

EVIDENCE: a) Addendum to the EIR prepared for the proposed project in compliance with CEQA.

b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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 source of cannabis irrigation water is rainwater catchment. Water will be gathered from gutter connected greenhouses and will be stored in a 1,097,350-gallon rainwater catchment pond. A rainwater catchment analysis was conducted that determined the project as conditioned will be able to gather and store enough water for cultivation activities in a drought year.
- d) Prior to commencing the expanded cultivation, manufacturing, and nursery operations entitled by this Permit, the permittee shall provide documentation demonstrating enrollment State Water Board General Order No. WQ 2019-0001-DWQ by providing a copy of the Notice of Applicability and a Site Management Plan.
- e) Comments were received from the California Department of Fish and Wildlife requesting that the applicant obtain a final Lake and Stream Alteration Agreement (LSAA) that includes the water diversion from the spring and use of the well. The use of the spring and well is limited to the project's manufacturing and domestic water needs. A water meter shall be installed, and the permittee shall maintain records of monthly and annual water withdrawals from the spring and well as required by the LSAA.

- f) Per review of CDFW's California Natural Diversity Database in June 2025, the project parcels do not include habitat special status animal species. The nearest Northern spotted owl positive sighting and activity center is located approximately 1.9 miles north-northeast of the project site. A Biological Resource Assessment (Attachment 4D), Botanical Surveys and Wetland Assessment were conducted for the project. There were no special status animals, or plants, identified on site in the initial biological study. The study did identify the presence *Elymus glaucus* which is a component species of *Bromus sitchensis* var. *carinatus* – *Elymus glaucus* alliance [G3S3]. This alliance has been assigned a conservation status rank of G3S3, Globally Vulnerable, Subnationally Vulnerable. The alliance areas were mapped, and the project has been designed and conditioned to prevent disturbance of this alliance. The California Department of Fish and Wildlife requested an early season protocol level botanical survey and wetland delineation. The applicant had an early season botanical study prepared; no species of concern were identified. Botanical surveys did indicate the presence of the invasive plant Scotch Broom (*Cytisus scoparius*), and the applicant subsequently submitted an invasive species management plan describing ongoing efforts to control the Scotch Broom.
- g) A Cultural Resources Investigation was prepared in June 2017 by William Rich, M.A., RPA, Principal Investigator, William Rich and Associates, Bayside, CA. Per the Report, outreach letters were sent to the Bear River Band and "a request to be informed of any findings" was received by the Tribal Historic Preservation Officer (THPO). The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources, recommended Inadvertent Discoveries Protocol, and noted that at the time of the Report, no further archaeological studies are recommended for the project as it is currently planned. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. NWIC requested further study and that the County consult with local Tribes. The Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria has requested that the standard inadvertent discovery protocol be applied to the project. This has been included in the Informational Notes within the conditions of approval.

**FINDINGS FOR SPECIAL PERMITS, ZONING CLEARANCE
CERTIFICATES, AND 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 principally 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 Unclassified (U) zoning district in which the site is located.

EVIDENCE: a) The U zone is all the unincorporated area of the County not otherwise zoned. General agriculture, including the cultivation of cannabis, is a principally permitted use in the U zoning district.

b) Humboldt County Code section 314-55.4.6.1 allows cultivation of up to 43,560 SF of existing or new cannabis cultivation on a parcel over 10 acres in size, subject to approval of a Special Permit. The parcel is approximately 42 acres in size, and the combined existing and new cultivation (notwithstanding the RRR entitlements) will not exceed 43,560 SF.

c) Humboldt County Code section 314-55.4.6.5.9(c) allows relocation of all recognized prior cannabis cultivation on a 1-for-1 basis from retired cultivation sites with a Special Permit in the U zone.

d) Humboldt County Code Section 314-55.4.7.3 allows commercial cannabis processing and commercial cannabis nurseries, and Humboldt County Code Section 314-55.4.8.2.3(c) allows Cannabis Manufacturing in the U zone on a road that is not paved with a centerline stripe with a Conditional Use permit, provided that the application includes an evaluation of the local road network and relevant segments prepared by a licensed engineer that provides substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access,

capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met. An engineer assessment of the road has been submitted which shows the road is adequate for this purpose.

- e) All existing and proposed development meets the minimum yard setback requirements for the U zone and Fire Safe regulations.

5. FINDING: The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

- EVIDENCE:**
- a) The CCLUO allows cannabis activities to be permitted in areas zoned Unclassified (U) as described in Section 4 above.
 - b) The subject parcel is a separate legal parcel per Notice of Merger Document No. 5283 recorded in Book 1638 of Records, Page 654 on March 23, 1981.
 - c) Energy for the project will be provided by renewable grid power supplied by PG&E.
 - d) Irrigation water is sourced from rain catchment. A well and or a spring on site will supply domestic water.
 - e) Cultivation will occur on slopes of 15% or less.
 - f) The cultivation of cannabis will not result in conversion of timberland.
 - g) In 2023, the NRCS (Natural Resources Conservation Service) refreshed soil data and interpretations as part of their annual soils refresh process. This involved updating existing soil data and adding new data. The NRCS also maintains lists of Prime Farmland and Farmland of Statewide Importance, which are important for agricultural land use and conservation planning. The 2023 data refresh classified the soils on the project site as Farmland of Statewide Importance. This category includes land that doesn't quite meet the criteria for Prime Farmland but is still important for agricultural production, often producing high yields when properly managed. The project proposes cultivation of cannabis planted directly into native soils. The soil in the proposed project area is well suited for this use but the project will not impact on the availability of prime soils for other agricultural purposes.

- h) The location of the cultivation site complies the setbacks required in Section 314-55.4.6.4.4 of Humboldt County Code. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, more than 270 feet from any adjacent undeveloped parcel, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.
- i) The property is accessed via a private driveway off Mattole Road, a county-maintained road. A Road Evaluation Report was prepared by a licensed engineer that found that, despite not being developed equivalent to Category 4, the .31-mile driveway will meet standards and support the proposed project's traffic including the commercial nursery and manufacturing.

The Humboldt County Department of Public Works (DPW) provided a comment memo on 4/16/2020 with conditions of approval. DPW requested that if the County road has a paved surface at the location of the access driveway, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. As required by the State Waterboard and as conditioned, the project meets the location criteria for road access required under HCC Sec. 314-55.4.7.3.

- j) All use of supplemental lighting will comply with International Dark-Sky Standards
- k) Noise Performance Standards required in the CCLUO, per section 314-55.4.12.6, states that noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of site. The applicant has submitted a Sound Evaluation Report which describes noise measurements taken at the west, south, and east property lines. The existing average decibel levels at the west, south, and east property lines when measurements were taken were 50.3, 48.1, and 57.5 decibels respectively. The project is conditioned to not exceed three decibels above the measured average ambient noise levels found at each property line for the life of the project.

- l) Plants will be cultivated in native soils amended with organic fertilizers. The applicant submitted a Waste Treatment Program for the manufacturing activity. Spent plant material will be composted on site and water used in the extraction process will be disposed of through a greywater system or an approved wastewater treatment system.
- m) Invasive Species Plan has been submitted that identified plants proposed for control and eradication; the main species to be controlled is Scotch Broom, *Cytisus scoparius*.

6. FINDING:

The project 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) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. A licensed engineer prepared a road evaluation report that determined the road was unlikely to contribute sediment to watercourses. To ensure compliance WQ 2019-0001-DWQ, the applicant shall Site Management Plan that documents measures taken to prevent runoff from the project entering receiving bodies.
- b) The site is in a rural part of the County where the typical parcel size is over 25 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 will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence and more than 270 feet from any adjacent undeveloped parcel.
- d) Irrigation water is sourced from rain catchment and a well on site will supply domestic water and water for manufacturing activities.

- e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. Annual reporting shall be submitted to the NCRWQCB. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely 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 included in the 2019 County Housing Inventory; however, there are no existing residences on the parcel, and none are proposed. The proposed project will not preclude development of a residence in the future.

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 Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 223 and the total approved acres of cultivation would be 88.1.

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
- Approve the Special Permits, Zoning Clearance Certificates, and Conditional Use Permit (PLN-2020-16224 and PLN-12698-ZCC) for Empress Farms LLC subject to the Conditions of Approval attached hereto as Attachment 1A; and
- Adopted after review and consideration of all the evidence on **September 4, 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