RESOLUTION OF THE PLANNING COMMSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 26-

Record Number PLN-2024-18969
Assessor's Parcel Numbers: 206-331-028

Resolution by the Humboldt County Zoning Administrator certifying compliance with the California Environmental Quality Act and conditionally approves Carlotta Gardens, LLC Conditional Use Permit.

WHEREAS, **Carlotta Gardens, LLC,** provided an application and evidence in support of approving a Conditional Use Permit for an additional 20,000 square feet of new outdoor commercial cannabis cultivation and a setback reduction from adjacent residences; and

WHEREAS, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance adopted by the Humboldt County Board of Supervisors on May 8, 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 Planning Commission held a duly-noticed public hearing on May 7th, 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 (CUP) to add 20,000 square feet of outdoor cultivation to the existing permitted 20,000 square feet of mixed-light cultivation and 30,000 square feet of outdoor cultivation. If approved, cannabis cultivation on the property will total 70,000 square feet. The total cultivation includes 40,000 square feet of RRR cannabis cultivation Approved ancillary nursery space is 5,000 square feet, and the applicant is proposing to add an additional 1,300 square feet of nursery space. Estimated annual water use is 1.76 million gallons (approximately 23.1 gallons/square foot/year) sourced from a permitted groundwater well. Water storage totals 5,000 gallons. Trimming will occur offsite at a licensed third-party processing facility and power is provided by PG&E. The applicant is also requesting a CUP for cultivation within the Hydesville-Carlotta Community Planning Area (CPA) and a CUP for an

exception from the 600' setback required for residences on separately owned parcels in Community Planning Areas.

EVIDENCE: a) Project File: PLN-2021-18969

2. FINDING: **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Environmental Impact Report previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the Environmental Impact Report that was prepared for the Carlotta Gardens, LLC project pursuant to § 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 Final Environmental Impact Report. 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 biological and botanical report concluded there would not be a significant impact on any sensitive species or natural communities. The property has historically been utilized for hay production.

d) The project site takes access off Highway 36 and referral comments from Caltrans for commercial driveway improvements have been incorporated into the project's past conditions and have been completed.

e) A well drawdown analysis determined that adequate water can be collected for irrigation even in low rainfall years. The applicant has proposed irrigation water storage in amounts appropriate for the estimated irrigation.

f) The applicant provided a 24-hour noise study, which concluded that the operation had the expected decibel readings for an outdoor commercial agricultural operation with the loudest readings taken close to the property line adjacent to CA Highway 36 which functions as a busy arterial highway to the US-101.

g) Power will be provided by PG&E through an eligible renewable energy program.

h) Several projects related to this parcel were referred to and reviewed by the Bear River Tribal Historic Preservation Officer between 2017 and 2022 who recommended an inadvertent discovery protocol which is included as a condition of approval.

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 Agriculture Exclusive (AE) zoning classifications. 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 existing Agriculture Exclusive (AE) zone in which the site is located.

EVIDENCE: a) General agricultural uses are principally permitted in AE zone.

b) Cannabis cultivation is allowable in Agricultural Exclusive zones when accompanied by a resource production general plan land use designation (not including timberland) or residential land use designation requiring parcel sizes of more than five (5) acres. (Section 55.4.6.1.1).

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

EVIDENCE: a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.6.1.1).

b) The parcel was created in compliance with all applicable state and local subdivision regulations because it qualifies for a Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act through approval of building permit 80-0078 B4.

c) The project developed a water well under Record 16/17-0015 from the Humboldt County Department of Environmental Health. The Humboldt County Groundwater Sustainability Agency (GSA) Administrator (Attachment 5A) has concluded the proposed use of the groundwater well will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, water-related recreation, public access, open space, or other Public Trust needs and values. In addition, the GSA Administrator has concluded that the proposed groundwater well is consistent with the Eel River Valley Groundwater Sustainability Plan.

d) Access is taken directly from Highway 36, a paved road with a center stripe.

e) No timber conversion has or will occur.

f) The proposed cultivation will take place in an area of slopes 15% or less.

g) Coverage of prime soils by the proposed project is approximately 2.7%, which is below the 20% maximum allowed under the CCLUO. Cultivation will be inground as required by Section 314.55.4.6.4.3.

h) A Conditional Use Permit is required for setbacks of less than 600 feet from residences on separately owned parcels under Section 314.55.4.6.7.1.3. This exemption was granted under the previously approved 30,000 square feet of outdoor cultivation under PLN-2020-16897-SP.

i) Power will be provided by PG&E through an eligible renewable energy program.

6. FINDING: The commercial 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 project site takes access off Highway 36 along a private drive and referral comments from Caltrans for commercial driveway improvements have been incorporated into the project's past conditions and have been completed.

b) The proposed project will not be in a location where there is a

sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Continuing cultivation on this site will not change the character of the area due to the historic and current uses in the area. The parcel currently contains 50,000 square feet of cannabis cultivation and a permitted and licensed location for retail sales.

c) The location of all project elements meets the setback requirements for the AE Zone.

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. 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 in the Van Duzen River 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 for cultivation in this Planning Watershed would be 145 permits and the total approved acres would be 53.5 acres of cultivation.

9. FINDING: The use of the well for irrigation will not have any adverse impact on any public trust resources.

EVIDENCE: a) The existing well is located approximately 190 feet from Wilson Creek, a tributary to Yager Creek and subsequently the Van Duzen River. The well is located approximately 2,600 feet from the Van Duzen River.

b) Based on the Well Completion Report, it can be concluded that the well is not hydrologically interconnected with Wilson Creek due to the presence of the nearly 50-foot clay layer between the surface

deposits and the well screen.

c) Based on the significant distance from the Van Duzen River, the proposed well will not draw water from the river or induce infiltration.

d) The annual volume of groundwater extraction proposed (approximately 5.4 acre-feet) is significantly less than the Basin's estimated annual average total groundwater use (14,837 acre-feet) and the estimated sustainable yield (30,000 acre-feet).

e) The July 2024 memo from Humboldt County Groundwater Sustainability Agency (GSA) Administrator (Attachment 5A) concluded the proposed groundwater well will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, water-related recreation, public access, open space, or other Public Trust needs and values. In addition, the GSA Administrator concluded that the proposed groundwater well is consistent with the Eel River Valley Groundwater Sustainability Plan.

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 Conditionally approves the Conditional Use Permit for Carlotta Gardens, 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 **May 7, 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