

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

**Resolution Number: 24-**

**Record Number: PLN-11756-CUP**

**Assessor's Parcel Number: 208-341-003**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Emerald Mines, Inc Special Permit.**

**WHEREAS**, Emerald Mines, Inc provided an application and evidence in support of approving a Special Permit for 9,453 square feet of existing outdoor commercial cannabis cultivation operation; and

**WHEREAS**, the 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 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 February 1, 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:** A Special Permit for 9,453 square feet of existing outdoor commercial cannabis cultivation. There is no ancillary nursery and processing occurs offsite. The estimated 78,350-gallon annual water budget is sourced from rainwater catchment and supported by 96,500 gallons of tank storage. Power is provided by solar panels and a generator. Project is conditioned to source power from renewables reserving the generator for emergencies only. The Special Permit includes a reduction of the setback from public lands.

**EVIDENCE:** a) Project File: PLN-11756-SP

- 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 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 project is for pre-existing cultivation. The nearest spotted owl activity center is approximately 1.37 miles from the site. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the backup generator or at the edge of the nearest forest habitat, whichever is closer. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.
  - d) Staff review of the CNDDDB concluded that continuing the operation will not impact species of concern.
  - e) A Road Evaluation Report concludes the route leading to the subject parcel is developed to the equivalent of a category 4 road standard if certain improvements are made.

### **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 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 Unclassified (U) zone in which the site is located.

**EVIDENCE:** a) The Unclassified (U) zone is intended to be applied to areas of the

County that have not been sufficiently studied to justify precise zoning classifications. Principally permitted uses in the Unclassified (U) zone include general agriculture.

- b) All accessory 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 square feet of existing outdoor cannabis cultivation and up to 22,000 square feet of existing mixed-light commercial 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 9,453 square feet of cultivation on a 35-acre parcel is consistent with this and with the cultivation area verification prepared conducted by staff.
- d) All structures as depicted on the site plan meet setbacks for the Unclassified (U) zone.

**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) (HCC 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created as part of the Cobb Station subdivision in August 1989 as depicted as parcel 3 in Book 19 of recorded maps page 29.
  - c) The project will obtain water from rainwater catchment, an eligible water source.
  - d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic if improvements are made.
  - e) The slope of the land where cannabis will be cultivated is 15% to 30% on existing flats.
  - f) The continued cultivation of cannabis will not result in the net conversion of timberland.
  - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. as it is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or Tribal Cultural Resource. The Special Permit reducing the setback to

adjacent Six River National Forest lands to approximately 230 feet is consistent with the management plan for adjacent public lands.

- 6. FINDING:** The continued cultivation of 9,453 square feet of existing 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 located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
  - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. 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. 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 due to the large parcel sizes in the area.
  - c) Irrigation water will come from rainwater catchment, an eligible water source.
  - d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

- 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 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.

- 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 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 97 permits and the total approved acres would be 34.19 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 approve the Special Permit for **Emerald Mines Inc**, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference.

Adopted after review and consideration of all the evidence on **February 1, 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 Commission at a meeting held on the date noted above.

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John H. Ford, Director  
Planning and Building Department