

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

Resolution Number: 24-

Record Number: PLN-11888-SP

Assessor's Parcel Numbers: 210-251-070-000, 210-051-068-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Larabee Farms, LLC Special Permit and Lot Line Adjustment request.

WHEREAS, Larabee Farms LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing cannabis cultivation site consisting of 9,000 square feet of mixed light cannabis cultivation in greenhouses and 900 square feet of ancillary nursery space. Irrigation water is sourced from a non-hydrologically connected permitted well. Water storage for irrigation totals 19,750 gallons. The applicant's estimated annual water use is approximately 95,000 (9.6 gallons per square foot). Drying and other processing will occur on-site. Power is provided by a PG&E and a generator for emergencies. There will be four (4) employees. A lot line adjustment is also proposed between APN 210-051-070-000 (20.16 acres) and 210-05-068-000 (22.17 acres) to transfer of approximately 0.9 acres in an equal exchange with no net change in either parcel size.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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:** The application is A Special Permit for the continued operation of an existing cannabis cultivation site consisting of 9,000 square feet of mixed light cannabis cultivation in greenhouses and 900 square feet of ancillary nursery space. Irrigation water is sourced from a non-hydrologically connected permitted well. Water storage for irrigation totals 19,750 gallons.

The applicant's estimated annual water use is approximately 95,000 (9.6 gallons per square foot). Drying and other processing will occur on-site. Power is provided by a PG&E and a generator for emergencies. There will be four (4) employees.

A lot line adjustment is also proposed between APN 210-051-070-000 (20.16 acres) and 210-05-068-000 (22.17 acres) to transfer of approximately 0.9 acres in an equal exchange with no net change in either parcel size.

EVIDENCE: a) Project File: PLN-11888-SP

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 and 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.

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) A Site Management Plan (SMP; WDID-1_12CC412026) was prepared for subject sites (APN: 210-251-070-000 and 210-051-068-000). The SMP details existing site conditions, how the properties are or will meet the provisions and requirements of the North Coast Regional Water Quality Control Board (NCRWQCB).

The applicant has been conditioned to submit a copy of the Site Management Plan prepared for the property within 60 days of project approval.

d) The applicant submitted a well evaluation prepared by Lindberg Geologic Consulting, which concluded the well has a low likelihood of having any direct connection to surface waters. The report concluded that the well appears to be hydrologically isolated from all nearby wells, surface waters, springs, or wetlands.

e) The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center (NWIC) and Bear River February 14,

2018. NWIC A Cultural Resource Investigation Report was conducted for the project following the spring of 2018 by William Rich and Associates. Bear River reviewed the survey and provided comment to the County on January 11, 2019. Bear River determined there was inadequate survey coverage and requested a site visit. Following the site visit, an amended Cultural Resource Investigation Report was prepared by William Rich and Associates that increased the survey area to 21 acres from the previous 5.5 acres. Bear River reviewed the amended Cultural Resource Investigation Report and provided comment October 26, 2021. They determined the project will not result in any adverse changes to historical or archaeological resources and recommended the Inadvertent Discoveries Protocol. The inclusion of the standard inadvertent discovery protocol as recommended by the cultural reports is incorporated into the projects as an informational note.

- f) The Project is located at 33865 Highway 36. To reach the site from Eureka, CA take Highway 101 for 19.9 miles to exit 685 to Highway 36. Follow Highway 36 33 miles. The Driveway is located on the left. A road evaluation was completed for the project by Six Rivers Construction & Consulting, dated May 25, 2018, with photos of 0.28 miles of the privately maintained Larabee Valley Road. Corrective measures to develop the road segment to the equivalent of a road category 4 standard have been added as conditions of project approval. The road evaluation deemed the private road segment off Highway 36 to the access road to be developed to the equivalent of a road category 4 standard with repairs specified in the conditions of approval.

FINDINGS FOR THE 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) The property has land use designations of Residential Agriculture (RA20-160). The RA designation is not designated as an open space designation and is not part of the Open Space Action Program. Cannabis cultivation is an agricultural product and is 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.

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

EVIDENCE: a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

b) All general agricultural uses are principally permitted in the FR zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 7,400 square feet of existing outdoor cultivation on a 60-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.

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

EVIDENCE: a) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 9,000 square feet of existing mixed light cannabis on a parcel zoned FR over 1 acre in size subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,000 sf of existing mixed-light cultivation on a 20-acre parcel is consistent with this and with the cultivation area verifications prepared by the County.

b) APN: 210-051-070-00: The subject parcel is a legal parcel as recorded Parcel 1: Lot 17 of Parcel Map No. 3 (Deerfield Ranch), as per Map recorded in Book 1 of Parcel Maps, Pages 5-7 of Parcel Maps.

APN 210-051-068-000: The subject parcel is a legal parcel as recorded in Lot 18 of Parcel Map No. 3 (Deerfield Ranch), as per Map recorded in Bok 1, Pages 5-7 of Parcel Maps.

c) The project sources irrigation water from one (1) existing groundwater well. The well is utilized for both domestic use and irrigation needs. The project is conditioned for the applicant to monitor irrigation water separately from domestic and have these meter readings available when requested.

Per a report from a licensed geologist, the well is hydrologically disconnected from surface waters and therefore it does not require additional water rights from the State Water Resources Control

Board (SWRCB) and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality as a Tier II Moderate Risk site under WDID 1_12CC412026. The applicant has submitted a Site Management Plan (SMP) prepared by Elevated Solutions LLC, dated November 2019. The SMP states that there are a total of one (1) stream crossings on-site which has been upgraded per the LSAA agreement. The project is conditioned for the applicant shall adhere to the corrective actions listed in the SMP.

The California Department of Fish and Wildlife (CDFW) provided comment on the project February 16, 2024. Per the comments received, the project is conditioned for the applicant to remove all cannabis cultivation and associated infrastructure that is within the Streamside Management Area (SMA) Class III tributary to Butte Creek. Further, along the same Class III tributary to Butte Creek, a subsurface pipe was observed to be diverting water from the cultivation site to the tributary. As a condition of approval, the drainage must be redirected from the cultivation site to settling basins or bioswells that discourage and promotes dispersal and infiltration flows. CDFW also commented on the lack of adequate water storage currently observed on site, 6,000 gallons, which differed from the Operations Plan that reported 19,750 gallons. As a condition of approval, the applicant is required to have 19,750 gallons of water storage. While on the project parcel CDFW observed uncontained compost, discarded soil, and uncontained refuse with a nexus to cannabis cultivation. As a condition of project approval, the applicant must fully contain all compost piles and imported soil. CDFW observed sediment discharge occurring via the erosion of a hydrologically connected road. As a condition of approval, the applicant must implement an erosion control plan (Site Management Plan) to mitigate sediment delivery off roads and away from streams, which includes measures such as ditch relief culverts and water bars. As part of the ongoing conditions, the project is prohibited from the use of synthetic netting (i.e. plastic or nylon) including photo or biodegradable plastic netting.

- d) The Project is located at 33865 Highway 36. To reach the site from

Eureka, CA take Highway 101 for 19.9 miles to exit 685 to Highway 36. Follow Highway 36 33 miles. The Driveway is located on the left. A road evaluation was completed for the project by Six Rivers Construction & Consulting, dated May 25, 2018, with photos of 0.28 miles of the privately maintained Larabee Valley Road. Corrective measures to develop the road segment to the equivalent of a road category 4 standard have been added as conditions of project approval. The road evaluation deemed the private road segment off Highway 36 to the access road to be developed to the equivalent of a road category 4 standard with the conditioned improvements.

- e) The slope of the existing cultivation is less than 15% per USGS slope data.
- f) The location of the cultivation complies with most 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.

6. FINDING: The cultivation of 9,000 sf of existing mixed-light 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 self-certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. The access road intersects State Highway 36, and as a result the project was referred to Caltrans District 1. No responses have been received to date.
 - 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) Irrigation water is sourced from a permitted groundwater well that has been determined to be hydrologically disconnected from adjacent surface waters.

A Hydrological Report was prepared by Lindberg Geologic Consulting dated October 26, 2022, assessed the potential for the well to be

hydrologically connected to surface waters or any adjacent wetlands or wells, and if pumping the well could affect such waters. Per the Report the well has a low potential of having any direct connection to surface waters. The survey area considered “adjacent” was within 1,000-foot radius from the subject well and encompasses approximately 72 acres. On the project parcel there is a spring-fed perennial tributary to Butte Creek approximately 180 feet to the north north-east. The elevation of the spring-fed perennial tributary is at an elevation of 2,490 feet, making the nearby tributary 110 feet higher than the total depth elevation of the well (2,380 feet). Based on the findings of the research, it was the professional opinion of the Consultant that there is a low likelihood of being hydrologically connected to surface waters in any manner that could affect adjacent springs, wetland, and/or surface waters in the vicinity, or to any of the Public Trust resources associated with the Van Duzen watershed. As such, use of the well does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. While Butte Creek is a watercourse that supports important public trust resources such as fisheries, the low likelihood of any hydrologic connection indicates that there is a negligible impact to this public trust resource.

- 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. Measures are included in a Site Management Plan prepared by Elevated Solutions LLC.
- e) The project utilizes PG&E for project activities requiring electricity with a generator kept on site for emergency backup use.

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 is currently developed with one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized 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) Planning staff determined that 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. The project site is located in the Cannabis impacted HUC-12 Butte Creek watershed within the greater Van Duzen Planning 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 in this Planning Watershed would be 137 cultivation permits and the total approved acres would be 44.65 acres of cultivation.

FINDINGS FOR LOT LINE ADJUSTMENT

9. FINDING: The Lot Line Adjustment application is complete

- EVIDENCE:** a) The applicant has submitted application materials identifying proposed lots to be adjusted, a copy of current deeds and information showing the feasibility of the adjusted lots to be utilized for their intended purposes.

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

- EVIDENCE:** a) APN: 210-051-070-00: The subject parcel is a legal parcel as recorded Parcel 1: Lot 17 of Parcel Map No. 3 (Deerfield Ranch), as per Map recorded in Book 1 of Parcel Maps, Pages 5-7 of Parcel Maps.

APN 210-051-068-000: The subject parcel is a legal parcel as recorded in Lot 18 of Parcel Map No. 3 (Deerfield Ranch), as per Map recorded in Bok 1, Pages 5-7 of Parcel Maps.

11. FINDING: The proposed Lot Line Adjustment is consistent with the General Plan

- EVIDENCE:** a) The Lot Line Adjustment is consistent with the Land Use Designations, Forestry Recreation FR-B-5(20) of the resulting properties. The adjustment is intended to facilitate improved management of agricultural lands.
- b) The subject properties are within a mapped High and Low Instability. The subject properties are outside any mapped earthquake faults or fault hazard zones, areas of potential liquefaction, or mapped

historic landslides.

The central and southern portions of the subject site are within a FEMA mapped 100-year flood zone. The existing project will not alter the existing flood area, does not propose any new residential or civic uses, and will not result in any hazardous industrial uses within the existing flood zone. Agriculture is an allowable use in flood zones. The project is located within the State Responsibility Area (SRA) for fire protection and the Bridgeville Fire Protection District (BFPD) response area. BFPD responds to structural fires and medical emergencies.

- c) The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center (NWIC) and Bear River February 14, 2018. NWIC A Cultural Resource Investigation Report was conducted for the project following the spring of 2018 by William Rich and Associates. Bear River reviewed the survey and provided comment to the County on January 11, 2019. Bear River determined there was inadequate survey coverage and requested a site visit. Following the site visit, an amended Cultural Resource Investigation Report was prepared by William Rich and Associates that increased the survey area to 21 acres from the previous 5.5 acres. Bear River reviewed the amended Cultural Resource Investigation Report and provided comment October 26, 2021. They determined the project will not result in any adverse changes to historical or archaeological resources and recommended the Inadvertent Discoveries Protocol. There are no mapped occurrences of rare and/or endangered species on the project parcel according to the California Natural Diversity Database. The nearest northern spotted owl (NSO) activity center is approximately 1.8 miles from the nearest cultivation area. The project has been conditioned to ensure supplemental lighting associated with the onsite nursery and mixed light cultivation adheres to Dark Sky Association standards including security lighting. Recommended conditions of approval include limiting noise from project activities to 50 decibels 100 feet from the noise source or at the nearest tree line, whichever is more restrictive, proper storage of fuels fertilizers and pesticides, prohibition of monofilament netting, storage of refuse in wildlife proof containers, and prohibition of anticoagulant rodenticide.

12. FINDING:

The proposed Lot Line Adjustment is consistent with zoning regulations and development standards of the RA.

EVIDENCE: a) Resulting parcel 1 is developed with an existing residence and agricultural operation, both of which are principally permitted uses in the RA zone. The Lot Line Adjustment will not preclude resulting parcel 2 from conducting agricultural operations, which is a principally permitted use. All development meets or exceeds minimum setbacks and minimum distance between major buildings and does not exceed maximum ground coverage.

13. FINDING: The proposed Lot Line Adjustment will not adversely impact the environment, is compliant with CEQA, and will not be detrimental to public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) All responding referral agencies have approved or conditionally approve the proposed project. The project will not result in changes in land use density and will not create a new parcel. The Lot Line Adjustment has been analyzed as part of the entirety of the project in a project specific addendum to the Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Land Use Ordinance.

14. FINDING: The use of the well for irrigation and domestic use purposes will not have any adverse impacts on any public trust resources.

EVIDENCE: a) The project uses two wells for irrigation purposes. Both wells are located within a quarter mile of Showers Creek, which is a Class 1 perennial, fish bearing stream which flows into the Mad River, and within a third of a mile of the Mad River. The Mad River contains important public trust resources such as fisheries, recreation such as boating and swimming, and historically may have provided opportunities for waterborne commerce. The primary well is located approximately 820 feet from Showers Creek, and approximately 1,630 feet from the Mad River. The elevation of Showers Creek at its closest point is roughly 2,320 feet above sea level, which is 20 feet below the bottom of the well and roughly 100 feet below the elevation of the screening interval. The elevation of the Mad River at its closest point to the well is 1,920 feet above sea level, which is 320 feet below the bottom of the well and roughly 400 feet below the screened interval of the well. The geologic layers of the water bearing unit (shale, chert, sandstone and quartz) are more indicative of a bedrock aquifer than an alluvial aquifer and the fact that the well is drawing from above the creek and the river demonstrates that it is not directly connected to the underflow of either

watercourse.

The secondary well is screened between 70 and 230 feet below the surface in a mix of shale, sandstone and basalt. The closest waterbody is the Class III unnamed watercourse referenced above which is approximately 400 feet away to the northwest and is 119 feet higher than the depth of the well. This well is approximately 1,170 feet from Showers Creek and approximately 1,480 feet from the Mad River. Showers Creek at its closest is at an elevation of 2,160 feet, which is 165 feet below the screening interval of the well. The Mad River is at an elevation of 1,920 at its closest point, which is 405 feet below the screening interval. The geologic layers of the water bearing unit (shale, sandstone and 11basalt) are more indicative of a bedrock aquifer than an alluvial aquifer and the fact that the well is drawing from above the creek and the river demonstrates that it is not directly connected to the underflow of either watercourse. Additionally, the use of the wells for approximately 577,500 gallons of water per year is unlikely to significantly impact groundwater resources because the approximately 44-acre property provides significantly more groundwater recharge per year than the amount of water used for irrigation purposes.

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 and Lot Line Adjustment 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 **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 H. Ford, Zoning Administrator,
Planning and Building Department