

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

Resolution Number 24-

Record Numbers: PLN-11603-ZCC and PLN-2020-16893

Assessor's Parcel Numbers: 209-301-012, 209-301-013, 209-301-016, 209-301-017

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Cameron Moore Zoning Clearance Certificate, Special Permit and Lot Line Adjustment.

WHEREAS, Cameron Moore, submitted an application and evidence in support of approving a Zoning Clearance Certificate for 10,000 square-foot of new outdoor light-deprivation cannabis cultivation, a Special Permit for a setback reduction to Humboldt Redwoods State Park, and a Lot Line Adjustment between three parcels resulting in two parcels; and

WHEREAS, the County as lead agency, prepared an Addendum to the 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 cannabis cultivation project does not present substantial changes that would require major revisions to the 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 County Planning Division, the lead agency, found the Lot Line Adjustment exempt from environmental review pursuant to Section 15305(a) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **March 7, 2024**, and reviewed, considered, and discussed the application for a Zoning Clearance Certificate, Special Permit and Lot Line Adjustment, 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:** A Zoning Clearance for 10,000 square feet of new outdoor light-deprivation cannabis cultivation and a Special Permit for a setback reduction from Humboldt Redwoods State Park (PLN-11603-ZCC); and a Lot Line Adjustment between three parcels, resulting in two parcels (PLN-2020-16893). 1,000

square feet of propagation space is proposed. The cannabis will be partially dry farmed, with supplemental water for irrigation provided by rainwater catchment. Approximately 30,700 gallons of water will be required annually for irrigation. A total of 52,800 gallons of water storage is proposed. Drying and bucking of mature cannabis will occur onsite within the greenhouses. Further processing will take place at a licensed processing facility. There will be a maximum of two employees on site. Power for the project will be provided by solar. A generator will be kept on site for emergency purposes only.

EVIDENCE: a) Project File: PLN-11603-ZCC and PLN-2020-16893.

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered 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, and the addendum to the MND prepared for the project and has also found the LLA exempt from environmental review per Section 15305(a) of the California Environmental Quality Act (CEQA).

EVIDENCE: a) Addendum prepared for the proposed Zoning Clearance Certificate and Special Permit.

b) The proposed Zoning Clearance Certificate and Special Permit do not present substantial changes that would require major revisions to the previous MND. 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 LLA does not result in a change in land use or overall density and is intended to adjust the property boundary between APNs 209-301-012, and 209-301-017 to remedy the encroachment of the existing metal pole building that currently transects the lot line, and to accommodate proposed cannabis improvements associated with APNs 209-301-013 and 209-301-012. Therefore, the LLA is exempt pursuant to Section 15305(a) of the CEQA Guidelines. Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel.

- d) The property is accessed via private driveway from Holmes Flat Road, a County maintained road. Public Works comments recommend paving the access driveway, maintaining access in accordance with the County Sight Visibility Ordinance, and ensuring that gates are setback sufficiently from the road so vehicles will not block traffic when opening or closing the gate.
- e) The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The Bear River Band Rancheria recommended a Cultural Resource Investigation to be conducted on the parcel. The applicant submitted a Cultural Resource Survey prepared by Archaeological Research and Supply Company dated May 2018. According to the survey there were no historic or prehistoric era resources located during the survey. The project has an ongoing condition to include inadvertent archaeological discovery language.
- f) According to the California National Diversity Database the site is mapped with a non-specific historical record of maple-leaved checkerbloom. The nearest Northern Spotted Owl (NSO) activity center is approximately 0.7 miles north of the project site, and the nearest positive observation is approximately 0.68 miles north of the project site. Mapped marbled murrelet mapped critical habitat is located approximately 100 feet south of the proposed cultivation site on the adjacent parcel owned by the California Department of Parks and Recreation (Humboldt Redwoods State Park). Due to the proximity of habitat, the project has been conditioned to limit noise exposure to 50 decibels at 100 feet from the noise source or the edge of habitat, whichever is closer. The project has also been conditioned to include requirements for keeping artificial light fully contained within structures such that no light escapes. The project was referred to the California Department of Fish and Wildlife and no response was received.
- g) The cannabis will be partially dry farmed, with supplemental water for irrigation provided by rainwater catchment. Rainwater will be captured from the roof of the existing metal pole building on site. The catchment area square footage of the main roof of the building is approximately 31,250 square feet.

The project area received approximately 28.8 inches of rainfall in 2020 (a substantial drought year) as recorded by the PRISM Climate Group. The rain catchment potential of the building's roof is approximately 561,039 gallons in a substantial drought year. Approximately 30,700 gallons of water will be required annually for irrigation. A total of 52,800 gallons of water storage is proposed.

- h) The subject parcels are situated within the mapped FEMA flood zone and are required to provide flood elevation certificates for structures utilized for cannabis activities, including the proposed greenhouses. The proposed greenhouses underwent a hydrostatic load study and will be kept up all year round due to each structure receiving a flood elevation certificate and the applicant's commitment to remove the greenhouse skins during the rainy season.

ZONING CLEARANCE CERTIFICATE AND SPECIAL 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 Agricultural Exclusive (AE) 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 proposed project would be located adjacent to Humboldt Redwoods State Park subject to the Humboldt Redwoods State Park General Plan 2001 (HRSPGP). As discussed in the staff report, the proposed project is not located within 600 feet of any designated recreational facilities and would not conflict with the Management Plan for Humboldt Redwoods State Park. The project would not cause any new erosion, wind

damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals. The provisions for protection of heritage resources have been met through consultation with local tribal representatives. Therefore, the proposed project will not conflict with the HRSPGP. An exception to the requirement to maintain a 600-foot setback from public parks may be granted with the Special Permit that is being requested. The project was referred to Humboldt Redwoods State Park (HRSP). HRSP responded with a question regarding cannabis annual site inspections, which was addressed by staff. No concerns regarding the setback reduction associated with the project were expressed.

4. FINDING: The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE-F) zone in which the site is located.

- EVIDENCE:**
- a) The AE Zone is intended to be applied to areas of the County in which general agriculture is an allowable use.
 - b) All general agricultural uses are principally permitted in the AE zone.
 - c) The subject parcels are situated within the mapped FEMA flood zone and are required to provide flood elevation certificates for structures utilized for cannabis activities, including the proposed greenhouses. The proposed greenhouses underwent a hydrostatic load study and will be kept up all year round due to each structure receiving a flood elevation certificate and the applicant's commitment to remove the greenhouse skins during the rainy season.
 - d) Humboldt County Code section 314-55.4.8.2.1 allows up to 10,000 square feet of new outdoor cannabis cultivation on a parcel over 5 acres in size subject to approval of a Zoning Clearance Certificate. The application for 10,000 square feet of outdoor light-deprivation cultivation on a 5-acre parcel is consistent with this.

5. 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 AE (HCC 314-55.4.8.2.1).

- b) APNs 209-301-012 and 209-301-013 are each a separate legal parcel, created by a Lot Split approved by the Humboldt County Planning Commission on July 16, 1970. APNs 209-301-017 and 209-301-016 combined comprise one separate legal parcel legitimized by issuance of prior building permit 00-103 PH3.
- c) The applicant proposes to dry farm and utilize rainwater catchment for irrigation needs.
- d) The property is accessed via private driveway from Holmes Flat Road, a County maintained road.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) Cultivation will occur in an area that occupies less than 20% of the prime agricultural soils on the parcel.
- g) The location of the cultivation complies with 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, or Tribal Cultural Resource. The project as proposed does not meet setbacks to public lands and seeks a Special Permit for a setback reduction.

6. 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 cultivation permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE: a) The project site is located in the Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved cultivation permits in this Planning Watershed would be 77 and the total approved acres of cultivation would be 35.4.

LOT LINE ADJUSTMENT

7. FINDING: The Lot Line Adjustment application is complete

EVIDENCE: a) The applicant has submitted a completed and signed application form, copies of present owners' deeds, a preliminary title report, copies of the creation documents for the parcels, a written statement explaining the reason for the adjustment and a Lot Line Adjustment Map.

8. FINDING: The project is consistent with the Subdivision Map Act.

EVIDENCE: a) APNs 209-301-012 and 209-301-013 are each a separate legal parcel, created by a Lot Split approved by the Humboldt County Planning Commission on July 16, 1970. APNs 209-301-017 and 209-301-016 combined comprise one separate legal parcel legitimized by issuance of prior building permit 00-103 PH3.

9. FINDING: The project is consistent with the General Plan.

EVIDENCE: a) The Agricultural Exclusive (AE) designation applies to bottomland farms and lands that can be irrigated. Both resulting parcels will continue to be utilized for agricultural uses. The LLA is therefore consistent with the goals of the Land Use Element of the General Plan.

10. FINDING: The project conforms to zoning and building ordinances.

EVIDENCE: a) All parcels are zoned AE-F (Agriculture Exclusive, Flood Hazard Area Combining Zone). The LLA will not affect the ability of the parcel to be developed consistent with building and zoning requirements.

b) The parcels are legally non-conforming as they do not meet minimum parcel size standards. The LLA will decrease the non-conformance with the zoning code.

c) All minimum lot line setbacks are met.

ADDITIONAL REQUIRED FINDINGS

11. FINDING: The proposed project will not create public health, welfare, or safety problems.

EVIDENCE: a) The proposed project complies with all development standards of the zone district which are intended to protect public health, safety and welfare. There is no evidence that the project will be materially injurious to properties or improvements in the vicinity.

- b) The site is located on a road that that meets the functional capacity for the project needs.
- c) The proposed cannabis will not be in a location where there is a sensitive receptor such as a school, church, 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.
- d) The applicant proposes to dry farm and utilize rainwater catchment for irrigation needs.
- e) The project will not result in changes in land use and will not create a new parcel.
- f) All responding agencies have either responded with comments, no concerns, or recommended conditional approval.

12. 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 parcels were not included in the housing inventory of Humboldt County’s 2019 Housing Element. The approval of the project will not conflict with the ability for a residence to be constructed on the resulting parcels.

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
- Conditionally approves the Zoning Clearance Certificate and Special Permit (PLN-11603-ZCC), and Lot Line Adjustment (PLN-2020-16893) for Cameron Moore, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **March 7, 2024**.

I, John 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.

John H. Ford, Zoning Administrator