

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

Resolution Number 24-

Record Number PLN-2023-18695

Assessor's Parcel Numbers: 217-391-012-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Whipsawasons, LLC Special Permit

WHEREAS, Whipsawasons, LLC provided an application and evidence in support of approving A Special Permit to add 8,400 Square Feet (SF) of cannabis cultivation and associated accessory uses to an approved Conditional Use Permit (CUP) for 12,000 SF, for a total cultivation area of 20,400 SF of cultivation; and

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on August 15, 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 to add 8,400 Square Feet (SF) of cannabis cultivation to an approved Conditional Use Permit (CUP) for 12,000 SF, for a total cultivation area of 20,400 SF of cultivation. The proposed expansion would add (12) 10' x 70' light deprivation hoop houses to a preexisting graded flat on the parcel. The expansion would also include 840 SF of additional ancillary nursery space for a total of 2,000sf of nursery. Water is sourced from a preexisting 550,000-gallon rain catchment pond. Domestic water is supplied from a ground water well. Cannabis is dried on site; further processing occurs off site at a licensed facility. Power is sourced from a preexisting solar system with a backup 7000KW Honda generator.

EVIDENCE: a) Project File: PLN-2023-18695

2. FINDING: **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator has considered the Environmental Impact Report previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the Environmental Impact Report that was prepared for the ECD Holdings Inc 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 Final 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.
- c) A biological and botanical report concluded there would not be a significant impact.
- d) The parcel takes access from a private road from a county-maintained road which is equivalent to Category 4 standard.
- e) A rainwater collection analysis found that adequate water can be collected for irrigation even in low rainfall years.
- f) A noise assessment and mitigation plan will subject the project to noise performance standards.
- g) Energy will be provided through an eligible renewable energy program.
- h) A Cultural Resource Investigation concluded there are no historic resources present.

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) 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 Forestry Recreation (FR-B-5(40)) zone in which the site is located.

EVIDENCE:

- a) General agricultural uses are principally permitted in FR zone.
- b) The location of all project elements meets the setback requirements for the FR zone.

5. FINDING: The proposed development is consistent with the requirements of the CCLUO provisions of the Zoning Ordinance.

EVIDENCE:

- a) The CCLUO allows cannabis up to 43,560 sq. ft. of cultivation to be permitted in areas zoned FR (HCC 314-55.4.6.1.1).
- b) The configuration of APNs 105-141-001 and 104-232-012 combined comprise one legal parcel as described in Notice of Lot Line Adjustment and Certificate of Subdivision Compliance 2007-13946.
- c) The project will obtain water from rainwater catchment, and eligible water source.
- d) The parcel is accessed from a county-maintained road deemed equivalent to Category 4.
- e) No timber significant conversion has or will occur.
- f) The proposed cultivation will take place in an area of slopes 15% or less.
- g) Coverage of prime soils by the proposed project is approximately 0%, which is below the 20% maximum allowed under the CCLUO.
- h) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
- i) Energy is provided by a solar panel and battery system with a gasoline

generator for backup power; generator use will be curtailed by December 31, 2025.

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 off a road with determined to be equivalent category 4 by an Engineer.
- 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) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from rainwater catchment.
- e) 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.
- f) The project is subject to specific limits on noise at the property line.
- g) The project is subject to Dark Sky standards for light pollution.

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 Middle Main Eel Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 104 permits and the total approved acres would be 86 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 approves the Special Permit for Whipsawasons, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **August 15, 2024**.

I, John Ford, Secretary to the 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