

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

Resolution Number 23-

Record Number PLN-10697-SP

Assessor's Parcel Numbers: 220-241-017 and 220-251-034

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Old Briceland Holding Company Special Permit

WHEREAS, Old Briceland Holding Company provided an application and evidence in support of approving a Special Permit for 7,196 square feet of existing and 2,804 square feet of new for a total of 10,000 square feet of mixed light commercial cannabis cultivation supported by 1,000 square feet of ancillary nursery.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING

Project Description: A Special Permit for 7,196 square feet of existing and 2,804 square feet of new for a total of 10,000 square feet of mixed light commercial cannabis cultivation supported by 1,000 square feet of ancillary nursery. Processed under a separate application (12786), an additional 20,000 square feet of mixed light cultivation will be relocated to the property under the Retirement, Remediation, and Relocation (RRR) program along with an additional 2,000 square foot ancillary nursery. Irrigation water is provided by approximately 60% surface water diversion and 40% rainwater catchment. The total annual water budget for all the proposed cultivation, including the RRR is estimated at 1,127,600 gallons. Water storage consists of the 440,000-gallon pond plus 485,000 gallons in hard tanks for a total of 925,000 gallons. Onsite processing is proposed and power is provided by PGE supplemented by generators. A Special Permit is included for restoration within a streamside management area.

EVIDENCE a) Project File: PLN-10697-SP

2. FINDING

CEQA: The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission 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 Old Briceland Holding Company 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 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) A review of the California Natural Diversity Database did not indicate any known rare or endangered species on or near the project area.
- d) The parcel takes access from a private road that is equivalent to Category 4 standard.
- e) A Biological Assessment concluded that no natural communities were present in the project areas.
- f) A rainwater collection analysis found that adequate rainwater can be collected for irrigation even in low rainfall years.
- g) The applicant has a Land and Streambed Alteration Agreement and a registered water right for the water diversion from Redwood Creek.
- h) A Registered Professional Forester concluded that tree removal was conducted consistent with the Forest Practice Rules.

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) The parcel has a designation of Residential Agriculture (RA). The proposed project is covered by the Open Space Action Program because the project site includes streamside management areas. 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. No development is proposed within the SMA therefore the proposed project is consistent with the 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) General agricultural uses are principally permitted in U zone.
b) The location of all project elements meets the setback requirements for the 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 U (HCC 314-55.4.8.2.2).
b) The parcel was created in compliance with all applicable state and local

subdivision regulations through issuance of a Lot Line Adjustment (59-80) approved on 9/15/1980.

- c) The project will obtain water from rainwater catchment, an eligible water source. The project will also obtain water from a point of diversion from Redwood Creek consistent with an LSAA and issued water right.
- d) The parcel is accessed from a private road developed to an equivalent Category 4 standard.
- e) No new grading is proposed, no additional timber conversion will occur.
- f) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
- g) The total of the relocated and new cannabis will utilize approximately 15.5% of the mapped prime soils which is below the 20% cap.

6. FINDING

The commercial 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 of a road with equivalent category 4 standard.
- b) The proposed project 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. Continuing cultivation on this site will not change the character of the area due to the historic and current uses in the area.
- c) Irrigation water is sourced from rainwater catchment and registered point of diversion.
- 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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 305 permits and the total approved acres would be 92.06 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 Old Briceland Holding Company LLC, 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 September 7, 2023.

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.

John H. Ford, Director
Planning and Building Department