

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

Resolution Number 23-

Record Number: PLN-2022-17957

Assessor's Parcel Number: 314-131-073

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Catch a Cloud Farms, LLC Special Permit Modification, Special Permit, and Zoning Clearance Certificates request

WHEREAS, Catch a Cloud Farms, LLC, submitted an application and evidence in support of approving a Special Permit Modification to construct a one-million-gallon rainwater catchment pond, and Zoning Clearance Certificates for off-site commercial processing, off-site commercial propagation, distribution and non-volatile manufacturing of infused pre rolls, and a Special Permit for hosting farm tours.;

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 March 2, 2023, and reviewed, considered, and discussed the application for Special Permit Modification, Special Permit, and Zoning Clearance Certificates, 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:** The applicant is seeking a Modification to a Special Permit to construct a one-million-gallon rainwater catchment pond, and Zoning Clearance Certificates for off-site commercial processing, off-site commercial propagation, distribution and non-volatile manufacturing of infused pre rolls, and a Special Permit for hosting farm tours. The parcel has already been permitted for 43,560 sf of cultivation under a previously approved permit (PLN-16541). No additional cultivation is proposed on this property, and the applicant is proposing to reduce previously approved nursery space from 4,500 square feet to 4,356 square feet. Distribution will take place in designated spaces within permitted commercial building, and will include transport, storage, labeling, packaging including making

infused pre-rolls, facilitating testing, and sales to retailers for both product that is grown on-site and from other licensed operators year-round. Manufacturing and infusion include the manufacture of concentrated cannabis products by using non-volatile solvent-less extraction methods and the incorporation of cannabis concentrates or manufactured cannabis products into tinctures or pre-rolls. Farm tours will be conducted exclusively by a licensed Tour Group Operator and will comply with local and state Performance Standards for Public Accommodations. Water for onsite operations will come from rainwater catchment. There is an existing 450,000 gallon pond, a proposed 1,000,000 gallon pond, an existing permitted groundwater well. Irrigation is estimated to require 350,000 gallons of water per year. The site has an ADA accessible, commercial restroom. The existing power to the property is supplied through PG&E and a 7000w grid tied solar system.

EVIDENCE: a) Project File: PLN-2022-17957

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered 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, and the Addendum to the EIR prepared for the Catch a Cloud Farms, LLC project pursuant to section 15164 of the State 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 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) A Biological Resources Assessment was submitted for the approved project, which found that the approved activities would not have substantial impacts if conducted pursuant to recommendations. Relevant recommendations from the original project have been included as part of project approval. A subsequent Botanical Survey was performed by Naiad Biological Consulting evaluating the area of the proposed 1-million-gallon rainwater catchment pond. No sensitive species or sensitive habitats were identified within the area of the proposed pond.
 - e) The property is accessed via a driveway from Barry's Road, a Category 4 road, paved with a centerline stripe. The Department of

Public Works recommended conditional approval of the project.

- f) 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 applicant submitted a Cultural Resources Investigation prepared by William Rich and Associates that concluded that no artifacts, features, or sites which would be considered historical resources for the purpose of CEQA were identified. Additional, tribal cultural resources do not appear to be present within the project area.

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 Agricultural Grazing (AG) 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 U zone in which the site is located.

EVIDENCE:

- a) General agricultural is a principally permitted use in the U zone.
- b) The location of all project elements meets setback requirements for the U zone
- c) Lot coverage does not exceed the 40% maximum specified for the U zone.

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 U (HCC 314-55.4.6.1.1).
- b) The subject parcel has been determined to be one legal parcel (lot 1) as shown on Parcel Map recorded in Book 18 of Parcel Maps page 72.
- c) The project will obtain water from rainwater catchment and an approved groundwater well, non-diversionary water sources.

- d) The property is accessed via Barry's Road, a paved Category 4 County maintained road with a centerline stripe.
- f) The location of the cultivation activities complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 270 feet from adjacent undeveloped parcels, more than 300 feet from the nearest offsite residence, and more than 600 feet from any school, church, or Tribal Cultural Resource.
- b) Humboldt County Code §314-55.4.12.14(b) allows sites of permitted Commercial Cannabis Activities to host visits by the public pursuant to a Special Permit.
- c) Humboldt County Code §314-55.4.8.2 allows for non-flammable extraction and infusion activities

6. FINDING: The addition of distribution, manufacturing, processing, and farm tours and the conditions under which the project 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 Barry's Road, a paved Category 4 County maintained road with a centerline stripe. The Department of Public Works recommended approval of the project with a recommended condition to maintain the intersection of the driveway with Barry's Road in accordance with the County Sight Visibility Ordinance, pave the driveway for a width of 18 feet and a length of 50 feet, and to relocate any gates and fences out of the County right of way.
 - 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 operations 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 will be sourced from a proposed rainwater catchment pond and an existing approved groundwater well.

- d) Artificial lighting used for project activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.
- f) The proposed activities are more than 270 feet from adjacent undeveloped parcels, more than 300 feet from the nearest offsite residence, and more than 600 feet from any school, church, or Tribal Cultural Resource.

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) The project as proposed does not involve new cannabis 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 Special Permit Modification, Special Permit, and Zoning Clearance Certificates for Catch a Cloud Farms, 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 **March 2, 2023**.

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.

John H. Ford, Zoning Administrator
Planning and Building Department