

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

Resolution Number 24-

Record Number PLN-11454-ZCC

Assessor's Parcel Numbers: 217-282-015-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Native Humboldt Farms Zoning Clearance Certificate and Special Permit.

WHEREAS, Native Humboldt Farms, LLC, seeks a Zoning Clearance Certificate for 5,000 square feet of existing outdoor cannabis cultivation and a Special Permit for the ongoing use of a point of diversion for the water for irrigation from an existing on-site spring. Water is stored in 15 hard tanks (34,500 gallons) and the applicant proposes to add an additional two hard tanks (5,000 gallons) for a total of 39,500 gallons of available water storage. Estimated annual water usage is 41,000 gallons. All processing is completed at a licensed off-site processing facility. Electricity is sourced from PGE.

WHEREAS, 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 Zoning Administrator held a duly-noticed public hearing on November 7, 2024, and reviewed, considered, and discussed the application for a Special Permit 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:** Zoning Clearance Certificate for 5,000 square feet of existing outdoor cannabis cultivation and a Special Permit for the ongoing use of a point of diversion for the water for irrigation from an existing on-site spring. Water is stored in 15 hard tanks (34,500 gallons) and the applicant proposes to add an additional two hard tanks (5,000 gallons) for a total of 39,500 gallons of available water storage. Estimated annual water usage is 41,000 gallons. All processing is completed at a licensed off-site processing facility. Electricity is sourced from PGE.

EVIDENCE: a) Project File: PLN-11454-ZCC

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the project pursuant to Section 15164 of the CEQA guidelines.

EVIDENCE:

- a) Addendum Prepared for the proposed project.
- b) The proposed project does not present substantial changes that 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.
- c) Northern Spotted Owl habitat does not exist in the vicinity and the nearest activity center is 0.72 miles from the site. The project is conditioned to adhere to noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species. Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.
- d) The project was referred to the Northwest Information Center and Bear River Band of the Rohnerville Rancheria; both requested a Cultural Resources Survey. A Cultural Resources Investigation was conducted by William Rich and Associates in January 2022. The report concludes that mineral sediments on the ground surface were observed over much of the parcel; however, the parcel has been disturbed in the past, with much of the surface impacted by roads, trails, gardens, or buildings. The report concludes no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist

in the subject parcel proposed for cannabis cultivation. One single ancestral Native American artifact was identified during the field survey, approximately 100 feet northeast of the cultivation area in the north-central part of the property. The artifact is a piece of flaked-stone debitage, an interior core-reduction flake of Franciscan chert. The Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources has been added as a condition of approval (B1).

FINDINGS FOR 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 the Rural Community Center (RCC) 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) General Plan 2017, Section 10.6.4 discusses methods to identify and protect sensitive cultural resources and archaeological artifacts, and methods to address development with the potential of losing or destroying those resources.

4. FINDING: The proposed development is consistent with the purposes of the existing Unclassified (U) Zone in which the site is located.

- EVIDENCE:**
- a) The Unclassified (U) Zone is applied to area of the county in which general agriculture uses in which growing cannabis is a principally permitted use.
 - b) All general agricultural uses are principally permitted in the Unclassified (U) Zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of

existing mixed-light cannabis on a parcel over 1 acre 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 5,000 SF outdoor cultivation on a 5.24-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

- d) All cultivation is over 30 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

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

- EVIDENCE:**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Unclassified (U).
 - b) Irrigation water is sourced from a deeded spring with the applicant adding a rain catchment system in three locations onsite.
 - c) Access to the site is via a driveway off a private road via Alderpoint Road. Per the Road evaluation report, performed by OurEvolution Engineering, Inc., Alderpoint Road meets the requirements of a category 4 roadway.
 - d) Power is sourced from PGE.
 - e) The cultivation of cannabis will not result in the net conversion of timberland post environmental baseline (January 1, 2016). No timber conversion is proposed.
 - f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING: The cultivation of commercial 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) Access to the site is via a driveway off a private road via Alderpoint

Road. Per the Road evaluation report, performed by OurEvolution Engineering, Inc., Alderpoint Road meets the requirements of a category 4 roadway. The project is conditioned to join or form a road maintenance association.

- b) The site is in a rural part of the County where the typical parcel size are under 40 acres. 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.
- c) Irrigation water is sourced from a deeded spring with the applicant adding a rain catchment system in three locations onsite.

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) Planning staff determined 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. The subject parcel resides within two watersheds, Lower Eel and Middle Main. 4,040 square feet of cultivation resides within Lower Eel while 960 square feet is within Middle Main. The project site is in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 106 permits and the total approved acres would be approximately 44.68 acres of cultivation. The project site is also 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 the project the total approved permits in this Planning Watershed would be 79 permits and the total approved acres would be approximately 35.31 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 Zoning Clearance Certificate and Special Permit subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **November 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 Ford, Zoning Administrator,
Planning and Building Department