

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

**Resolution Number 24-\_\_\_\_**

**Record Number PLN-11889-SP**

**Assessor's Parcel Number: 210-250-020-000**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Larabee Farm, LLC Special Permit.**

**WHEREAS, Larabee Farm, LLC** submitted an application and evidence in support of approving a Special Permit for 9,460 square feet of existing mixed light commercial cannabis cultivation. The ancillary nursery area totals 900 square feet; and

**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 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; and

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 18, 2024, and reviewed, considered, and discussed the application for the Special Permits 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:**                    **Project Description:** A Special Permit for 9,460 square feet of existing mixed light commercial cannabis cultivation. The ancillary nursery area totals 900 square feet. There will be up to three (3) flowering cycles per year. permitted groundwater well (permit# 01/02-921). There is currently 66,600-gallons of in hard plastic tanks. Annual water use for irrigation is 110,000 gallons (11 gallons per square foot). Processing occurs on site. Power is supplied by PG&E. A back-up generator is on site in the event of an emergency. Two (2) employee are proposed.

**EVIDENCE:**                    Project File: PLN-11889-SP

**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.

**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 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 applicant will source water from rain catchment.
- d) The applicant has submitted a copy of a Lake or Streambed Alteration Agreement (LSAA) (No. 1600-2017-0703-R1) (Attachment 4B) that describes four encroachments. The four proposed encroachment are to upgrade undersized culverts and improve an onstream pond spillway. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The project was referred to CDFW on September 9, 2017. On September 6, 2023, CDFW commented on the project and informed the County that the applicant was in violation of the LSAA. The recommended conditions to be met for approval include that the applicant complete the requirements of the LSAA as well as well as forbear from use of the well during the yearly forbearance period until the applicant is able to have an assessment completed that determines the well is not hydrologically connected to nearby surface waters. These conditions are included in Attachment 1A and can be referenced in Attachment 5.
- e) A Site Management Plan (SMP) was prepared for the project by Elevated Solutions, LLC (WDID 1\_12CC412048) and the applicant shall implement all corrective actions and recommendations described in Attachment 1A.

- f) According to the California Natural Diversity Database (CNDDDB), there is no mapped potential habitat for any special status species nearby or on the parcel. The project is located approximately 1.63 miles to the nearest Northern Spotted Owl (NSO) activity center. The project is for existing mixed light-cannabis cultivation that includes ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources because of light and noise, water will be sourced from the well with comply with the yearly forbearance period until such time an assessment is provided that the well is not hydrologically connected. The project is conditioned that the combination of background, generator and greenhouse fan or other operational equipment created noise does not exceed 50 decibels at 100 feet from the emergency-only generator or at the nearest tree line, whichever is closer. CDFW responded to the County's referral on September 6, 2023 and the conditions specified are included in Attachment 1A and can be referenced in Attachment 5.
- g) The project is located within the Bear River Band of the Rohnerville Rancheria aboriginal ancestral territories. The project was referred to the Northwest Information Center (NWIC), the Bear River Band, and the Intertribal Sinkyone Wilderness Council. NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on February 27, 2018, stating that the project would require a Cultural Resource Study (CRS). A CRS was completed for the project parcel in April of 2019 by William Rich and Associates. Bear River then recommend inadvertent archaeological discovery protocols for the project. This has been added as a condition of approval (Attachment 1A).
- h) Access to the site is via Highway 36, which is a State-maintained road. Approximately 33 miles east of Highway 101 is Larabee Valley Road on the left, which is a private Road. The applicant has submitted a Road Evaluation Report from Six Rivers Construction & Consulting May 1, 2023 (Attachment 4C). The report found that Larabee Valley Road were developed to Road Category 4 standards with the corrective recommendations completed. Per the Department of Public Works, turnouts along the entire length shall be maintained for safety, visibility requirements and emergency access. These recommendations are included as ongoing

conditions of project approval. As the project will be run solely by the applicant and two (2) employees, it is determined that the project would not result in a significant increase in traffic, and it has been determined that the access road (with the implementation of the recommended improvements and maintenance) meets the functional capacity for the project's needs.

### **FINDINGS FOR SPECIAL PERMITS**

**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 and intensive agriculture are allowed uses in lands designated Agricultural Exclusive (AE).
  - b) The proposed project is located within an Open Space Action Program because the project site is within an area of high instability (see hazards discussion below). General agriculture is a use type principally permitted in the Agricultural Exclusive (AE) zoning district. General agriculture is also a permitted use in the 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. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
  - c) The subject parcel is located in an area of high geologic instability, but it is not located within an Alquist-Priolo Fault Hazard Zone. The subject parcel is not located within in any flood zone or is susceptible to dam failure inundation. The subject parcel is located within a very high fire hazard severity zone within the State Responsibility Area for fire protection. The parcel is also within the Bridgeville Fire Protection District (BFPD) response area. The BFPD responds to structural fires and medical emergencies. There is a 5,000-gallon dedicated fire suppression tank and associated SRA turnaround on the parcel. No new structures are proposed. No increased threats to hazards are anticipated as a result of the project.

**4. FINDING:** The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

- EVIDENCE:**
- a) The Agricultural Exclusive (AE) Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
  - b) All general agricultural uses are principally permitted in the AE zone.
  - c) The project meets the minimum yard setbacks, minimum distances between major buildings, and maximum ground coverage requirements of the zone.
  - d) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis cultivation on a parcel zoned AE over 1 acre subject to approval of a Special Permit. The application is for 8,102 square feet of pre-existing outdoor cultivation on a 46.9-acre parcel.
  - e) Four encroachments are to be remediated or decommissioned on Class II and III streams. Work for these encroachments will include excavation, removal of the failing culverts, shaping of the impacted channels, and rock armoring as necessary to minimize erosion. The work within the SMAs may be conducted in accordance with the LSAA and pursuant to Section 314- 61.1.7.6.3 H.C.C. with the Special Permit that is being requested.

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

- EVIDENCE:**
- a) The CMMLUO allows existing outdoor cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
  - b) The subject parcel has been determined to be one legal parcel (Lot 1) as shown on Parcel Map 14 recorded in Book 2 of Parcel Maps page 20.
  - c) The applicant will source water from a permitted well.
  - d) Access to the site is via Highway 36, which is a State-maintained road. Approximately 33 miles east of Highway 101 is Larabee Valley Road on the left, which is a private Road. The applicant has submitted a Road Evaluation Report from Six Rivers Construction & Consulting May 1, 2023 (Attachment 4C). The report found that Larabee Valley Road were developed to Road Category 4 standards

with the corrective recommendations completed. Per the Department of Public Works, turnouts along the entire length shall be maintained for safety, visibility requirements and emergency access. These recommendations are included as ongoing conditions of project approval. As the project will be run solely by the applicant and two (2) employee, it is determined that the project would not result in a significant increase in traffic, and it has been determined that the access road (with the implementation of the recommended improvements and maintenance) meets the functional capacity for the project's needs.

- e) 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, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.
- f) Electricity is sourced from PG&E with an emergency generator. The project is conditioned that noise from the generator does not exceed 50 decibels at 100 feet from the generator or at the nearest tree line, whichever is closer.

**6. FINDING:** The cultivation of 9,460 square feet of 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 not 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 existing character of the area due to the numerous other permitted cultivation operations nearby.
  - b) The applicant will source water from a permitted well.
  - c) The subject parcel is located in an area of high geologic instability, but it is not located within an Alquist-Priolo Fault Hazard Zone. The subject parcel is not located within in any flood zone or is susceptible to dam failure inundation. The subject parcel is located within a very high fire hazard severity zone within the State Responsibility Area for fire protection. The parcel is also within the Bridgeville Fire Protection District (BFPD) response area. The BFPD responds to structural fires and medical emergencies. There is a

5,000-gallon dedicated fire suppression tank and associated SRA turnaround on the parcel. No new structures are proposed. No increased threats to hazards are anticipated as a result of the project.

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**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.

**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 located in the Impacted HUC-12 Butte Creek Sub watershed in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 cultivation permits and 146 acres of cultivation. With the approval of this project the total approved cultivation permits in this Planning Watershed would be 216 167 permits and the total approved acres would be 44.5 acres of cultivation.

## 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 Special Permit for Larabee Farm, LLC subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **July 18, 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.

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John H. Ford, Zoning Administrator,  
Planning and Building Department