

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

Resolution Number 25-

Record Number: PLN-12490-CUP

Assessor's Parcel Number: 220-191-027, 220-191-029

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Eagles Nest Farm, LLC, Conditional Use Permit request.

WHEREAS, Eagles Nest Farm, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 13,350 square feet of existing commercial cannabis cultivation of which 8,830 square feet is outdoor cultivation and 4,520 square feet is mixed light cultivation. The project is supported by 1,340 square feet of propagation space. Water for irrigation is sourced from two existing permitted groundwater wells and a 400,000-gallon rainwater catchment pond. The projected annual water usage totals 140,000 gallons and hard tank water storage totals 58,000 gallons. Processing occurs onsite and the applicant may utilize a licensed third-party processing facility. Energy for the project is sourced from a generator although the applicant is actively pursuing solar power. Once installed, solar will be the primary energy source.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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 August 7, 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 for 13,350 square feet of existing commercial cannabis cultivation of which 8,830 square feet is outdoor cultivation and 4,520 square feet is mixed light cultivation. The project is supported by 1,340 square feet of propagation space. Water for irrigation is sourced from two existing permitted groundwater wells and a 400,000-gallon rainwater catchment pond. The projected annual water usage totals 140,000 gallons and hard tank water storage totals 58,000 gallons. Processing occurs onsite and the applicant may utilize a licensed third-party processing facility. Energy for the project is sourced from a generator although the applicant is actively pursuing solar power. Once installed, solar will be the primary energy source.

EVIDENCE: a) Project File: PLN-12490-CUP

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
 - b) The existing project will not result in an increase of noise. The generator that is used to provide supplemental energy will be held in a secondary containment to attenuate noise.
 - c) The applicant has submitted a *Site Management Plan* which includes provisions to prevent sediment discharge to surface waters and protect water quality. The plan identifies 13 map points requiring maintenance. The applicant will be required to implement the 13 recommendations which include clearing inboard ditches, installing rolling dips, and applying straw and mulch to exposed soil.
 - d) The continued cultivation of 13,350 square feet of cannabis is not anticipated to impact any special status species or sensitive natural communities. Noise and light attenuation measures have been included as ongoing requirements for the project.
 - e) The existing project is not anticipated to impact any tribal cultural resources. The Bear River Band recommended the applicant adhere

to the inadvertent discovery protocol. This recommendation has been included as an ongoing requirement of the project.

- f) Access to the site provided by a driveway located off Briceland Thorne Road. Briceland Thorne Road is a county-maintained roadway which is developed to the equivalent of a Category 4 road standard.

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 Residential Agriculture (RA) land use designation. The existing 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 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 U zone in which the site is located.
EVIDENCE: a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
b) All general agricultural uses are principally permitted in the U zone.
c) Humboldt County Code section 314-55.4.8.2.2 allows between 10,000 SF and 43,560 SF of existing cannabis cultivation on a parcel over 5 acres 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 13,350 square feet of existing cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.
- 5. FINDING:** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
EVIDENCE: a) The CMMLUO allows existing mixed light and outdoor cannabis cultivation operations to be permitted in areas zoned U, on a parcel of one acre or larger, only when possible to bring them into

compliance (HCC 314-55.4.8.2.2). This application is for mixed light and outdoor cultivation, on a 40-acre parcel, with a cultivation area that was verified by County staff.

- b) Per PMS-72 the configuration of APNs 220-191-027 and 220-191-029 combined comprise one legal parcel as shown on the subdivision map as lot 3.
- c) Irrigation water is sourced onsite from an existing permitted well and a 400,000-gallon rainwater catchment pond. The applicant will meter their water usage to ensure an adequate water supply exists to meet the demands of the project.
- d) Energy for the project will be sourced from a generator although the applicant is actively pursuing solar power. Once installed, solar will be the primary energy source. The applicant is required to obtain a renewable energy source by January 1, 2026.
- e) The applicant has entered into a *Lake and Streambed Alteration Agreement* with CDFW. The applicant will be required to implement all provisions within the agreement.
- f) All fertilizers, fuel, nutrients, or otherwise hazardous materials is properly stored in the 120 square foot storage area.
- 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, more than 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.

6. FINDING:

The continued cultivation of 13,350 square feet of cannabis 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 in a rural part of the County, on a 40-acre parcel, where agriculture is a predominant use. 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.
- b) 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, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park or Tribal Cultural

Resource.

- c) The applicant has submitted a *Site Management Plan* which includes provisions to prevent sediment discharge to surface waters and protect water quality. The plan identifies 13 map points requiring maintenance. The applicant will be required to implement the 13 recommendations which include clearing inboard ditches, installing rolling dips, and applying straw and mulch to exposed soil.
- d) Irrigation water is sourced onsite from an existing permitted well and a 400,000-gallon rainwater catchment pond. The applicant will meter their water usage to ensure an adequate water supply exists to meet the demands of the project.

7. 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 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 in this Planning Watershed would be 195 permits and the total approved acres would be approximately 68.37 acres of cultivation.

8. FINDING: The existing 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.

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 Hum Fire, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on August 7, 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