

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

**Resolution Number 22-**

**Record Number: PLN-2018-15260**

**Assessor's Parcel Number: 107-054-036**

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

**WHEREAS, Highpoint Honeydew Farm, LLC,** submitted an application and evidence in support of approving a Special Permit for the operation of a proposed 23,616 square foot light deprivation cannabis operation with appurtenant propagation and processing activities;

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) 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 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; and

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 20, 2021, 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:** The application is a Special Permit to allow for a 23,616 square foot (SF) light deprivation cannabis cultivation operation with appurtenant propagation and processing activities. Power is provided by PG&E with a backup generator. Water for irrigation will be provided by an existing permitted groundwater well.

**EVIDENCE:**            a) Project File: PLN-2018-15260
- 2. FINDING:**                    **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

**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 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.

   d) The applicant submitted a Biological Reconnaissance Assessment prepared by ETA Humboldt, which includes recommendations to minimize potential impacts on biological resources. Biologist

recommendations have been included as recommended conditions of approval.

- e) The applicant submitted an Aquatic Resources Delineation prepared by Kyle Wear, which concluded that there are no wetlands on site, although it did note that the pond on site proposed for cultivation activities is connected to surface water. The pond is not proposed for cannabis activities.
- f) The property is accessed via a category 4 County maintained road. The project was referred to the Department of Public Works for review and comments. The Department of Public Works recommended approval of the project with conditions.
- g) The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. The Bear River Band Rancheria recommended the applicant to survey the project site for cultural resources. The applicant submitted a Cultural Resource Investigation prepared by Archaeological Resource and Supply Company dated August 2022 documenting no identified cultural resources.

**3. FINDING**

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE**

General agriculture is a use type permitted in 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 AE zone in which the site is located.

**EVIDENCE**

- a) The Agricultural Exclusive Zone or AE Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for AE zones. The parcel is also zoned as a Special Building Site (B-6) which is intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.
- b) All general agricultural uses are principally permitted in the AE zone.
- c) Humboldt County Code section 314-55.4.6 allows cultivation of up to 43,560 square feet of new outdoor cannabis and up to 43,560 square feet of new mixed-light cannabis on a parcel over 5 acres subject to approval of a Special Permit. The application for 23,616 square feet of light deprivation cultivation on a 47-acre parcel is consistent with this.

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

- EVIDENCE**
- a) The CCLUO allows new 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. Per LLA-11-17 the subject parcel has been determined to be one legal parcel (lot B) as shown on Parcel Map recorded in Book 35 of Parcel Maps page 33
  - c) The project will obtain water from a non-diversionary water source.
  - d) The property is accessed via private driveway from Mattole Road, a category 4 County maintained road.
  - e) The slope of the land where cannabis will be cultivated is less than 15%.
  - f) 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, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource.

**6. FINDING** The cultivation of 23,616 square feet of outdoor light deprivation 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 property is accessed via Mattole Road, a County maintained category 4 road.
  - 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 sized in the area.
  - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
  - d) Irrigation water will not be supplied by a diversionary water source.

**7. FINDING** The use of the well will not be detrimental to the public health, safety or welfare, or to biological or water resources in the vicinity.

- EVIDENCE**
- a) The well proposed for cannabis has been reviewed by a Licensed Professional Geologist who concluded that the well is drawing from a groundwater aquifer that likely has no hydraulic connection to surface waters. Additionally, the use of the well would not deplete surface waters of necessary water to support healthy stream flows due to the low withdrawal rate compared to the amount of water

infiltrating to groundwater from rainfall. The subject property is 47 acres in size and the cultivation requires approximately 201,390 gallons of water annually for irrigation. According to the USGS publication Fine-scale hydrologic modeling for regional landscape applications: the California Basin Characterization Model development and performance. Flint, 2013, a property of this size in our region is capable of providing 25 million gallons of water to recharge the subsurface aquifer in an average rainfall year of 57.7 inches, assuming any particular year is only half of average rainfall, the property is still capable of recharging as much as 12.5 million gallons to groundwater. This indicates that the withdrawal of 201,390 gallons from the groundwater well would be as little as 1.6% of the total potential recharge to groundwater that would occur on the property even if only 50% of average annual rainfall is received. Accordingly, impacts to groundwater from the use of this well would be negligible.

**8. 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.

## 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 Highpoint Honeydew Farm 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 **October 6, 2022**

I, John H. 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